

**EMERGENCY RESPONSE AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Richard A. Greenwood**

Senate Sponsor: John L. Valentine

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**LONG TITLE**

**General Description:**

This bill modifies provisions regarding emergency management by renumbering and amending the sections.

**Highlighted Provisions:**

This bill:

- ▶ renumbers and moves Title 63K, Emergency Management, and Title 53, Chapter 2, into one chapter;
- ▶ amends and cross-references to coincide with the renumbering of sections;
- ▶ provides for a state recovery officer to represent the governor and work with a federal recovery officer during a federally declared disaster;
- ▶ modifies the minimum meeting requirement for the Emergency Management Administration Council from quarterly to semiannually;
- ▶ repeals the provisions of Section 63K-3-101 and Section 63K-3-102; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**13-41-102**, as last amended by Laws of Utah 2010, Chapter 378

**17B-1-605**, as last amended by Laws of Utah 2009, Chapter 77

- 30           **20A-1-204**, as last amended by Laws of Utah 2012, Chapter 359
- 31           **23-19-42**, as last amended by Laws of Utah 2007, Chapter 187
- 32           **26-49-102**, as last amended by Laws of Utah 2010, Chapter 370
- 33           **39-5-2**, as last amended by Laws of Utah 2008, Chapter 382
- 34           **41-22-34**, as enacted by Laws of Utah 1997, Chapter 281
- 35           **53-1-104**, as last amended by Laws of Utah 2011, Chapter 55
- 36           **53-1-106**, as last amended by Laws of Utah 2011, Chapters 77 and 131
- 37           **53-1-108**, as last amended by Laws of Utah 2010, Chapter 218
- 38           **63J-1-314**, as last amended by Laws of Utah 2012, Chapter 141
- 39           **63J-1-602.3**, as last amended by Laws of Utah 2012, Chapters 71, 341, and 398
- 40           **63J-3-103**, as last amended by Laws of Utah 2010, Chapter 137
- 41           **63J-5-103**, as last amended by Laws of Utah 2012, Chapter 41
- 42           **63J-7-102**, as last amended by Laws of Utah 2012, Chapters 201 and 212
- 43           **63M-4-201**, as last amended by Laws of Utah 2011, Chapters 55 and 375
- 44           **73-18-24**, as enacted by Laws of Utah 1997, Chapter 281
- 45           **76-8-317**, as last amended by Laws of Utah 2010, Chapter 370

46 ENACTS:

- 47           **53-2a-701**, Utah Code Annotated 1953
- 48           **53-2a-901**, Utah Code Annotated 1953
- 49           **53-2a-1101**, Utah Code Annotated 1953

50 RENUMBERS AND AMENDS:

- 51           **53-2a-101**, (Renumbered from 53-2-101, as last amended by Laws of Utah 2007,
- 52 Chapter 66)
- 53           **53-2a-102**, (Renumbered from 53-2-102, as last amended by Laws of Utah 2011,
- 54 Chapter 55)
- 55           **53-2a-103**, (Renumbered from 53-2-103, as last amended by Laws of Utah 2011,
- 56 Chapter 55)
- 57           **53-2a-104**, (Renumbered from 53-2-104, as last amended by Laws of Utah 2011,

58 Chapter 55)  
59           **53-2a-105**, (Renumbered from 63K-3-201, as last amended by Laws of Utah 2011,  
60 Chapter 55)  
61           **53-2a-201**, (Renumbered from 63K-4-101, as enacted by Laws of Utah 2008, Chapter  
62 382)  
63           **53-2a-202**, (Renumbered from 63K-4-102, as renumbered and amended by Laws of  
64 Utah 2008, Chapter 382)  
65           **53-2a-203**, (Renumbered from 63K-4-103, as last amended by Laws of Utah 2010,  
66 Chapter 334)  
67           **53-2a-204**, (Renumbered from 63K-4-201, as last amended by Laws of Utah 2010,  
68 Chapter 370)  
69           **53-2a-205**, (Renumbered from 63K-4-202, as renumbered and amended by Laws of  
70 Utah 2008, Chapter 382)  
71           **53-2a-206**, (Renumbered from 63K-4-203, as last amended by Laws of Utah 2010,  
72 Chapter 370)  
73           **53-2a-207**, (Renumbered from 53-2-106, as last amended by Laws of Utah 2011,  
74 Chapter 340)  
75           **53-2a-208**, (Renumbered from 63K-4-301, as last amended by Laws of Utah 2011,  
76 Chapter 105)  
77           **53-2a-209**, (Renumbered from 63K-4-401, as last amended by Laws of Utah 2010,  
78 Chapter 370)  
79           **53-2a-210**, (Renumbered from 63K-4-406, as enacted by Laws of Utah 2010, Chapter  
80 370)  
81           **53-2a-211**, (Renumbered from 63K-4-402, as last amended by Laws of Utah 2011,  
82 Chapter 55)  
83           **53-2a-212**, (Renumbered from 63K-4-403, as renumbered and amended by Laws of  
84 Utah 2008, Chapter 382)  
85           **53-2a-213**, (Renumbered from 63K-4-404, as renumbered and amended by Laws of

86 Utah 2008, Chapter 382)  
87           **53-2a-214**, (Renumbered from 63K-4-405, as last amended by Laws of Utah 2011,  
88 Chapter 160)  
89           **53-2a-301**, (Renumbered from 53-2-501, as enacted by Laws of Utah 2007, Chapter  
90 331)  
91           **53-2a-302**, (Renumbered from 53-2-502, as last amended by Laws of Utah 2011,  
92 Chapter 55)  
93           **53-2a-303**, (Renumbered from 53-2-503, as enacted by Laws of Utah 2007, Chapter  
94 331)  
95           **53-2a-304**, (Renumbered from 53-2-504, as enacted by Laws of Utah 2007, Chapter  
96 331)  
97           **53-2a-305**, (Renumbered from 53-2-505, as last amended by Laws of Utah 2011,  
98 Chapter 55)  
99           **53-2a-306**, (Renumbered from 53-2-506, as last amended by Laws of Utah 2011,  
100 Chapter 55)  
101           **53-2a-307**, (Renumbered from 53-2-507, as last amended by Laws of Utah 2011,  
102 Chapter 55)  
103           **53-2a-308**, (Renumbered from 53-2-508, as last amended by Laws of Utah 2009,  
104 Chapter 58)  
105           **53-2a-309**, (Renumbered from 53-2-509, as last amended by Laws of Utah 2011,  
106 Chapter 55)  
107           **53-2a-310**, (Renumbered from 53-2-510, as enacted by Laws of Utah 2007, Chapter  
108 331)  
109           **53-2a-401**, (Renumbered from 53-2-201, as enacted by Laws of Utah 2001, Chapter 42)  
110           **53-2a-402**, (Renumbered from 53-2-202, as enacted by Laws of Utah 2001, Chapter 42)  
111           **53-2a-403**, (Renumbered from 53-2-301, as enacted by Laws of Utah 2001, Chapter 42)  
112           **53-2a-501**, (Renumbered from 63K-5-101, as enacted by Laws of Utah 2010, Chapter  
113 22)

114           **53-2a-502**, (Renumbered from 63K-5-102, as enacted by Laws of Utah 2010, Chapter  
115 22)  
116           **53-2a-503**, (Renumbered from 63K-5-201, as enacted by Laws of Utah 2010, Chapter  
117 22)  
118           **53-2a-504**, (Renumbered from 63K-5-301, as enacted by Laws of Utah 2010, Chapter  
119 22)  
120           **53-2a-505**, (Renumbered from 63K-5-302, as enacted by Laws of Utah 2010, Chapter  
121 22)  
122           **53-2a-506**, (Renumbered from 63K-5-303, as enacted by Laws of Utah 2010, Chapter  
123 22)  
124           **53-2a-507**, (Renumbered from 63K-5-401, as enacted by Laws of Utah 2010, Chapter  
125 22)  
126           **53-2a-508**, (Renumbered from 63K-5-402, as enacted by Laws of Utah 2010, Chapter  
127 22)  
128           **53-2a-601**, (Renumbered from 53-2-401, as enacted by Laws of Utah 2007, Chapter  
129 328)  
130           **53-2a-602**, (Renumbered from 53-2-402, as last amended by Laws of Utah 2009,  
131 Chapter 77)  
132           **53-2a-603**, (Renumbered from 53-2-403, as last amended by Laws of Utah 2011,  
133 Chapter 342)  
134           **53-2a-604 (Effective 05/01/13)**, (Renumbered from 53-2-404 (Effective 05/01/13), as  
135 last amended by Laws of Utah 2012, Chapter 347)  
136           **53-2a-604 (Superseded 05/01/13)**, (Renumbered from 53-2-404 (Superseded  
137 05/01/13), as last amended by Laws of Utah 2011, Chapter 342)  
138           **53-2a-605**, (Renumbered from 53-2-405, as last amended by Laws of Utah 2011,  
139 Chapter 342)  
140           **53-2a-606**, (Renumbered from 53-2-406, as last amended by Laws of Utah 2010,  
141 Chapters 323 and 370)

142           **53-2a-702**, (Renumbered from 63K-3-301, as last amended by Laws of Utah 2010,  
143 Chapter 286)

144           **53-2a-703**, (Renumbered from 53-2-105, as last amended by Laws of Utah 2011,  
145 Chapter 340)

146           **53-2a-801**, (Renumbered from 63K-1-101, as renumbered and amended by Laws of  
147 Utah 2008, Chapter 382)

148           **53-2a-802**, (Renumbered from 63K-1-102, as last amended by Laws of Utah 2012,  
149 Chapter 212)

150           **53-2a-803**, (Renumbered from 63K-1-201, as renumbered and amended by Laws of  
151 Utah 2008, Chapter 382)

152           **53-2a-804**, (Renumbered from 63K-1-202, as renumbered and amended by Laws of  
153 Utah 2008, Chapter 382)

154           **53-2a-805**, (Renumbered from 63K-1-301, as last amended by Laws of Utah 2011,  
155 Chapter 55)

156           **53-2a-806**, (Renumbered from 63K-1-302, as renumbered and amended by Laws of  
157 Utah 2008, Chapter 382)

158           **53-2a-807**, (Renumbered from 63K-1-401, as renumbered and amended by Laws of  
159 Utah 2008, Chapter 382)

160           **53-2a-808**, (Renumbered from 63K-1-501, as renumbered and amended by Laws of  
161 Utah 2008, Chapter 382)

162           **53-2a-809**, (Renumbered from 63K-1-502, as renumbered and amended by Laws of  
163 Utah 2008, Chapter 382)

164           **53-2a-810**, (Renumbered from 63K-1-503, as renumbered and amended by Laws of  
165 Utah 2008, Chapter 382)

166           **53-2a-811**, (Renumbered from 63K-1-504, as renumbered and amended by Laws of  
167 Utah 2008, Chapter 382)

168           **53-2a-812**, (Renumbered from 63K-1-601, as renumbered and amended by Laws of  
169 Utah 2008, Chapter 382)

170           **53-2a-813**, (Renumbered from 63K-1-602, as renumbered and amended by Laws of  
171 Utah 2008, Chapter 382)  
172           **53-2a-902**, (Renumbered from 53-2-110, as last amended by Laws of Utah 2008,  
173 Chapter 382)  
174           **53-2a-1001**, (Renumbered from 63K-2-101, as enacted by Laws of Utah 2008, Chapter  
175 382)  
176           **53-2a-1002**, (Renumbered from 63K-2-102, as renumbered and amended by Laws of  
177 Utah 2008, Chapter 382)  
178           **53-2a-1003**, (Renumbered from 63K-2-103, as renumbered and amended by Laws of  
179 Utah 2008, Chapter 382)  
180           **53-2a-1004**, (Renumbered from 63K-2-201, as renumbered and amended by Laws of  
181 Utah 2008, Chapter 382)  
182           **53-2a-1005**, (Renumbered from 63K-2-202, as renumbered and amended by Laws of  
183 Utah 2008, Chapter 382)  
184           **53-2a-1006**, (Renumbered from 63K-2-203, as renumbered and amended by Laws of  
185 Utah 2008, Chapter 382)  
186           **53-2a-1007**, (Renumbered from 63K-2-204, as renumbered and amended by Laws of  
187 Utah 2008, Chapter 382)  
188           **53-2a-1008**, (Renumbered from 63K-2-205, as renumbered and amended by Laws of  
189 Utah 2008, Chapter 382)  
190           **53-2a-1009**, (Renumbered from 63K-2-206, as renumbered and amended by Laws of  
191 Utah 2008, Chapter 382)  
192           **53-2a-1010**, (Renumbered from 63K-2-301, as renumbered and amended by Laws of  
193 Utah 2008, Chapter 382)  
194           **53-2a-1011**, (Renumbered from 63K-2-302, as renumbered and amended by Laws of  
195 Utah 2008, Chapter 382)  
196           **53-2a-1012**, (Renumbered from 63K-2-303, as renumbered and amended by Laws of  
197 Utah 2008, Chapter 382)

198           **53-2a-1102**, (Renumbered from 53-2-107, as last amended by Laws of Utah 2011,  
199 Chapter 248)

200           **53-2a-1103**, (Renumbered from 53-2-108, as last amended by Laws of Utah 2011,  
201 Chapter 55)

202           **53-2a-1104**, (Renumbered from 53-2-109, as last amended by Laws of Utah 2011,  
203 Chapter 342)

204 REPEALS:

205           **63K-3-101**, as enacted by Laws of Utah 2008, Chapter 382

206           **63K-3-102**, as last amended by Laws of Utah 2010, Chapter 334

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

209           Section 1. Section **13-41-102** is amended to read:

210           **13-41-102. Definitions.**

211           For purposes of this chapter:

212           (1) "Consumer" means a person who acquires a good or service for consumption.

213           (2) "Division" means the Division of Consumer Protection.

214           (3) (a) "Emergency territory" means the geographical area:

215           (i) for which there has been a state of emergency declared; and

216           (ii) that is directly affected by the events giving rise to a state of emergency.

217           (b) "Emergency territory" does not include a geographical area that is affected by the  
218 events giving rise to a state of emergency only by economic market forces.

219           (4) "Excessive price" means a price for a good or service that exceeds by more than  
220 10% the average price charged by that person for that good or service in the 30-day period  
221 immediately preceding the day on which the state of emergency is declared.

222           (5) "Good" means any personal property displayed, held, or offered for sale by a  
223 merchant that is necessary for consumption or use as a direct result of events giving rise to a  
224 state of emergency.

225           (6) "Retail" means the level of distribution where a good or service is typically sold



226 directly, or otherwise provided, to a member of the public who is an end user and does not  
227 resell the good or service.

228 (7) "Service" means any activity that is performed in whole or in part for the purpose of  
229 financial gain including personal service, professional service, rental, leasing, or licensing for  
230 use that is necessary for consumption or use as a direct result of events giving rise to a state of  
231 emergency.

232 (8) "State of emergency" means a declaration of:

233 (a) an emergency or major disaster by the president of the United States of America; or

234 (b) a state of emergency by the governor under Section [~~63K-4-203~~] 53-2a-206.

235 Section 2. Section **17B-1-605** is amended to read:

236 **17B-1-605. Budget required for certain funds -- Capital projects fund.**

237 (1) The budget officer of each local district shall prepare for each budget year a budget  
238 for each of the following funds:

239 (a) the General Fund;

240 (b) special revenue funds;

241 (c) debt service funds;

242 (d) capital projects funds;

243 (e) proprietary funds, in accordance with Section 17B-1-629;

244 (f) if the local district has a local fund, as defined in Section [~~53-2-402~~] 53-2a-602, the  
245 local fund; and

246 (g) any other fund or funds for which a budget is required by the uniform system of  
247 budgeting, accounting, and reporting.

248 (2) (a) Major capital improvements financed by general obligation bonds, capital  
249 grants, or interfund transfers shall use a capital projects fund budget unless the improvements  
250 financed are to be used for proprietary type activities.

251 (b) The local district shall prepare a separate budget for the term of the projects as well  
252 as the annual budget required under Subsection (1).

253 Section 3. Section **20A-1-204** is amended to read:

254 **20A-1-204. Date of special election -- Legal effect.**

255 (1) (a) The governor, Legislature, or the legislative body of a local political subdivision  
256 calling a statewide special election or local special election under Section 20A-1-203 shall  
257 schedule the special election to be held on:

- 258 (i) the fourth Tuesday in June;
- 259 (ii) the first Tuesday after the first Monday in November; or
- 260 (iii) for an election of town officers of a newly incorporated town under Section  
261 10-2-128, on any date that complies with the requirements of that subsection.

262 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative  
263 body of a local political subdivision calling a statewide special election or local special election  
264 under Section 20A-1-203 may not schedule a special election to be held on any other date.

265 (c) (i) Notwithstanding the requirements of Subsection (1)(b), the legislative body of a  
266 local political subdivision may call a local special election on a date other than those specified  
267 in this section if the legislative body:

268 (A) determines and declares that there is a disaster, as defined in Section [~~63K-3-102~~]  
269 53-2a-102, requiring that a special election be held on a date other than the ones authorized in  
270 statute;

271 (B) identifies specifically the nature of the disaster, as defined in Section [~~63K-3-102~~]  
272 53-2a-102, and the reasons for holding the special election on that other date; and

273 (C) votes unanimously to hold the special election on that other date.

274 (ii) The legislative body of a local political subdivision may not call a local special  
275 election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for  
276 Utah's Western States Presidential Primary.

277 (d) Nothing in this section prohibits:

278 (i) the governor or Legislature from submitting a matter to the voters at the regular  
279 general election if authorized by law; or

280 (ii) a local government from submitting a matter to the voters at the regular municipal  
281 election if authorized by law.

282 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a  
283 special election within a county on the same day as:

- 284 (i) another special election;
- 285 (ii) a regular general election; or
- 286 (iii) a municipal general election.

287 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

- 288 (i) polling places;
- 289 (ii) ballots;
- 290 (iii) election officials; and
- 291 (iv) other administrative and procedural matters connected with the election.

292 Section 4. Section **23-19-42** is amended to read:

293 **23-19-42. Search and rescue surcharge.**

294 (1) In addition to the fees imposed under this chapter, there is imposed a 25 cent  
295 surcharge on each fishing, hunting, or combination license.

296 (2) This surcharge shall be deposited in the General Fund as a dedicated credit for the  
297 Search and Rescue Financial Assistance Program created under Section [~~53-2-107~~]  
298 53-2a-1101.

299 Section 5. Section **26-49-102** is amended to read:

300 **26-49-102. Definitions.**

301 As used in this chapter:

302 (1) "Department of Health" shall have the meaning provided for in Section 26-1-4.

303 (2) "Disaster relief organization" means an entity that:

304 (a) provides emergency or disaster relief services that include health or veterinary  
305 services provided by volunteer health practitioners;

306 (b) is designated or recognized as a provider of the services described in Subsection  
307 (2)(a) under a disaster response and recovery plan adopted by:

- 308 (i) an agency of the federal government;
- 309 (ii) the state Department of Health; or

- 310 (iii) a local health department; and
- 311 (c) regularly plans and conducts its activities in coordination with:
  - 312 (i) an agency of the federal government;
  - 313 (ii) the Department of Health; or
  - 314 (iii) a local health department.
- 315 (3) "Emergency" means a "state of emergency" as defined in Section [~~63K-4-103~~]
- 316 53-2a-203.
- 317 (4) "Emergency declaration" means a declaration made in accordance with Section
- 318 [~~63K-4-203 or 63K-4-301~~] 53-2a-206 or 53-2a-208.
- 319 (5) "Emergency Management Assistance Compact" means the interstate compact
- 320 approved by Congress by Public Law No. 104-321, 110 Stat. 3877 and adopted by Utah in Title
- 321 53, Chapter [~~2~~] 2a, Part [~~2~~] 4, Emergency Management Assistance Compact.
- 322 (6) "Entity" means a person other than an individual.
- 323 (7) "Health facility" means an entity licensed under the laws of this or another state to
- 324 provide health or veterinary services.
- 325 (8) "Health practitioner" means an individual licensed under Utah law or another state
- 326 to provide health or veterinary services.
- 327 (9) "Health services" means the provision of treatment, care, advice, guidance, other
- 328 services, or supplies related to the health or death of individuals or human populations, to the
- 329 extent necessary to respond to an emergency, including:
  - 330 (a) the following, concerning the physical or mental condition or functional status of an
  - 331 individual or affecting the structure or function of the body:
    - 332 (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; or
    - 333 (ii) counseling, assessment, procedures, or other services;
    - 334 (b) selling or dispensing a drug, a device, equipment, or another item to an individual
    - 335 in accordance with a prescription; and
    - 336 (c) funeral, cremation, cemetery, or other mortuary services.
  - 337 (10) "Host entity":

- 338 (a) means an entity operating in Utah that:
- 339 (i) uses volunteer health practitioners to respond to an emergency; and
- 340 (ii) is responsible during an emergency, for actually delivering health services to
- 341 individuals or human populations, or veterinary services to animals or animal populations; and
- 342 (b) may include disaster relief organizations, hospitals, clinics, emergency shelters,
- 343 health care provider offices, or any other place where volunteer health practitioners may
- 344 provide health or veterinary services.
- 345 (11) (a) "License" means authorization by a state to engage in health or veterinary
- 346 services that are unlawful without authorization.
- 347 (b) "License" includes authorization under this title to an individual to provide health
- 348 or veterinary services based upon a national or state certification issued by a public or private
- 349 entity.
- 350 (12) "Local health department" shall have the meaning provided for in Subsection
- 351 26A-1-102(5).
- 352 (13) "Person" means an individual, corporation, business trust, trust, partnership,
- 353 limited liability company, association, joint venture, public corporation, government or
- 354 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- 355 (14) "Scope of practice" means the extent of the authorization to provide health or
- 356 veterinary services granted to a health practitioner by a license issued to the practitioner in the
- 357 state in which the principal part of the practitioner's services are rendered, including any
- 358 conditions imposed by the licensing authority.
- 359 (15) "State" means:
- 360 (a) a state of the United States;
- 361 (b) the District of Columbia;
- 362 (c) Puerto Rico;
- 363 (d) the United States Virgin Islands; or
- 364 (e) any territory or insular possession subject to the jurisdiction of the United States.
- 365 (16) "Veterinary services" shall have the meaning provided for in Subsection

366 58-28-102(11).

367 (17) (a) "Volunteer health practitioner" means a health practitioner who provides health  
368 or veterinary services, whether or not the practitioner receives compensation for those services.

369 (b) "Volunteer health practitioner" does not include a practitioner who receives  
370 compensation under a preexisting employment relationship with a host entity or affiliate that  
371 requires the practitioner to provide health services in Utah, unless the practitioner is:

372 (i) not a Utah resident; and

373 (ii) employed by a disaster relief organization providing services in Utah while an  
374 emergency declaration is in effect.

375 Section 6. Section **39-5-2** is amended to read:

376 **39-5-2. Form of compact.**

377 The compact shall be in substantially the following form:

378 The contracting states solemnly agree:

379 Article 1

380 PURPOSE OF ACT -- UTILIZATION OF RESOURCES --

381 DIRECTORS ACT AS COMMITTEE

382 The purpose of this compact is to provide mutual aid among the States in meeting any  
383 emergency or disaster as defined in Section [~~63K-3-102~~] 53-2a-102, from enemy attack or  
384 other cause, natural or otherwise, including sabotage and subversive acts and direct attacks by  
385 bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons.  
386 The prompt, full, and effective utilization of the resources of the respective States, including  
387 resources available from the United States Government or any other source, are essential to the  
388 safety, care, and welfare of the people in the event of an emergency, and any other resources,  
389 including personnel, equipment, or supplies, shall be incorporated into a plan or plans of  
390 mutual aid to be developed among the Civil Defense agencies or similar bodies of the States  
391 that are parties to this compact. The Directors of Civil Defense of all party States shall  
392 constitute a committee to formulate plans and take all necessary steps for the implementation  
393 of this compact.

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Article 2  
CIVIL DEFENSE PLANS -- CONSULTATIONS --  
UNIFORMITY OF ACTION

It is the duty of each party State to formulate civil defense plans and programs for application within each State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out these civil defense plans and programs, the party States shall, if possible, provide and follow uniform standards, practices, and rules and regulations including:

- (1) insignia, arm bands, and other distinctive articles to designate and distinguish the different civil defense services;
- (2) blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises;
- (3) warnings and signals for drills or attacks and the mechanical devices to be used in connection with them;
- (4) the effective screening or extinguishing of all lights, lighting devices, and appliances;
- (5) shutting off water mains, gas mains, electric power connections, and the suspension of all other utility services;
- (6) all materials or equipment used or to be used for civil defense purposes in order to assure that the materials and equipment will be easily and freely interchangeable when used in or by any other party State;
- (7) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;
- (8) the safety of public meetings or gatherings; and
- (9) mobile support units.

Article 3  
DUTIES OF MEMBER STATES

422 Any party State requested to render mutual aid shall take any action necessary to  
423 provide and make available the resources covered by this compact in accordance with its terms;  
424 provided that it is understood that the State rendering aid may withhold resources to the extent  
425 necessary to provide reasonable protection for itself. Each party State shall extend to the civil  
426 defense forces of any other party State, while operating within its State limits under the terms  
427 and conditions of this compact, the same powers, except that of arrest unless specifically  
428 authorized by the receiving State, duties, rights, privileges, and immunities as if they were  
429 performing their duties in the State in which normally employed or rendering services. Civil  
430 defense forces will continue under the command and control of their regular leaders but the  
431 organizational units will come under the operational control of the civil defense authorities of  
432 the State receiving assistance.

433 Article 4

434 EFFECT OF STATE LICENSE, CERTIFICATE  
435 OR PERMIT IN OTHER STATES

436 Any person holding a license, certificate, or other permit issued by any State evidencing  
437 the meeting of qualifications for professional, mechanical, or other skills, may render aid  
438 involving the skill in any party State to meet an emergency or disaster and that State shall  
439 recognize the license, certificate, or other permit as if issued in the State in which aid is  
440 rendered.

441 Article 5

442 RESTRICTION ON LIABILITY

443 No party State or its officers or employees rendering aid in another State pursuant to  
444 this compact shall be liable on account of any act or omission in good faith on the part of its  
445 forces while engaged, or on account of the maintenance or use of any equipment or supplies in  
446 connection with giving aid.

447 Article 6

448 BASIC CONSIDERATIONS AND AUXILIARY ACTION

449 (1) Since it is probable that the pattern and detail of the machinery for mutual aid



450 among two or more States may differ from that appropriate among other States party to this  
451 compact, this instrument contains elements of a broad base common to all States, and nothing  
452 contained in it shall preclude any State from entering into supplementary agreements with  
453 another State or States. Any supplementary agreements may comprehend, but shall not be  
454 limited to provisions for evacuation and reception of injured and other persons, and the  
455 exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and  
456 communications personnel, equipment, and supplies.

457 (2) Any supplementary agreement made to implement this Article may not be  
458 construed to abridge, impair, or supersede any other provision of this compact or any obligation  
459 undertaken by a State pursuant to the terms of this compact. A supplementary agreement  
460 implementing this Article may modify, expand, or add to any obligation among the parties to  
461 the supplementary agreement.

462 Article 7

463 COMPENSATION AND BENEFITS

464 Each party State shall provide for the payment of compensation and death benefits to  
465 injured members of the civil defense forces of that State and the representatives of deceased  
466 members of the forces of that State in case the members sustain injuries or are killed while  
467 rendering aid pursuant to this compact, in the same manner and on the same terms as if the  
468 injury or death were sustained within that State.

469 Article 8

470 CONTRIBUTIONS AND REIMBURSEMENTS

471 Any party State rendering aid in another State pursuant to this compact shall be  
472 reimbursed by the party State receiving aid for any loss or damage to or expense incurred in the  
473 operation of any equipment answering a request for aid, and for the cost incurred in connection  
474 with the requests; provided that any aiding party State may assume in whole or in part any loss,  
475 damage, expense, or other cost, or may loan any equipment or donate any services to the  
476 receiving party State without charge or cost; and provided further that any two or more party  
477 States may enter into supplementary agreements establishing a different allocation of costs as

478 among those States. The United States Government may relieve the party States receiving aid  
479 from any liability and reimburse the party State supplying civil defense forces for the  
480 compensation paid to and the transportation, subsistence, and maintenance expenses of its  
481 forces during the time of the rendition of aid or assistance outside the State and may also pay  
482 fair and reasonable compensation for the use or utilization of the supplies, materials,  
483 equipment, or facilities so utilized or consumed.

484 Article 9

485 PLANS FOR EVACUATION AND RECEPTION OF POPULATIONS

486 Plans for the orderly evacuation and reception of the civilian population as the result of  
487 an emergency or disaster shall be worked out from time to time between representatives of the  
488 party States and the various local civil defense areas. Any plans shall include the manner of  
489 transporting evacuees, the number of evacuees to be received in different areas, the manner in  
490 which food, clothing, housing, and medical care will be provided, the registration of the  
491 evacuees, the providing of facilities for the notification of relatives or friends and the  
492 forwarding of evacuees to other areas or the bringing in of additional materials, supplies, and  
493 all other relevant factors. Any plans shall provide that the party State receiving evacuees shall  
494 be reimbursed generally for the out of pocket expenses incurred in receiving and caring for the  
495 evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and  
496 like items. Any expenditures shall be reimbursed by the party State of which the evacuees are  
497 residents, or by the United States Government under plans approved by it. After the  
498 termination of the emergency or disaster, the party State of which the evacuees are residents  
499 shall assume the responsibility for the ultimate support or repatriation of the evacuees.

500 Article 10

501 MEMBER STATES

502 This compact shall be available to any state of the United States and the District of  
503 Columbia.

504 Article 11

505 COMMITTEE ACTION AND REQUESTS

506           The committee established pursuant to Article 1 of this compact may request the Civil  
 507 Defense Agency of the United States Government to act as an informational and coordinating  
 508 body under this compact, and representatives of that agency of the United States Government  
 509 may attend meetings of the committee.

510   Article 12

511   WHEN COMPACT EFFECTIVE

512           This compact shall become operative immediately upon its ratification by any of the  
 513 States and Territories enumerated in Article 10 of this compact as between it and the State of  
 514 Utah and any other of the States or Territories ratifying it and shall be subject to approval by  
 515 Congress unless prior Congressional approval has been given. Duly authenticated copies of  
 516 this compact and of any supplementary agreements entered into shall, at the time of their  
 517 approval, be deposited with each of the party States and with the Civil Defense Agency and  
 518 other appropriate agencies of the United States Government.

519   Article 13

520   DURATION OF COMPACT

521           This compact shall continue in force and remain binding on each party State until the  
 522 Legislature or the Governor of the party State takes action to withdraw from it. Any action to  
 523 withdraw shall not be effective until 30 days after notice of the action has been sent by the  
 524 Governor of the party State desiring to withdraw to the Governors of all other party States.

525   Article 14

526   CONSTRUCTION OF COMPACT -- CONSTITUTIONALITY

527           This compact shall be construed to effectuate the purposes stated in Article 1. If any  
 528 provision of this compact is declared unconstitutional, or the applicability to any person or  
 529 circumstance is held invalid, the constitutionality of the remainder of this compact and the  
 530 applicability to other persons and circumstances shall not be affected.

531   Article 15

532   SCOPE OF COMPACT

533           (1) In addition to the situations in Article 1, this compact shall apply to:

534 (a) searches for and rescue of persons who are lost, marooned, or otherwise in danger;

535 (b) actions useful in coping with any disasters or designed to increase the capability to  
536 cope with any disasters;

537 (c) incidents, or the threat of incidents, which endanger the health or safety of the  
538 public and which require the use of special equipment, trained personnel, or personnel in larger  
539 numbers than are locally available in order to reduce, counteract, or remove the danger;

540 (d) giving and receiving aid between political subdivisions of party States; and

541 (e) exercises, drills, or other training or practice activities designed to aid personnel to  
542 prepare for, cope with, or prevent any disaster or other emergency to which this compact  
543 applies.

544 (2) Except as expressly limited by this compact or a supplementary agreement, any aid  
545 authorized by this compact or a supplementary agreement may be furnished by any agency of a  
546 party State, a political subdivision of the State, or by a joint agency of any two or more party  
547 States or of their subdivisions. Any joint agency providing aid shall be entitled to  
548 reimbursement to the same extent and in the same manner as a state. The personnel of a joint  
549 agency, when rendering aid under this compact shall have the same rights, authority, and  
550 immunity as personnel of party States.

551 (3) Nothing in this Article shall be construed to exclude from coverage under Articles  
552 1 through 14 of this compact any matter which, in the absence of this Article, could reasonably  
553 be construed to be covered.

554 Section 7. Section **41-22-34** is amended to read:

555 **41-22-34. Search and rescue fee -- Amount -- Deposition.**

556 (1) In addition to the fees imposed under Sections 41-22-8 and 41-22-33, there is  
557 imposed a search and rescue fee of 50 cents on each off-highway vehicle required to be  
558 registered or renewed under Section 41-22-3.

559 (2) The fees imposed under this section shall be collected in the same manner and by  
560 the same agency designated to collect the fees imposed under this chapter.

561 (3) The fees collected under this section shall be deposited in the General Fund as

562 dedicated credits for the Search and Rescue Financial Assistance Program created under  
 563 Section ~~[53-2-107]~~ 53-2a-1101.

564 Section 8. Section **53-1-104** is amended to read:

565 **53-1-104. Boards, bureaus, councils, divisions, and offices.**

566 (1) The following are the policymaking boards within the department:

- 567 (a) the Driver License Medical Advisory Board, created in Section 53-3-303;
- 568 (b) the Concealed Firearm Review Board, created in Section 53-5-703;
- 569 (c) the Utah Fire Prevention Board, created in Section 53-7-203;
- 570 (d) the Liquified Petroleum Gas Board, created in Section 53-7-304; and
- 571 (e) the Private Investigator Hearing and Licensure Board, created in Section 53-9-104.

572 (2) The following are the councils within the department:

- 573 (a) the Peace Officer Standards and Training Council, created in Section 53-6-106; and
- 574 (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section  
 575 53-8-203.

576 (3) The following are the divisions within the department:

- 577 (a) the Administrative Services Division, created in Section 53-1-203;
- 578 (b) the Management Information Services Division, created in Section 53-1-303;
- 579 (c) the Division of Emergency Management, created in Section ~~[53-2-103]~~ 53-2a-103;
- 580 (d) the Driver License Division, created in Section 53-3-103;
- 581 (e) the Criminal Investigations and Technical Services Division, created in Section  
 582 53-10-103;
- 583 (f) the Peace Officers Standards and Training Division, created in Section 53-6-103;
- 584 (g) the State Fire Marshal Division, created in Section 53-7-103; and
- 585 (h) the Utah Highway Patrol Division, created in Section 53-8-103.

586 (4) The Office of Executive Protection is created in Section 53-1-112.

587 (5) The following are the bureaus within the department:

- 588 (a) the Bureau of Criminal Identification, created in Section 53-10-201;
- 589 (b) the State Bureau of Investigation, created in Section 53-10-301;

590 (c) the Bureau of Forensic Services, created in Section 53-10-401; and

591 (d) the Bureau of Communications, created in Section 53-10-501.

592 Section 9. Section **53-1-106** is amended to read:

593 **53-1-106. Department duties -- Powers.**

594 (1) In addition to the responsibilities contained in this title, the department shall:

595 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic  
596 Code, including:

597 (i) setting performance standards for towing companies to be used by the department,  
598 as required by Section 41-6a-1406; and

599 (ii) advising the Department of Transportation regarding the safe design and operation  
600 of school buses, as required by Section 41-6a-1304;

601 (b) make rules to establish and clarify standards pertaining to the curriculum and  
602 teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;

603 (c) aid in enforcement efforts to combat drug trafficking;

604 (d) meet with the Department of Technology Services to formulate contracts, establish  
605 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

606 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for  
607 Victims of Crime in conducting research or monitoring victims' programs, as required by  
608 Section 63M-7-505;

609 (f) develop sexual assault exam protocol standards in conjunction with the Utah  
610 Hospital Association;

611 (g) engage in emergency planning activities, including preparation of policy and  
612 procedure and rulemaking necessary for implementation of the federal Emergency Planning  
613 and Community Right to Know Act of 1986, as required by Section [~~63K-3-301~~] 53-2a-702;  
614 and

615 (h) implement the provisions of Section [~~53-2-202~~] 53-2a-402, the Emergency  
616 Management Assistance Compact.

617 (2) (a) The department may establish a schedule of fees as required or allowed in this

618 title for services provided by the department.

619 (b) The fees shall be established in accordance with Section 63J-1-504.

620 (3) The department may establish or contract for the establishment of an Organ  
621 Procurement Donor Registry in accordance with Section 26-28-120.

622 Section 10. Section **53-1-108** is amended to read:

623 **53-1-108. Commissioner's powers and duties.**

624 (1) In addition to the responsibilities contained in this title, the commissioner shall:

625 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility  
626 of Motor Vehicle Owners and Operators Act;

627 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as  
628 required to properly discharge the duties of the department;

629 (c) make rules:

630 (i) governing emergency use of signal lights on private vehicles; and

631 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as  
632 provided in Section 41-6a-310;

633 (d) set standards for safety belt systems, as required by Section 41-6a-1803;

634 (e) serve as the cochair of the Emergency Management Administration Council, as  
635 required by Section [~~63K-3-201~~] 53-2a-105;

636 (f) designate vehicles as "authorized emergency vehicles," as required by Section  
637 41-6a-102; and

638 (g) on or before January 1, 2003, adopt a written policy that prohibits the stopping,  
639 detention, or search of any person when the action is solely motivated by considerations of  
640 race, color, ethnicity, age, or gender.

641 (2) The commissioner may:

642 (a) subject to the approval of the governor, establish division headquarters at various  
643 places in the state;

644 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke  
645 that authority for cause, as authorized in Section 56-1-21.5;

646 (c) create specialized units within the commissioner's office for conducting internal  
647 affairs and aircraft operations as necessary to protect the public safety;

648 (d) cooperate with any recognized agency in the education of the public in safety and  
649 crime prevention and participate in public or private partnerships, subject to Subsection (3);

650 (e) cooperate in applying for and distributing highway safety program funds; and

651 (f) receive and distribute federal funding to further the objectives of highway safety in  
652 compliance with the Federal Assistance Management Program Act.

653 (3) (a) Money may not be expended under Subsection (2)(d) for public safety education  
654 unless it is specifically appropriated by the Legislature for that purpose.

655 (b) Any recognized agency receiving state money for public safety shall file with the  
656 auditor of the state an itemized statement of all its receipts and expenditures.

657 Section 11. Section **53-2a-101**, which is renumbered from Section 53-2-101 is  
658 renumbered and amended to read:

659 **CHAPTER 2a. EMERGENCY MANAGEMENT ACT**

660 **Part 1. Emergency Management Act**

661 ~~[53-2-101].~~ **53-2a-101. Title.**

662 This part is known as the "Emergency Management Act~~[-Search and Rescue Advisory~~  
663 ~~Board]."~~

664 Section 12. Section **53-2a-102**, which is renumbered from Section 53-2-102 is  
665 renumbered and amended to read:

666 ~~[53-2-102].~~ **53-2a-102. Definitions.**

667 As used in this ~~[part]~~ chapter:

668 (1) "Attack" means a nuclear, cyber, conventional, biological, act of terrorism, or  
669 chemical warfare action against the United States of America or this state.

670 (2) "Commissioner" means the commissioner of the Department of Public Safety or the  
671 commissioner's designee.

672 ~~[(2)]~~ (3) "Director" means the division director appointed under Section ~~[53-2-103]~~  
673 53-2a-103 or the director's designee.



674           ~~[(3)]~~ (4) "Disaster" means ~~[a situation causing, or threatening to cause, widespread~~  
675 ~~damage, social disruption, or injury or loss of life or property resulting from attack, internal~~  
676 ~~disturbance, natural phenomena, or technological hazard.]~~ an event that:

677           (a) causes, or threatens to cause, loss of life, human suffering, public or private  
678 property damage, or economic or social disruption resulting from attack, internal disturbance,  
679 natural phenomena, or technological hazard; and

680           (b) requires resources that are beyond the scope of local agencies in routine responses  
681 to emergencies and accidents and may be of a magnitude or involve unusual circumstances that  
682 require response by government, not-for-profit, or private entities.

683           ~~[(4)]~~ (5) "Division" means the Division of Emergency Management created in Section  
684 ~~[53-2-103]~~ 53-2a-103.

685           ~~[(5)]~~ (6) "Energy" includes the energy resources defined in ~~[Section 63K-2-103]~~ this  
686 chapter.

687           ~~[(6)]~~ (7) "Expenses" means actual labor costs of government and volunteer personnel,  
688 ~~[including workers' compensation benefits, fringe benefits, administrative overhead, cost of~~  
689 ~~equipment, cost of equipment operation, cost of materials, and the cost of any contract labor]~~  
690 and materials.

691           ~~[(7)]~~ (8) "Hazardous materials emergency" means a sudden and unexpected release of  
692 any substance that because of its quantity, concentration, or physical, chemical, or infectious  
693 characteristics presents a direct and immediate threat to public safety or the environment and  
694 requires immediate action to mitigate the threat.

695           ~~[(8)]~~ (9) "Internal disturbance" means a riot, prison break, terrorism, or strike.

696           ~~[(9)]~~ (10) "Natural phenomena" means any earthquake, tornado, storm, flood,  
697 landslide, avalanche, forest or range fire, drought, or epidemic.

698           ~~[(10)]~~ (11) "State of emergency" means a condition in any part of this state that  
699 requires state government emergency assistance to supplement the local efforts of the affected  
700 political subdivision to save lives and to protect property, public health, welfare, or safety in  
701 the event of a disaster, or to avoid or reduce the threat of a disaster.

702           ~~[(H)]~~ (12) "Technological hazard" means any hazardous materials accident, mine  
703 accident, train derailment, air crash, radiation incident, pollution, structural fire, or explosion.

704           ~~[(H2)]~~ (13) "Terrorism" means activities or the threat of activities that:

705           (a) involve acts dangerous to human life;

706           (b) are a violation of the criminal laws of the United States or of this state; and

707           (c) to a reasonable person, would appear to be intended to:

708           (i) intimidate or coerce a civilian population;

709           (ii) influence the policy of a government by intimidation or coercion; or

710           (iii) affect the conduct of a government by mass destruction, assassination, or  
711 kidnapping.

712           (14) "Urban search and rescue" means the location, extrication, and initial medical  
713 stabilization of victims trapped in a confined space as the result of a structural collapse,  
714 transportation accident, mining accident, or collapsed trench.

715           Section 13. Section **53-2a-103**, which is renumbered from Section 53-2-103 is  
716 renumbered and amended to read:

717           ~~[53-2-103].~~   **53-2a-103. Division of Emergency Management -- Creation --**  
718 **Director -- Appointment -- Term -- Compensation.**

719           (1) There is created within the ~~[department]~~ Department of Public Safety the Division  
720 of Emergency Management.

721           (2) The division shall be administered by a director appointed by the commissioner  
722 with the approval of the governor.

723           (3) The director is the executive and administrative head of the division and shall be  
724 experienced in administration and possess additional qualifications as determined by the  
725 commissioner and as provided by law.

726           (4) The director acts under the supervision and control of the commissioner and may be  
727 removed from the position at the will of the commissioner.

728           (5) The director shall receive compensation as provided by Title 67, Chapter 19, Utah  
729 State Personnel Management Act.

730 Section 14. Section **53-2a-104**, which is renumbered from Section 53-2-104 is  
731 renumbered and amended to read:

732 ~~[53-2-104]~~. **53-2a-104. Division duties -- Powers.**

733 (1) The division shall:

734 (a) respond to the policies of the governor and the Legislature;

735 (b) perform functions relating to emergency management as directed by the governor  
736 or by the commissioner, including:

737 (i) coordinating with state agencies and local governments the use of personnel and  
738 other resources of these governmental entities as agents of the state during an interstate disaster  
739 in accordance with the Emergency Management Assistance Compact described in Section  
740 ~~[53-2-202]~~ 53-2a-402;

741 (ii) coordinating the requesting, activating, and allocating of state resources during an  
742 intrastate disaster or a local state of emergency;

743 (iii) receiving and disbursing federal resources provided to the state in a declared  
744 disaster; ~~and~~

745 (iv) appointing a state coordinating officer who is the governor's representative and  
746 who shall work with a federal coordinating officer during a federally declared disaster; and

747 (v) appointing a state recovery officer who is the governor's representative and who  
748 shall work with a federal recovery officer during a federally declared disaster;

749 (c) prepare, implement, and maintain programs and plans to provide for:

750 (i) prevention and minimization of injury and damage caused by disasters;

751 (ii) prompt and effective response to and recovery from disasters;

752 (iii) identification of areas particularly vulnerable to disasters;

753 (iv) coordination of hazard mitigation and other preventive and preparedness measures  
754 designed to eliminate or reduce disasters;

755 (v) assistance to local officials, state agencies, and the business and public sectors, in  
756 developing emergency action plans;

757 (vi) coordination of federal, state, and local emergency activities;

758 (vii) coordination of emergency operations plans with emergency plans of the federal  
759 government;

760 (viii) coordination of urban search and rescue activities;

761 (ix) coordination of rapid and efficient communications in times of emergency; and

762 (x) other measures necessary, incidental, or appropriate to this part;

763 (d) coordinate with local officials, state agencies, and the business and public sectors in  
764 developing, implementing, and maintaining a state energy emergency plan in accordance with  
765 Section ~~[53-2-110]~~ 53-2a-902; and

766 (e) administer Part ~~[4]~~ 6, Disaster Recovery Funding Act, in accordance with that part.

767 (2) (a) The ~~[department]~~ Department of Public Safety shall designate state geographical  
768 regions and allow the political subdivisions within each region to:

769 (i) coordinate planning with other political subdivisions, tribal governments, and as  
770 appropriate, other entities within that region and with state agencies as appropriate, or as  
771 designated by the division;

772 (ii) coordinate grant management and resource purchases; and

773 (iii) organize joint emergency response training and exercises.

774 (b) The political subdivisions within a region designated in Subsection (2)(a) may not  
775 establish the region as a new government entity in the ~~[federal]~~ emergency disaster declaration  
776 process~~[- which runs in the following order:]~~ under Section 53-2a-208.

777 ~~[(i) local governmental entities;]~~

778 ~~[(ii) counties;]~~

779 ~~[(iii) the state; and]~~

780 ~~[(iv) the federal government.]~~

781 (3) The division may make rules in accordance with Title 63G, Chapter 3, Utah  
782 Administrative Rulemaking Act, to:

783 (a) establish protocol for prevention, mitigation, preparedness, response, recovery, and  
784 the activities described in Subsection (2);

785 (b) coordinate federal, state, and local resources in a declared disaster or local

786 emergency; and

787 (c) implement provisions of the Emergency Management Assistance Compact as  
788 provided in Section [~~53-2-202~~] 53-2a-402 and Title 53, Chapter [~~2~~] 2a, Part [~~5~~] 3, Statewide  
789 Mutual Aid Act.

790 (4) The division may consult with the Legislative Management Committee, the Judicial  
791 Council, and legislative and judicial staff offices to assist [~~them~~] the division in preparing  
792 emergency succession plans and procedures under Title [~~63K~~] 53, Chapter [~~1~~] 2a, Part 8,  
793 Emergency Interim Succession Act.

794 Section 15. Section **53-2a-105**, which is renumbered from Section 63K-3-201 is  
795 renumbered and amended to read:

796 ~~[63K-3-201]~~. **53-2a-105. Emergency Management Administration Council**  
797 **created -- Function -- Composition -- Expenses.**

798 (1) There is created the Emergency Management Administration Council to provide  
799 advice and coordination for state and local government agencies on government emergency  
800 prevention, mitigation, preparedness, response, and recovery actions and activities.

801 (2) The council shall meet at the call of the chair, but at least [~~quarterly~~] semiannually.

802 (3) The council shall be made up of the:

803 (a) lieutenant governor, or the lieutenant governor's designee;

804 (b) attorney general, or the attorney general's designee;

805 (c) heads of the following state agencies, or their designees:

806 (i) Department of Public Safety;

807 (ii) Division of Emergency Management;

808 (iii) Department of Transportation;

809 (iv) Department of Health;

810 (v) Department of Environmental Quality;

811 (vi) Department of Community and Economic Development; and

812 (vii) Department of Natural Resources;

813 (d) adjutant general of the National Guard or the adjutant general's designee;

814 (e) commissioner of agriculture and food or the commissioner's designee;

815 (f) two representatives with expertise in emergency management appointed by the Utah  
816 League of Cities and Towns;

817 (g) two representatives with expertise in emergency management appointed by the  
818 Utah Association of Counties;

819 (h) up to four additional members with expertise in emergency management, critical  
820 infrastructure, or key resources as these terms are defined under 6 U.S. Code Section 101  
821 appointed from the private sector, by the chair of the council; and

822 (i) two representatives appointed by the Utah Emergency Management Association.

823 (4) The commissioner [~~of Public Safety~~] and the lieutenant governor [~~shall~~] serve as  
824 cochairs of the council.

825 (5) A member may not receive compensation or benefits for the member's service, but  
826 may receive per diem and travel expenses in accordance with:

827 (a) Section 63A-3-106;

828 (b) Section 63A-3-107; and

829 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
830 63A-3-107.

831 (6) The council shall coordinate with existing emergency management related entities  
832 including:

833 (a) the [~~Homeland Security~~] Emergency Management Regional Committees  
834 established by the Department of Public Safety;

835 (b) the Statewide Mutual Aid Committee established under Section [~~53-2-503~~]  
836 53-2a-303; and

837 (c) the Hazardous Chemical Emergency Response Commission designated under  
838 Section [~~63K-3-301~~] 53-2a-703.

839 (7) The council may establish other committees and task forces as determined  
840 necessary by the council to carry out the duties of the council.

841 Section 16. Section **53-2a-201**, which is renumbered from Section 63K-4-101 is

842 renumbered and amended to read:

843 **Part 2. Disaster Response and Recovery Act**

844 ~~[63K-4-101].~~ **53-2a-201. Title.**

845 This ~~[chapter]~~ part is known as the "Disaster Response and Recovery Act."

846 Section 17. Section **53-2a-202**, which is renumbered from Section 63K-4-102 is  
847 renumbered and amended to read:

848 ~~[63K-4-102].~~ **53-2a-202. Legislative findings -- Purpose -- Short title.**

849 (1) The Legislature finds that existing and increasing threats of the occurrence of  
850 destructive disasters resulting from attack, internal disturbance, natural phenomenon or  
851 technological hazard could greatly affect the health, safety, and welfare of the people of this  
852 state, and it is therefore necessary to grant to the governor of this state and its political  
853 subdivisions special emergency disaster authority.

854 (2) It is the purpose of this act to assist the governor of this state and its political  
855 subdivisions to effectively provide emergency disaster response and recovery assistance in  
856 order to protect the lives and property of the people. This ~~[act shall be]~~ part is known ~~[and~~  
857 ~~cited]~~ as the "Disaster Response and Recovery Act."

858 Section 18. Section **53-2a-203**, which is renumbered from Section 63K-4-103 is  
859 renumbered and amended to read:

860 ~~[63K-4-103].~~ **53-2a-203. Definitions.**

861 ~~[(1) "Attack" means a nuclear, conventional, biological, or chemical warfare action~~  
862 ~~against the United States of America or this state.]~~

863 ~~[(2)]~~ (1) "Chief executive officer" means:

864 (a) for a municipality:

865 (i) the mayor for a municipality operating under all forms of municipal government  
866 except the council-manager form of government; or

867 (ii) the city manager for a municipality operating under the council-manager form of  
868 government; [or]

869 (b) for a county:

870 (i) the chair of the county commission for a county operating under the county  
871 commission or expanded county commission form of government;

872 (ii) the county executive officer for a county operating under the county-executive  
873 council form of government; or

874 (iii) the county manager for a county operating under the council-manager form of  
875 government[-]; or

876 [~~(3) "Disaster" means a situation causing, or threatening to cause, widespread damage,  
877 social disruption, or injury or loss of life or property resulting from attack, internal disturbance,  
878 natural phenomenon or technological hazard.]~~

879 [~~(4) "Internal disturbance" means a riot, prison break, terrorism, or strike.]~~

880 (c) for a special service district:

881 (i) the chief executive officer of the county or municipality that created the special  
882 service district if authority has not been delegated to an administrative control board as  
883 provided in Section 17D-1-301;

884 (ii) the chair of the administrative control board to which authority has been delegated  
885 as provided in Section 17D-1-301; or

886 (iii) the general manager or other officer or employee to whom authority has been  
887 delegated by the governing body of the special service district as provided in Section  
888 17D-1-301; or

889 (d) for a local district:

890 (i) the chair of the board of trustees selected as provided in Section 17B-1-309; or

891 (ii) the general manager or other officer or employee to whom authority has been  
892 delegated by the board of trustees.

893 [~~(5)~~ (2) "Local emergency" means a condition in any [~~political subdivision]~~  
894 municipality or county of the state which requires that emergency assistance be provided by the  
895 affected municipality or county or another political subdivision to save lives and protect  
896 property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a  
897 disaster.



898 ~~[(6) "Natural phenomenon" means any earthquake, tornado, storm, flood, landslide,~~  
 899 ~~avalanche, forest or range fire, drought, or epidemic.]~~

900 ~~[(7)]~~ (3) "Political subdivision" means a municipality ~~[or]~~, county, special service  
 901 district, or local district.

902 ~~[(8) "State of emergency" means a condition in any part of this state which requires~~  
 903 ~~state government emergency assistance to supplement the local efforts of the affected political~~  
 904 ~~subdivision to save lives and to protect property, public health, welfare, and safety in the event~~  
 905 ~~of a disaster or to avoid or reduce the threat of a disaster.]~~

906 ~~[(9) "Technological hazard" means any hazardous materials accident, mine accident,~~  
 907 ~~train derailment, truck wreck, air crash, radiation incident, pollution, structural fire or~~  
 908 ~~explosion.]~~

909 Section 19. Section **53-2a-204**, which is renumbered from Section 63K-4-201 is  
 910 renumbered and amended to read:

911 ~~[63K-4-201].~~ **53-2a-204. Authority of governor -- Federal assistance --**  
 912 **Fraud or willful misstatement in application for financial assistance -- Penalty.**

913 (1) In addition to any other authorities conferred upon the governor, if the governor  
 914 issues an executive order declaring a state of emergency, the governor may:

915 (a) utilize all available resources of state government as reasonably necessary to cope  
 916 with a state of emergency;

917 (b) employ measures and give direction to state and local officers and agencies ~~[which]~~  
 918 that are reasonable and necessary for the purpose of securing compliance with the provisions of  
 919 this ~~[act]~~ part and with orders, rules, and regulations made pursuant to this act;

920 (c) recommend and advise the evacuation of all or part of the population from any  
 921 stricken or threatened area within the state if necessary for the preservation of life;

922 (d) recommend routes, modes of transportation, and destination in connection with  
 923 evacuation;

924 (e) in connection with evacuation, suspend or limit the sale, dispensing, or  
 925 transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful

926 bearing of arms;

927 (f) control ingress and egress to and from a disaster area, the movement of persons  
928 within the area, and recommend the occupancy or evacuation of premises in a disaster area;

929 (g) clear or remove from publicly or privately owned land or water debris or wreckage  
930 that is an immediate threat to public health, public safety, or private property, including  
931 allowing an employee of a state department or agency designated by the governor to enter upon  
932 private land or waters and perform any tasks necessary for the removal or clearance operation if  
933 the political subdivision, corporation, organization, or individual that is affected by the removal  
934 of the debris or wreckage:

935 (i) presents an unconditional authorization for removal of the debris or wreckage from  
936 private property; and

937 (ii) agrees to indemnify the state against any claim arising from the removal of the  
938 debris or wreckage;

939 (h) enter into agreement with any agency of the United States:

940 (i) for temporary housing units to be occupied by victims of a state of emergency or  
941 persons who assist victims of a state of emergency; and

942 (ii) to make the housing units described in Subsection (1)(h)(i) available to a political  
943 subdivision of this state;

944 (i) assist any political subdivision of this state to acquire sites and utilities necessary for  
945 temporary housing units described in Subsection (1)(h)(i) by passing through any funds made  
946 available to the governor by an agency of the United States for this purpose;

947 (j) subject to Sections [~~63K-4-401~~] 53-2a-209 and [~~63K-4-406~~] 53-2a-214, temporarily  
948 suspend or modify by executive order, during the state of emergency, any public health, safety,  
949 zoning, transportation, or other requirement of a statute or administrative rule within this state  
950 if such action is essential to provide temporary housing described in Subsection (1)(h)(i);

951 (k) upon determination that a political subdivision of the state will suffer a substantial  
952 loss of tax and other revenues because of a state of emergency and the political subdivision so  
953 affected has demonstrated a need for financial assistance to perform its governmental

954 functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section  
 955 10-8-6:

956 (i) apply to the federal government for a loan on behalf of the political subdivision if  
 957 the amount of the loan that the governor applies for does not exceed 25% of the annual  
 958 operating budget of the political subdivision for the fiscal year in which the state of emergency  
 959 occurs; and

960 (ii) receive and disburse the amount of the loan to the political subdivision;

961 (l) accept funds from the federal government and make grants to any political  
 962 subdivision for the purpose of removing debris or wreckage from publicly owned land or  
 963 water;

964 (m) upon determination that financial assistance is essential to meet expenses related to  
 965 a state of emergency of individuals or families adversely affected by the state of emergency that  
 966 cannot be sufficiently met from other means of assistance, apply for, accept, and expend a grant  
 967 by the federal government to fund the financial assistance, subject to the terms and conditions  
 968 imposed upon the grant; or

969 (n) recommend to the Legislature other actions the governor considers to be necessary  
 970 to address a state of emergency.

971 (2) A person who fraudulently or willfully makes a misstatement of fact in connection  
 972 with an application for financial assistance under this section shall, upon conviction of each  
 973 offense, be subject to a fine of not more than \$5,000 or imprisonment for not more than one  
 974 year, or both.

975 Section 20. Section **53-2a-205**, which is renumbered from Section 63K-4-202 is  
 976 renumbered and amended to read:

977 ~~[63K-4-202].~~ **53-2a-205. Authority of chief executive officers of political**  
 978 **subdivisions -- Ordering of evacuations.**

979 (1) (a) In order to protect life and property when a state of emergency or local  
 980 emergency has been declared, the chief executive officer of each political subdivision of the  
 981 state is authorized to:

982 (i) carry out, in the chief executive officer's jurisdiction, the measures as may be  
983 ordered by the governor under this ~~chapter~~ part; and

984 (ii) take any additional measures the chief executive officer may consider necessary,  
985 subject to the limitations and provisions of this ~~chapter~~ part.

986 (b) The chief executive officer may not take an action that is inconsistent with any  
987 order, rule, regulation, or action of the governor.

988 (2) When a state of emergency or local emergency is declared, the authority of the chief  
989 executive officer includes:

990 (a) utilizing all available resources of the political subdivision as reasonably necessary  
991 to manage a state of emergency or local emergency;

992 (b) employing measures and giving direction to local officers and agencies which are  
993 reasonable and necessary for the purpose of securing compliance with the provisions of this  
994 ~~chapter~~ part and with orders, rules, and regulations made under this ~~chapter~~ part;

995 (c) if necessary for the preservation of life, issuing an order for the evacuation of all or  
996 part of the population from any stricken or threatened area within the political subdivision;

997 (d) recommending routes, modes of transportation, and destinations in relation to an  
998 evacuation;

999 (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages,  
1000 explosives, and combustibles in relation to an evacuation, except that the chief executive  
1001 officer may not restrict the lawful bearing of arms;

1002 (f) controlling ingress and egress to and from a disaster area, controlling the movement  
1003 of persons within a disaster area, and ordering the occupancy or evacuation of premises in a  
1004 disaster area;

1005 (g) clearing or removing debris or wreckage that may threaten public health, public  
1006 safety, or private property from publicly or privately owned land or waters, except that where  
1007 there is no immediate threat to public health or safety, the chief executive officer shall not  
1008 exercise this authority in relation to privately owned land or waters unless:

1009 (i) the owner authorizes the employees of designated local agencies to enter upon the

1010 private land or waters to perform any tasks necessary for the removal or clearance; and  
1011 (ii) the owner provides an unconditional authorization for removal of the debris or  
1012 wreckage and agrees to indemnify the local and state government against any claim arising  
1013 from the removal; and  
1014 (h) invoking the provisions of any mutual aid agreement entered into by the political  
1015 subdivision.  
1016 (3) (a) If the chief executive is unavailable to issue an order for evacuation under  
1017 Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue  
1018 an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for  
1019 the preservation of life.  
1020 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement  
1021 officer's order.  
1022 (4) Notice of an order or the ratification, modification, or revocation of an order issued  
1023 under this section shall be:  
1024 (a) given to the persons within the jurisdiction by the most effective and reasonable  
1025 means available; and  
1026 (b) filed in accordance with Subsection [~~63K-4-401~~] 53-2a-209(1).  
1027 Section 21. Section **53-2a-206**, which is renumbered from Section 63K-4-203 is  
1028 renumbered and amended to read:  
1029 **[~~63K-4-203~~]. 53-2a-206. State of emergency -- Declaration -- Termination**  
1030 **-- Commander in chief of military forces.**  
1031 (1) A state of emergency may be declared by executive order of the governor if the  
1032 governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in  
1033 any area of the state in which state government assistance is required to supplement the  
1034 response and recovery efforts of the affected political subdivision or political subdivisions.  
1035 (2) A state of emergency shall continue until the governor finds the threat or danger has  
1036 passed or the disaster reduced to the extent that emergency conditions no longer exist.  
1037 (3) A state of emergency may not continue for longer than 30 days unless extended by

1038 joint resolution of the Legislature, which may also terminate a state of emergency by joint  
1039 resolution at any time.

1040 (4) The governor shall issue an executive order ending the state of emergency on  
1041 receipt of the Legislature's resolution.

1042 (5) An executive order described in this section shall state:

1043 (a) the nature of the state of emergency;

1044 (b) the area or areas threatened; and

1045 (c) the conditions creating such an emergency or those conditions allowing termination  
1046 of the state of emergency.

1047 (6) During the continuance of any state of emergency the governor is commander in  
1048 chief of the military forces of the state in accordance with Utah Constitution Article VII,  
1049 Section 4, and Title 39, Chapter 1, State Militia.

1050 Section 22. Section **53-2a-207**, which is renumbered from Section 53-2-106 is  
1051 renumbered and amended to read:

1052 **[53-2-106]. 53-2a-207. Expenditures authorized by "state of emergency"**  
1053 **declaration.**

1054 (1) (a) The director may use funds authorized under [~~Title 63K, Chapter 4, Disaster~~  
1055 ~~Response and Recovery Act,~~] this part to provide:

1056 (i) transportation to and from the disaster scene;

1057 (ii) accommodations at the disaster scene for prolonged incidents; and

1058 (iii) emergency purchase of response equipment and supplies in direct support of a  
1059 disaster.

1060 (b) The commissioner may authorize the use of funds accrued under Title [~~63K~~] 53,  
1061 Chapter [~~2~~] 2a, Part 10, Energy Emergency Powers of the Governor Act, only if the governor  
1062 declares a state of emergency as provided [~~in Title 63K, Chapter 4, Disaster Response and~~  
1063 ~~Recovery Act~~] under this part.

1064 (2) These funds may not be allocated to a political subdivision unless the political  
1065 subdivision has demonstrated that it is beyond its capability to respond to the disaster and that

1066 no other resources are available in sufficient amount to meet the disaster.

1067 Section 23. Section **53-2a-208**, which is renumbered from Section 63K-4-301 is  
1068 renumbered and amended to read:

1069 ~~[63K-4-301]~~. **53-2a-208. Local emergency -- Declarations.**

1070 (1) (a) A local emergency may be declared by proclamation of the chief executive  
1071 officer of a ~~[political subdivision]~~ municipality or county.

1072 (b) A local emergency shall not be continued or renewed for a period in excess of 30  
1073 days except by or with the consent of the governing body of the ~~[political subdivision]~~  
1074 municipality or county.

1075 (c) Any order or proclamation declaring, continuing, or terminating a local emergency  
1076 shall be filed promptly with the office of the clerk of the affected ~~[political subdivision]~~  
1077 municipality or county.

1078 (2) A declaration of a local emergency:

1079 (a) constitutes an official recognition that a disaster situation exists within the affected  
1080 ~~[political subdivision]~~ municipality or county;

1081 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance  
1082 from other ~~[cities, counties,]~~ political subdivisions or from the state or federal government;

1083 (c) activates the response and recovery aspects of any and all applicable local disaster  
1084 emergency plans; and

1085 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

1086 (3) A local emergency proclamation issued under this section shall state:

1087 (a) the nature of the local emergency;

1088 (b) the area or areas that are affected or threatened; and

1089 (c) the conditions which caused the emergency.

1090 (4) The emergency declaration process within the state shall be as follows:

1091 (a) a city, town, or township shall declare to the county;

1092 (b) a county shall declare to the state;

1093 (c) the state shall declare to the federal government; and

1094 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the  
1095 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

1096 (5) Nothing in this part affects:

1097 (a) the governor's authority to declare a state of emergency under Section [~~63K-4-203~~]  
1098 53-2a-206; or

1099 (b) the duties, requests, reimbursements, or other actions taken by a political  
1100 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter [~~2~~]  
1101 2a, Part [~~5~~] 3, Statewide Mutual Aid Act.

1102 Section 24. Section **53-2a-209**, which is renumbered from Section 63K-4-401 is  
1103 renumbered and amended to read:

1104 [~~63K-4-401~~]. **53-2a-209. Orders, rules, and regulations having force of law**  
1105 **-- Filing requirements -- Suspension of state agency rules -- Suspension of enforcement of**  
1106 **certain statutes during a state of emergency.**

1107 (1) All orders, rules, and regulations promulgated by the governor, a [~~political~~  
1108 ~~subdivision~~] municipality, a county, or other agency authorized by this [~~act~~] part to make  
1109 orders, rules, and regulations, not in conflict with existing laws except as specifically provided  
1110 herein, shall have the full force and effect of law during the state of emergency, when a copy of  
1111 the order, rule, or regulation is filed with:

1112 (a) the Division of Administrative Rules, if issued by the governor or a state agency; or

1113 (b) the office of the clerk of the [~~political subdivision~~] municipality or county, if issued  
1114 by the chief executive officer of a [~~political subdivision of the state or agency of the state~~]  
1115 municipality or county.

1116 (2) The governor may suspend the provisions of any order, rule, or regulation of any  
1117 state agency, if the strict compliance with the provisions of the order, rule, or regulation would  
1118 substantially prevent, hinder, or delay necessary action in coping with the emergency or  
1119 disaster.

1120 (3) (a) Except as provided in Subsection (3)(b) and subject to Subsections (3)(c) and  
1121 (d), the governor may by executive order suspend the enforcement of a statute if:



1122 (i) the governor declares a state of emergency in accordance with Section [~~63K-4-203~~  
 1123 53-2a-206;

1124 (ii) the governor determines that suspending the enforcement of the statute is:  
 1125 (A) directly related to the state of emergency described in Subsection (3)(a)(i); and  
 1126 (B) necessary to address the state of emergency described in Subsection (3)(a)(i);  
 1127 (iii) the executive order:  
 1128 (A) describes how the suspension of the enforcement of the statute is:  
 1129 (I) directly related to the state of emergency described in Subsection (3)(a)(i); and  
 1130 (II) necessary to address the state of emergency described in Subsection (3)(a)(i); and  
 1131 (B) provides the citation of the statute that is the subject of suspended enforcement;  
 1132 (iv) the governor acts in good faith;  
 1133 (v) the governor provides written notice of the suspension of the enforcement of the  
 1134 statute to the speaker of the House of Representatives and the president of the Senate no later  
 1135 than 24 hours after suspending the enforcement of the statute; and  
 1136 (vi) the governor makes the report required by Section [~~63K-4-406~~] 53-2a-214.

1137 (b) (i) Except as provided in Subsection (3)(b)(ii), the governor may not suspend the  
 1138 enforcement of a criminal penalty created in statute.

1139 (ii) The governor may suspend the enforcement of a misdemeanor or infraction if:  
 1140 (A) the misdemeanor or infraction relates to food, health, or transportation; and  
 1141 (B) the requirements of Subsection (3)(a) are met.

1142 (c) A suspension described in this Subsection (3) terminates no later than the date the  
 1143 governor terminates the state of emergency in accordance with Section [~~63K-4-203~~] 53-2a-206  
 1144 to which the suspension relates.

1145 (d) The governor:  
 1146 (i) shall provide the notice required by Subsection (3)(a)(v) using the best available  
 1147 method under the circumstances as determined by the governor; and  
 1148 (ii) may provide the notice required by Subsection (3)(a)(v) in electronic format.

1149 Section 25. Section **53-2a-210**, which is renumbered from Section 63K-4-406 is

1150 renumbered and amended to read:

1151 ~~[63K-4-406]~~. **53-2a-210. Reporting on the suspension or modification of**  
1152 **certain statutes or rules or the suspension of the enforcement of a statute.**

1153 (1) The governor and the Department of Public Safety shall report the following to the  
1154 Legislative Management Committee:

1155 (a) a suspension or modification of a statute or rule under Subsection ~~[63K-4-201]~~  
1156 53-2a-204(1)(j); or

1157 (b) a suspension of the enforcement of a statute under Subsection ~~[63K-4-401]~~  
1158 53-2a-209(3).

1159 (2) The governor and the Department of Public Safety shall make the report required  
1160 by this section on or before the sooner of:

1161 (a) the day on which the governor calls the Legislature into session ~~[in accordance with~~  
1162 ~~Section 63K-1-302]~~; or

1163 (b) seven days after the date the governor declares the state of emergency to which the  
1164 suspension or modification relates.

1165 (3) The Legislative Management Committee shall review the suspension or  
1166 modification of a statute or rule or the suspension of the enforcement of a statute described in  
1167 Subsection (1) and may:

1168 (a) recommend:

1169 (i) that the governor continue the suspension or modification of the statute or rule or  
1170 the suspension of the enforcement of the statute; and

1171 (ii) the length of the suspension or modification of the statute or rule or the suspension  
1172 of the enforcement of the statute;

1173 (b) recommend that the governor terminate the suspension or modification of the  
1174 statute or rule or the suspension of the enforcement of the statute; or

1175 (c) recommend to the governor that the governor call a special session of the  
1176 Legislature to review and approve or reject the suspension or modification of the statute or rule  
1177 or the suspension of the enforcement of the statute.

1178 Section 26. Section **53-2a-211**, which is renumbered from Section 63K-4-402 is  
1179 renumbered and amended to read:

1180 ~~[63K-4-402]~~. **53-2a-211. Acquisition of property for public use --**

1181 **Compensation of owners.**

1182 (1) (a) Upon proclamation of a state of emergency, the governor may purchase or lease  
1183 public or private property for public use including:

1184 (i) food and medical supplies;

1185 (ii) clothing;

1186 (iii) shelter;

1187 (iv) means of transportation;

1188 (v) fuels;

1189 (vi) oils; or

1190 (vii) buildings or lands.

1191 (b) The governor may not purchase private home storage nor privately owned arms.

1192 (2) (a) The governor may use property purchased under authority of this section for any  
1193 purpose to meet the needs of an emergency, including its use to relieve want, distress, and  
1194 disease.

1195 (b) Any property used by the governor to meet the needs of an emergency is a public  
1196 use.

1197 (3) (a) The governor shall compensate the owner of property taken or used under  
1198 authority of this section by complying with the procedures established in Title 78B, Chapter 6,  
1199 Part 5, Eminent Domain.

1200 (b) The governor shall pay for those purchases or leases from the funds available to the  
1201 Division of Emergency Management under:

1202 (i) this ~~[chapter]~~ part; or

1203 (ii) Title 53, Chapter ~~[2]~~ 2a, Part ~~[4]~~ 6, Disaster Recovery Funding Act, to the extent  
1204 provided for in that ~~[chapter]~~ part.

1205 (4) Nothing in this section applies to or authorizes compensation for the destruction or

1206 damage of standing timber or other property in order to provide a fire break or to the release of  
1207 waters or the breach of impoundments in order to reduce pressure or other danger from actual  
1208 or threatened flood.

1209 Section 27. Section **53-2a-212**, which is renumbered from Section 63K-4-403 is  
1210 renumbered and amended to read:

1211 ~~[63K-4-403].~~ **53-2a-212. Interstate agreements authorized -- Termination**  
1212 **-- Mutual-aid compacts between subdivisions.**

1213 (1) The governor is authorized to execute an interstate agreement or compact on behalf  
1214 of this state with any other state or states only consistent with the powers herein granted  
1215 concerning matters relating to a disaster affecting or likely to affect this state.

1216 (2) The agreement or compact shall continue in force and remain binding on each party  
1217 state until the Legislature or the governor of [~~such~~] a party state takes action to withdraw  
1218 [~~therefrom. Such action shall not be~~]. The action is not effective until 30 days after notice  
1219 thereof has been sent by the governor of such party state desiring to withdraw to the governors  
1220 of all other party states.

1221 (3) Political subdivisions are authorized to enter into mutual-aid compacts with other  
1222 political subdivisions within the state of Utah concerning matters involving cooperative  
1223 disaster response and recovery assistance support, consistent with this [~~act~~] chapter.

1224 Section 28. Section **53-2a-213**, which is renumbered from Section 63K-4-404 is  
1225 renumbered and amended to read:

1226 ~~[63K-4-404].~~ **53-2a-213. Authority additional to other emergency**  
1227 **authority.**

1228 The special disaster emergency authority vested in the governor and political  
1229 subdivisions of the state pursuant to this [~~act~~] part shall be in addition to, and not in lieu of, any  
1230 other emergency authority otherwise constitutionally or statutorily vested in the governor and  
1231 political subdivisions of the state.

1232 Section 29. Section **53-2a-214**, which is renumbered from Section 63K-4-405 is  
1233 renumbered and amended to read:

1234            ~~[63K-4-405]~~.            53-2a-214. **Prohibition of restrictions on and confiscation of**  
1235 **a firearm or ammunition during an emergency.**

1236            (1) As used in this section:

1237            (a) (i) "Confiscate" means for an individual in Utah to intentionally deprive another of  
1238 a privately owned firearm.

1239            (ii) "Confiscate" does not include the taking of a firearm from an individual:

1240            (A) in self-defense;

1241            (B) possessing a firearm while the individual is committing a felony or misdemeanor;

1242 or

1243            (C) who may not, under state or federal law, possess the firearm.

1244            (b) "Firearm" has the same meaning as defined in Section 76-10-501.

1245            (2) During a declared state of emergency or local emergency under this ~~chapter~~ part:

1246            (a) neither the governor nor an agency of a governmental entity or political subdivision  
1247 of the state may impose restrictions, which were not in force before the declared state of  
1248 emergency, on the lawful possession, transfer, sale, transport, storage, display, or use of a  
1249 firearm or ammunition; and

1250            (b) an individual, while acting or purporting to act on behalf of the state or a political  
1251 subdivision of the state, may not confiscate a privately owned firearm of another individual.

1252            (3) A law or regulation passed during a declared state of emergency that does not relate  
1253 specifically to the lawful possession or use of a firearm and that has attached criminal penalties  
1254 may not be used to justify the confiscation of a firearm from an individual acting in defense of  
1255 self, property, or others when on:

1256            (a) the individual's private property; or

1257            (b) the private property of another as an invitee.

1258            (4) (a) An individual who has a firearm confiscated in violation of Subsection (2) may  
1259 bring a civil action in a court having the appropriate jurisdiction:

1260            (i) for damages, in the maximum amount of \$10,000, against a person who violates  
1261 Subsection (2);

1262 (ii) for a civil penalty, in the amount of \$5,000 per violation, against a person who  
1263 violates Subsection (2); and

1264 (iii) for return of the confiscated firearm.

1265 (b) As used in this Subsection (4), "person" means an individual, the governmental  
1266 entity on whose behalf the individual is acting or purporting to act, or both the individual and  
1267 the governmental entity.

1268 (5) (a) A law enforcement officer is not subject to disciplinary action for refusing to  
1269 confiscate a firearm under this section if:

1270 (i) ordered or directed to do so by a superior officer; and

1271 (ii) by obeying the order or direction, the law enforcement officer would be committing  
1272 a violation of this section.

1273 (b) For purposes of this Subsection (5), disciplinary action might include:

1274 (i) dismissal, suspension, or demotion;

1275 (ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and

1276 (iii) any type of written or electronic indication, permanent or temporary, on the  
1277 officer's personnel record of the officer's refusal to obey the unlawful order.

1278 (6) (a) If a law enforcement officer commits a violation of this section, the officer's  
1279 liability in an action brought under Subsection (4)(a) is limited to 5% of the damages and civil  
1280 penalty allowed under Subsection (4)(a) if the officer can show by clear and convincing  
1281 evidence that the officer was obeying a direct and unlawful order from a superior officer or  
1282 authority.

1283 (b) The court shall assess the balance of the damages and civil penalty, the remaining  
1284 95%, against the superior officer or authority who ordered or directed the confiscation in  
1285 violation of this section.

1286 Section 30. Section **53-2a-301**, which is renumbered from Section 53-2-501 is  
1287 renumbered and amended to read:

1288 **Part 3. Statewide Mutual Aid Act**

1289 **[53-2-501]. 53-2a-301. Title.**

1290 This part is known as the "Statewide Mutual Aid Act."

1291 Section 31. Section **53-2a-302**, which is renumbered from Section 53-2-502 is

1292 renumbered and amended to read:

1293 ~~[53-2-502].~~ **53-2a-302. Definitions.**

1294 As used in this part:

1295 ~~[(1) "Committee" means the statewide mutual aid committee established in Section~~  
1296 ~~53-2-503.]~~

1297 ~~[(2) "Director" means the director of the division, appointed under Section 53-2-103 or~~  
1298 ~~the director's designee.]~~

1299 ~~[(3) "Division" means the Division of Emergency Management, created under Section~~  
1300 ~~53-2-103.]~~

1301 ~~[(4)]~~ (1) "Emergency responder":

1302 (a) means a person in the public or private sector:

1303 (i) who has special skills, qualification, training, knowledge, or experience, whether or  
1304 not possessing a license, certificate, permit, or other official recognition for the skills,  
1305 qualification, training, knowledge, or experience, that would benefit a participating political  
1306 subdivision in responding to a locally declared emergency or in an authorized drill or exercise;  
1307 and

1308 (ii) whom a participating political subdivision requests or authorizes to assist in  
1309 responding to a locally declared emergency or in an authorized drill or exercise; and

1310 (b) includes:

1311 (i) a law enforcement officer;

1312 (ii) a firefighter;

1313 (iii) an emergency medical services worker;

1314 (iv) a physician, nurse, or other public health worker;

1315 (v) an emergency management official;

1316 (vi) a public works worker;

1317 (vii) a building inspector;

1318 (viii) an architect, engineer, or other design professional; or

1319 (ix) a person with specialized equipment operations skills or training or with any other  
1320 skills needed to provide aid in a declared emergency.

1321 ~~[(5)]~~ (2) "Participating political subdivision" means each county, municipality, public  
1322 safety district, and public safety interlocal entity that has not adopted a resolution under Section  
1323 ~~[53-2-506]~~ 53-2a-306 withdrawing itself from the statewide mutual aid system.

1324 ~~[(8)]~~ (3) "Public safety district" means a local district under Title 17B, Limited Purpose  
1325 Local Government Entities - Local Districts, or special service district under Title 17D,  
1326 Chapter 1, Special Service District Act, that provides public safety service.

1327 ~~[(6)]~~ (4) "Public safety interlocal entity" means an interlocal entity under Title 11,  
1328 Chapter 13, Interlocal Cooperation Act, that provides public safety service.

1329 ~~[(7)]~~ (5) "Public safety service" means a service provided to the public to protect life  
1330 and property and includes fire protection, police protection, emergency medical service, and  
1331 hazardous material response service.

1332 ~~[(9)]~~ (6) "Requesting political subdivision" means a participating political subdivision  
1333 that requests emergency assistance under Section ~~[53-2-507]~~ 53-2a-207 from one or more other  
1334 participating political subdivisions.

1335 ~~[(10)]~~ (7) "Responding political subdivision" means a participating political  
1336 subdivision that responds to a request under Section ~~[53-2-507]~~ 53-2a-307 from a requesting  
1337 political subdivision.

1338 ~~[(11)]~~ (8) "State" means the state of Utah.

1339 ~~[(12)]~~ (9) "Statewide mutual aid system" or "system" means the aggregate of all  
1340 participating political subdivisions and the state.

1341 Section 32. Section **53-2a-303**, which is renumbered from Section 53-2-503 is  
1342 renumbered and amended to read:

1343 ~~[53-2-503].~~ **53-2a-303. Statewide mutual aid committee.**

1344 (1) (a) There is established a statewide mutual aid committee consisting of:

1345 (i) the director, who shall chair the committee;



1346 (ii) one or more representatives from state agencies that provide public safety service,  
1347 appointed by the director;

1348 (iii) one or more representatives of counties, appointed by the director after considering  
1349 recommendations from the Utah Association of Counties;

1350 (iv) one or more representatives of municipalities, appointed by the director after  
1351 considering recommendations from the Utah League of Cities and Towns; and

1352 (v) one or more representatives of public safety districts and public safety interlocal  
1353 entities, appointed by the director after considering recommendations from the Utah  
1354 Association of Special Districts.

1355 (b) The term of each member appointed under Subsections (1)(a)(ii) through (v) shall  
1356 be two years.

1357 (c) A committee member may not receive compensation for service on the committee  
1358 in addition to any compensation received as an employee or official of a state agency or  
1359 participating political subdivision.

1360 (2) The committee shall meet at least annually to:

1361 (a) review the progress and status of the statewide mutual aid system;

1362 (b) assist in developing methods to track and evaluate activation of the system; and

1363 (c) examine issues facing participating political subdivisions regarding implementation  
1364 of this part.

1365 (3) The committee shall develop comprehensive guidelines and procedures that address  
1366 the operation of the system, including:

1367 (a) projected or anticipated costs of responding to emergencies;

1368 (b) checklists for requesting and providing assistance;

1369 (c) record keeping for participating political subdivisions;

1370 (d) reimbursement procedures and other necessary implementation elements and  
1371 necessary forms for requests; and

1372 (e) other records documenting deployment and return of assets.

1373 (4) The committee may prepare an annual report on the condition and effectiveness of

1374 the statewide mutual aid system, make recommendations for correcting any deficiencies, and  
1375 submit the report to an appropriate legislative committee.

1376 Section 33. Section ~~53-2a-304~~, which is renumbered from Section 53-2-504 is  
1377 renumbered and amended to read:

1378 ~~[53-2-504].~~ **53-2a-304. Withdrawal from the statewide mutual aid system.**

1379 A county, municipality, public safety district, or public safety interlocal entity may  
1380 withdraw from the statewide mutual aid system by:

- 1381 (1) enacting a resolution declaring that it elects not to participate in the system; and
- 1382 (2) delivering a copy of the resolution to the director.

1383 Section 34. Section ~~53-2a-305~~, which is renumbered from Section 53-2-505 is  
1384 renumbered and amended to read:

1385 ~~[53-2-505].~~ **53-2a-305. Agreements not affected by this part.**

1386 Nothing in this part may be construed:

- 1387 (1) to limit the state, a county, municipality, local district, special service district, or
- 1388 interlocal entity from entering into an agreement allowed by law for public safety and related
- 1389 purposes; or
- 1390 (2) to affect an agreement to which the state, a county, municipality, local district,
- 1391 special service district, or interlocal entity is a party.

1392 Section 35. Section ~~53-2a-306~~, which is renumbered from Section 53-2-506 is  
1393 renumbered and amended to read:

1394 ~~[53-2-506].~~ **53-2a-306. Duties of the Division of Emergency Management and**  
1395 **participating political subdivisions.**

1396 (1) The division shall:

- 1397 (a) receive and maintain an inventory of the state and local services, equipment,
- 1398 supplies, personnel, and other resources related to participation in Title 53, Chapter ~~[2]~~ 2a, Part
- 1399 ~~[2]~~ 4, Emergency Management Assistance Compact, and ~~[Title 53, Chapter 2, Part 5, Statewide~~
- 1400 ~~Mutual Aid Act]~~ this part; and

1401 (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

1402 Rulemaking Act, to prepare and coordinate a process and plans so that the division may assist  
1403 political subdivisions that are acting as agents of the state in mobilizing or demobilizing  
1404 available assets in response to an intrastate or interstate disaster as provided in Title 53,  
1405 Chapter [2] 2a, Part [2] 4, Emergency Management Assistance Compact.

- 1406 (2) Each participating political subdivision in the Statewide Mutual Aid Act shall:
- 1407 (a) identify potential hazards that could affect the participating political subdivision;
  - 1408 (b) conduct joint planning, intelligence sharing, and threat assessment development  
1409 with contiguous participating political subdivisions and conduct joint training with them at  
1410 least biennially;
  - 1411 (c) identify and inventory the services, equipment, supplies, personnel, and other  
1412 resources related to participating political subdivision's planning, prevention, mitigation,  
1413 response, and recovery activities; and
  - 1414 (d) adopt and implement the standardized incident management system approved by  
1415 the division.

1416 Section 36. Section **53-2a-307**, which is renumbered from Section 53-2-507 is  
1417 renumbered and amended to read:

1418 **~~[53-2-507]~~. 53-2a-307. Requests for disaster assistance or assistance with an**  
1419 **authorized drill or exercise.**

1420 (1) The state or a participating political subdivision may request another participating  
1421 political subdivision to assist:

- 1422 (a) in preventing, mitigating, responding to, or recovering from a disaster, if the  
1423 requesting political subdivision declares a local emergency or the state has declared a state of  
1424 emergency; or
- 1425 (b) with a drill or exercise that the state or requesting political subdivision has  
1426 authorized.

1427 (2) Each request under Subsection (1) shall be:

- 1428 (a) made by the chief executive officer of the state or participating political  
1429 subdivision[;] or the officer's designee; and

1430 (b) reported as soon as practical to the director.

1431 (3) (a) A request under Subsection (1) may be communicated orally or in writing.

1432 (b) Each request communicated orally shall be reduced to writing and delivered to the  
1433 other participating political subdivision:

1434 (i) as soon as practical; or

1435 (ii) within the number of days specified by the director.

1436 (4) In responding to a request under Subsection (1), a responding political subdivision  
1437 may:

1438 (a) donate assets of any kind to a requesting political subdivision; and

1439 (b) withhold its resources to the extent necessary to provide reasonable protection and  
1440 services for its own residents.

1441 (5) The emergency response personnel, equipment, and other assets of a responding  
1442 political subdivision or the state shall be under the operational control of the incident  
1443 management system of the state or requesting political subdivision, except to the extent that the  
1444 exercise of operational control would result in a violation of a policy, standard, procedure, or  
1445 protocol of the responding political subdivision or of the state.

1446 Section 37. Section **53-2a-308**, which is renumbered from Section 53-2-508 is  
1447 renumbered and amended to read:

1448 **~~[53-2-508].~~ 53-2a-308. Reimbursement -- Resolving reimbursement disputes.**

1449 (1) (a) Each requesting political subdivision shall reimburse each responding political  
1450 subdivision providing assistance to the requesting political subdivision for any loss or damage  
1451 suffered or expense or cost incurred by a responding political subdivision in the operation of  
1452 equipment or in providing a service in response to a request under Section ~~[53-2-507]~~  
1453 53-2a-307.

1454 (b) Notwithstanding Subsection (1)(a), a responding political subdivision may, in its  
1455 discretion:

1456 (i) assume some or all of the loss, damage, expense, or cost; or

1457 (ii) loan equipment or donate services to the requesting political subdivision without

1458 charge.

1459 (2) (a) A responding political subdivision may request reimbursement from a  
1460 requesting political subdivision for the costs of providing disaster relief assistance.

1461 (b) Each request for reimbursement shall comply with the procedures and criteria  
1462 developed by the committee.

1463 (3) If a dispute concerning reimbursement arises between a requesting political  
1464 subdivision and a responding political subdivision:

1465 (a) the requesting political subdivision and responding political subdivision shall make  
1466 every effort to resolve the dispute within 30 days after either provides written notice to the  
1467 other of the other's noncompliance with applicable procedures or criteria; and

1468 (b) if the dispute is not resolved within 90 days after the notice under Subsection (3)(a),  
1469 either party may submit the dispute to the committee, whose decision shall be final.

1470 Section 38. Section **53-2a-309**, which is renumbered from Section 53-2-509 is  
1471 renumbered and amended to read:

1472 ~~[53-2-509]~~. **53-2a-309. Personnel responding to requests for assistance.**

1473 (1) Each person or entity holding a license, certificate, or other permit evidencing  
1474 qualification in a professional, mechanical, or other skill and responding to a request from a  
1475 requesting political subdivision shall, while providing assistance during a declared emergency  
1476 or during an authorized drill or exercise, be considered to be licensed, certified, or permitted in  
1477 the requesting political subdivision, except as limited by the chief executive officer of the  
1478 requesting political subdivision.

1479 (2) Each law enforcement officer rendering aid as provided in this part under the  
1480 authority of a state of emergency declared by the governor, whether inside or outside the  
1481 officer's jurisdiction, has all law enforcement powers and the same privileges and immunities  
1482 that the officer has in the officer's own jurisdiction.

1483 (3) Each employee of a responding political subdivision responding to a request by or  
1484 giving assistance to a requesting political subdivision or the state as provided in this part:

1485 (a) is entitled to:

1486 (i) all applicable workers compensation benefits for injury or death occurring as a  
1487 result of the employee's participation in the response or assistance; and

1488 (ii) any additional state or federal benefits available for line of duty injury or death; and

1489 (b) is, for purposes of liability, considered to be an employee of the requesting political  
1490 subdivision.

1491 (4) Each responding political subdivision and its employees are immune from liability  
1492 arising out of their actions in responding to a request from a requesting political subdivision to  
1493 the extent provided in Section 63G-7-201.

1494 Section 39. Section **53-2a-310**, which is renumbered from Section 53-2-510 is  
1495 renumbered and amended to read:

1496 **[53-2-510]. 53-2a-310. Severability.**

1497 A court order declaring any provision of this part unconstitutional or invalid may not be  
1498 construed to affect the validity of any other provision of this part.

1499 Section 40. Section **53-2a-401**, which is renumbered from Section 53-2-201 is  
1500 renumbered and amended to read:

1501 **Part 4. Emergency Management Assistance Compact**

1502 **[53-2-201]. 53-2a-401. Title.**

1503 This part is known as the "Emergency Management Assistance Compact."

1504 Section 41. Section **53-2a-402**, which is renumbered from Section 53-2-202 is  
1505 renumbered and amended to read:

1506 **[53-2-202]. 53-2a-402. Compact.**

1507 (1) Article I. Purposes and Authorities.

1508 (1) (a) This compact is made and entered into by and between the participating member  
1509 states which enact this compact, hereinafter called party states. For the purposes of this  
1510 agreement, the term "states" is taken to mean the several states, the Commonwealth of Puerto  
1511 Rico, the District of Columbia, and all U.S. territorial possessions.

1512 (b) The purpose of this compact is to provide for mutual assistance between the states  
1513 entering into this compact in managing any emergency or disaster that is duly declared by the

1514 governor of the affected state, whether arising from natural disaster, technological hazard,  
1515 man-made disaster, civil emergency aspects of resources shortages, community disorders,  
1516 insurgency, or enemy attack.

1517 (c) This compact shall also provide for mutual cooperation in emergency-related  
1518 exercises, testing, or other training activities using equipment and personnel simulating  
1519 performance of any aspect of the giving and receiving of aid by party states or subdivisions of  
1520 party states during emergencies, such actions occurring outside actual declared emergency  
1521 periods. Mutual assistance in this compact may include the use of the states' national guard  
1522 forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual  
1523 agreement between states.

1524 (2) Article II. General Implementation.

1525 (2) (a) Each party state entering into this compact recognizes many emergencies  
1526 transcend political jurisdictional boundaries and that intergovernmental coordination is  
1527 essential in managing these and other emergencies under this compact. Each state further  
1528 recognizes that there will be emergencies which require immediate access and present  
1529 procedures to apply outside resources to make a prompt and effective response to such an  
1530 emergency. This is because few, if any, individual states have all the resources they may need  
1531 in all types of emergencies or the capability of delivering resources to areas where emergencies  
1532 exist.

1533 (b) The prompt, full, and effective utilization of resources of the participating states,  
1534 including any resources on hand or available from the federal government or any other source,  
1535 that are essential to the safety, care, and welfare of the people in the event of any emergency or  
1536 disaster declared by a party state, shall be the underlying principle on which all articles of this  
1537 compact shall be understood.

1538 (c) On behalf of the governor of each state participating in the compact, the legally  
1539 designated state official who is assigned responsibility for emergency management will be  
1540 responsible for formulation of the appropriate interstate mutual aid plans and procedures  
1541 necessary to implement this compact.

1542 (3) Article III. Party State Responsibilities.

1543 (3) (a) It shall be the responsibility of each party state to formulate procedural plans  
1544 and programs for interstate cooperation in the performance of the responsibilities listed in this  
1545 article. In formulating such plans, and in carrying them out, the party states, insofar as  
1546 practical, shall:

1547 (i) review individual state hazards analyses and, to the extent reasonably possible,  
1548 determine all those potential emergencies the party states might jointly suffer, whether due to  
1549 natural disaster, technological hazard, man-made disaster, emergency aspects of resource  
1550 shortages, civil disorders, insurgency, or enemy attack;

1551 (ii) review party states' individual emergency plans and develop a plan which will  
1552 determine the mechanism for the interstate management and provision of assistance concerning  
1553 any potential emergency;

1554 (iii) develop interstate procedures to fill any identified gaps and to resolve any  
1555 identified inconsistencies or overlaps in existing or developed plans;

1556 (iv) assist in warning communities adjacent to or crossing the state boundaries;

1557 (v) protect and assure uninterrupted delivery of services, medicines, water, food,  
1558 energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both  
1559 human and material;

1560 (vi) inventory and set procedures for the interstate loan and delivery of human and  
1561 material resources, together with procedures for reimbursement or forgiveness; and

1562 (vii) provide, to the extent authorized by law, for temporary suspension of any statutes.

1563 (b) The authorized representative of a party state may request assistance of another  
1564 party state by contacting the authorized representative of that state. The provisions of this  
1565 agreement shall only apply to requests for assistance made by and to authorized representatives.  
1566 Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing  
1567 within 30 days of the verbal request. Requests shall provide the following information:

1568 (i) a description of the emergency service function for which assistance is needed, such  
1569 as, but not limited to, fire services, law enforcement, emergency medical, transportation,



1570 communications, public works and engineering, building inspection, planning and information  
1571 assistance, mass care, resource support, health and medical services, and search and rescue;

1572 (ii) the amount and type of personnel, equipment, materials and supplies needed, and a  
1573 reasonable estimate of the length of time they will be needed; and

1574 (iii) the specific place and time for staging of the assisting party's response and a point  
1575 of contact at that location.

1576 (c) There shall be frequent consultation between state officials who have assigned  
1577 emergency management responsibilities and other appropriate representatives of the party  
1578 states with affected jurisdictions and the United States government, with free exchange of  
1579 information, plans, and resource records relating to emergency capabilities.

1580 (4) Article IV. Limitations.

1581 (4) (a) Any party state requested to render mutual aid or conduct exercises and training  
1582 for mutual aid shall take such action as is necessary to provide and make available the  
1583 resources covered by this compact in accordance with the terms hereof; provided that it is  
1584 understood that the state rendering aid may withhold resources to the extent necessary to  
1585 provide reasonable protection for such state.

1586 (b) Each party state shall afford to the emergency forces of any party state, while  
1587 operating within its state limits under the terms and conditions of this compact, the same  
1588 powers, except that of arrest unless specifically authorized by the receiving state, duties, rights,  
1589 and privileges as are afforded forces of the state in which they are performing emergency  
1590 services. Emergency forces will continue under the command and control of their regular  
1591 leaders, but the organizational units will come under the operational control of the emergency  
1592 services authorities of the state receiving assistance. These conditions may be activated, as  
1593 needed, only subsequent to a declaration of a state of emergency or disaster by the governor of  
1594 the party state that is to receive assistance or commencement of exercises or training for mutual  
1595 aid and shall continue so long as the exercises or training for mutual aid are in progress, the  
1596 state of emergency or disaster remains in effect, or loaned resources remain in the receiving  
1597 state, whichever is longer.

1598 (5) Article V. Licenses and Permits.

1599 Whenever any person holds a license, certificate, or other permit issued by any state  
1600 party to the compact evidencing the meeting of qualifications for professional, mechanical, or  
1601 other skills, and when such assistance is requested by the receiving party state, such person  
1602 shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid  
1603 involving such skill to meet a declared emergency or disaster, subject to such limitations and  
1604 conditions as the governor of the requesting state may prescribe by executive order or  
1605 otherwise.

1606 (6) Article VI. Liability.

1607 Officers or employees of a party state rendering aid in another state pursuant to this  
1608 compact shall be considered agents of the requesting state for tort liability and immunity  
1609 purposes; and no party state or its officers or employees rendering aid in another state pursuant  
1610 to this compact shall be liable on account of any act or omission in good faith on the part of  
1611 such forces while so engaged or on account of the maintenance or use of any equipment or  
1612 supplies in connection therewith. Good faith in this article shall not include willful  
1613 misconduct, gross negligence, or recklessness.

1614 (7) Article VII. Supplementary Agreements.

1615 Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid  
1616 among two or more states may differ from that among the states that are party hereto, this  
1617 instrument contains elements of a broad base common to all states, and nothing herein  
1618 contained shall preclude any state from entering into supplementary agreements with another  
1619 state or affect any other agreements already in force between states. Supplementary agreements  
1620 may comprehend, but shall not be limited to, provisions for evacuation and reception of injured  
1621 and other persons and the exchange of medical, fire, police, public utility, reconnaissance,  
1622 welfare, transportation and communications personnel, and equipment and supplies.

1623 (8) Article VIII. Compensation.

1624 Each party state shall provide for the payment of compensation and death benefits to  
1625 injured members of the emergency forces of that state and representatives of deceased members

1626 of such forces in case such members sustain injuries or are killed while rendering aid pursuant  
1627 to this compact, in the same manner and on the same terms as if the injury or death were  
1628 sustained within their own state.

1629 (9) Article IX. Reimbursement.

1630 Any party state rendering aid in another state pursuant to this compact shall be  
1631 reimbursed by the party state receiving such aid for any loss or damage to or expense incurred  
1632 in the operation of any equipment and the provision of any service in answering a request for  
1633 aid and for the costs incurred in connection with such requests; provided, that any aiding party  
1634 state may assume in whole or in part such loss, damage, expense, or other cost, or may loan  
1635 such equipment or donate such services to the receiving party state without charge or cost; and  
1636 provided further, that any two or more party states may enter into supplementary agreements  
1637 establishing a different allocation of costs among those states. Article VIII expenses shall not  
1638 be reimbursable under this provision.

1639 (10) Article X. Evacuation.

1640 (10) (a) Plans for the orderly evacuation and interstate reception of portions of the  
1641 civilian population as the result of any emergency or disaster of sufficient proportions to so  
1642 warrant shall be worked out and maintained between the party states and the emergency  
1643 management or services directors of the various jurisdictions where any type of incident  
1644 requiring evacuations might occur.

1645 (b) Such plans shall be put into effect by request of the state from which evacuees  
1646 come and shall include the manner of transporting such evacuees, the number of evacuees to be  
1647 received in different areas, the manner in which food, clothing, housing, and medical care will  
1648 be provided, the registration of the evacuees, the providing of facilities for the notification of  
1649 relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of  
1650 additional materials, supplies, and all other relevant factors.

1651 (c) Such plans shall provide that the party state receiving evacuees and the party state  
1652 from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket  
1653 expenses incurred in receiving and caring for such evacuees, for expenditures for

1654 transportation, food, clothing, medicines and medical care, and like items. Such expenditures  
1655 shall be reimbursed as agreed by the party state from which the evacuees come. After the  
1656 termination of the emergency or disaster, the party state from which the evacuees come shall  
1657 assume the responsibility for the ultimate support of repatriation of such evacuees.

1658 (11) Article XI. Implementation.

1659 (11) (a) This compact shall become operative immediately upon its enactment into law  
1660 by any two states; thereafter, this compact shall become effective as to any other state upon its  
1661 enactment by such state.

1662 (b) Any party state may withdraw from this compact by enacting a statute repealing the  
1663 same, but no such withdrawal shall take effect until 30 days after the governor of the  
1664 withdrawing state has given notice in writing of such withdrawal to the governors of all other  
1665 party states. Such action shall not relieve the withdrawing state from obligations assumed  
1666 hereunder prior to the effective date of withdrawal.

1667 (c) Duly authenticated copies of this compact and of such supplementary agreements as  
1668 may be entered into shall, at the time of their approval, be deposited with each of the party  
1669 states and with the federal emergency management agency and other appropriate agencies of  
1670 the United States government.

1671 (12) Article XII. Validity.

1672 This ~~act~~ part shall be construed to effectuate the purposes stated in Article I hereof. If  
1673 any provision of this compact is declared unconstitutional, or the applicability thereof to any  
1674 person or circumstances is held invalid, the constitutionality of the remainder of this ~~act~~ part  
1675 and the applicability thereof to other persons and circumstances shall not be affected thereby.

1676 (13) Article XIII. Additional Provisions.

1677 Nothing in this compact shall authorize or permit the use of military force by the  
1678 National Guard of a state at any place outside that state in any emergency for which the  
1679 President is authorized by law to call into federal service the militia, or for any purpose for  
1680 which the use of the Army or the Air Force would in the absence of express statutory  
1681 authorization be prohibited under Section 1385 of Title 18, United States Code.

1682 Section 42. Section **53-2a-403**, which is renumbered from Section 53-2-301 is  
1683 renumbered and amended to read:

1684 ~~[53-2-301]~~. **53-2a-403. Authority of governor to join compact.**

1685 The governor of Utah is authorized and directed to execute a compact on behalf of this  
1686 state with any other state or states joining the Emergency Management Assistance Compact as  
1687 provided in Section ~~[53-2-202]~~ 53-2a-402.

1688 Section 43. Section **53-2a-501**, which is renumbered from Section 63K-5-101 is  
1689 renumbered and amended to read:

1690 **Part 5. Interstate Emergency Responder Mutual Aid Agreement**

1691 ~~[63K-5-101]~~. **53-2a-501. Title.**

1692 This ~~[chapter]~~ part is known as "Interstate Emergency Responder Mutual Aid  
1693 Agreement."

1694 Section 44. Section **53-2a-502**, which is renumbered from Section 63K-5-102 is  
1695 renumbered and amended to read:

1696 ~~[63K-5-102]~~. **53-2a-502. Definitions.**

1697 As used in this ~~[chapter]~~ part:

1698 (1) "Claim" has the same definition as in the following sections, as applicable:

1699 (a) Section 6-902, Idaho Code; or

1700 (b) Section 63G-7-102, Utah Code Annotated.

1701 (2) "Emergency":

1702 (a) means a situation where it reasonably appears that the life or safety of a person is at  
1703 peril or real or personal property is at risk of destruction or loss;

1704 (b) includes disasters, fires, persons who are lost or missing, boats that are sinking or  
1705 are in danger of sinking, medical situations where care is needed, and transportation of persons  
1706 by ambulance; and

1707 (c) is not limited in duration to a discrete period of time.

1708 (3) (a) "Emergency responder" means a person whose duties include providing services  
1709 to protect property or the life or safety of any person and who is:

- 1710 (i) employed by a governmental entity of another state;
- 1711 (ii) temporarily employed by a governmental entity; or
- 1712 (iii) a volunteer who is serving at the request of a governmental entity.
- 1713 (b) "Emergency responder" includes:
- 1714 (i) law enforcement officers, fire fighters, search and rescue personnel, emergency
- 1715 medical technicians, ambulance personnel, Department of Natural Resources employees, park
- 1716 rangers, public utilities workers, and volunteers participating in search and rescue and other
- 1717 emergency management operations; and
- 1718 (ii) persons and parties identified in the interstate mutual aid agreement.
- 1719 (4) "Interstate mutual aid agreement" means an agreement that establishes procedures
- 1720 for claims against an out-of-state emergency responder, and that:
- 1721 (a) is established reciprocally between the Utah Highway Patrol and the Idaho State
- 1722 Police;
- 1723 (b) is on file with the Utah Highway Patrol; and
- 1724 (c) has a duration of one year from the time the agreement is entered into by Utah and
- 1725 Idaho.
- 1726 Section 45. Section **53-2a-503**, which is renumbered from Section 63K-5-201 is
- 1727 renumbered and amended to read:
- 1728 ~~[63K-5-201]~~. **53-2a-503. Notice of claim requirements.**
- 1729 (1) Any claim against an emergency responder or the responder's employer shall be
- 1730 treated for the purpose of a notice of claim as a claim against the state.
- 1731 (2) The person making the claim shall comply with:
- 1732 (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah; and
- 1733 (b) any notice of claim requirements of the state where the emergency responder
- 1734 resides or is employed as an emergency responder.
- 1735 (3) The person filing the claim shall provide a copy of the notice of claim with the
- 1736 Idaho secretary of state if the claim is filed in Utah, or with the Utah attorney general if the
- 1737 claim is filed in Idaho.

1738 Section 46. Section **53-2a-504**, which is renumbered from Section 63K-5-301 is  
1739 renumbered and amended to read:

1740 ~~[63K-5-301]~~. **53-2a-504. Emergency responder entering Utah to respond**  
1741 **to an emergency.**

1742 An emergency responder who enters into Utah in response to a request for assistance by  
1743 an official or emergency responder of Utah or pursuant to an agreement providing for interstate  
1744 mutual aid is considered to be responding to an emergency.

1745 Section 47. Section **53-2a-505**, which is renumbered from Section 63K-5-302 is  
1746 renumbered and amended to read:

1747 ~~[63K-5-302]~~. **53-2a-505. Privileges and immunities of law enforcement**  
1748 **officers.**

1749 Any law enforcement officer of another state and the officer's employer are specifically  
1750 entitled to the application of this ~~[chapter]~~ part if the law enforcement officer is empowered to  
1751 act under Section 19-701, Idaho Code, or an interstate mutual aid agreement.

1752 Section 48. Section **53-2a-506**, which is renumbered from Section 63K-5-303 is  
1753 renumbered and amended to read:

1754 ~~[63K-5-303]~~. **53-2a-506. Privileges and immunities of emergency**  
1755 **responders.**

1756 (1) Any emergency responder from another state who enters into this state while  
1757 responding to an emergency has the same authority to act, including providing care, as does any  
1758 emergency responder of this state.

1759 (2) All privileges and immunities from liability, exemption from law, ordinances, and  
1760 rules, and any other benefits, which apply to an emergency responder while performing duties  
1761 in the responder's state of residence or state of employment as a responder, apply when the  
1762 emergency responder is acting as an emergency responder in Utah.

1763 Section 49. Section **53-2a-507**, which is renumbered from Section 63K-5-401 is  
1764 renumbered and amended to read:

1765 ~~[63K-5-401]~~. **53-2a-507. Legislative findings -- Comity with Idaho.**

1766 (1) The Legislature finds, with regard to emergency responders, that:

1767 (a) Title 6, Chapter 9, of the Idaho Code, regarding the governmental immunity laws of  
1768 Idaho, is consistent with the public policy of Utah; and

1769 (b) based on the legislative finding under Subsection (1)(a), the governmental  
1770 immunity laws of Idaho apply to any claim, including any lawsuit, brought against an  
1771 emergency responder, who resides in or is employed as an emergency responder in Idaho, and  
1772 the emergency responder's employer, based on the emergency responder's actions in Utah when  
1773 acting as an emergency responder.

1774 (2) The Legislature finds:

1775 (a) the damage caps in the governmental immunity laws of Idaho, although not  
1776 identical to the damage caps under Section 63G-7-604, Utah Code Annotated, are consistent  
1777 with the public policy of Utah; and

1778 (b) the damage caps of Idaho apply to any claim, including any lawsuit, brought against  
1779 an emergency responder, who resides in or is employed as an emergency responder in Idaho,  
1780 and the emergency responder's employer, based on the emergency responder's actions in Utah  
1781 when acting as an emergency responder.

1782 Section 50. Section **53-2a-508**, which is renumbered from Section 63K-5-402 is  
1783 renumbered and amended to read:

1784 ~~[63K-5-402].~~ **53-2a-508. Chapter takes effect when Idaho provisions**  
1785 **enacted.**

1786 (1) This chapter takes effect when statutory provisions are enacted by Idaho that are  
1787 reciprocal to the provisions of this ~~[chapter]~~ part.

1788 (2) This ~~[chapter]~~ part remains in effect as long as the statutory provisions enacted by  
1789 Idaho under Subsection (1) are in effect.

1790 Section 51. Section **53-2a-601**, which is renumbered from Section 53-2-401 is  
1791 renumbered and amended to read:

1792 **Part 6. Disaster Recovery Funding Act**

1793 ~~[53-2-401].~~ **53-2a-601. Title.**



1794 This part is known as the "Disaster Recovery Funding Act."

1795 Section 52. Section **53-2a-602**, which is renumbered from Section 53-2-402 is  
1796 renumbered and amended to read:

1797 ~~[53-2-402]~~. **53-2a-602. Definitions.**

1798 (1) Unless otherwise defined in this section, the terms defined in Part 1, [~~Homeland~~  
1799 ~~Security~~] Emergency Management Act, shall have the same meaning for this part.

1800 (2) As used in this part:

1801 (a) "Declared disaster" means one or more events:

1802 (i) within the state;

1803 (ii) that occur within a limited period of time;

1804 (iii) that involve:

1805 (A) a significant number of persons being at risk of bodily harm, sickness, or death; or

1806 (B) a significant portion of real property at risk of loss;

1807 (iv) that are sudden in nature and generally occur less frequently than every three years;

1808 and

1809 (v) that results in:

1810 (A) the president of the United States declaring an emergency or major disaster in the  
1811 state;

1812 (B) the governor declaring a state of emergency under Title ~~[63K]~~ 53, Chapter ~~[4]~~ 2a,  
1813 Part 2, Disaster Response and Recovery Act; or

1814 (C) the chief executive officer of a local government declaring a local emergency under  
1815 Title ~~[63K]~~ 53, Chapter ~~[4]~~ 2a, Part 2, Disaster Response and Recovery Act.

1816 (b) "Disaster recovery fund" means the State Disaster Recovery Restricted Account  
1817 created in Section ~~[53-2-403]~~ 53-2a-603.

1818 (c) "Emergency preparedness" means the following done for the purpose of being  
1819 prepared for an emergency as defined by the division by rule made in accordance with Title  
1820 63G, Chapter 3, Utah Administrative Rulemaking Act:

1821 (i) the purchase of equipment;

- 1822 (ii) the training of personnel; or
- 1823 (iii) the obtaining of a certification.
- 1824 (d) (i) "Emergency disaster services" means the following that are of a temporary basis:
- 1825 (A) evacuation;
- 1826 (B) shelter;
- 1827 (C) medical triage;
- 1828 (D) emergency transportation;
- 1829 (E) repair of infrastructure;
- 1830 (F) safety services, including fencing or roadblocks;
- 1831 (G) sandbagging;
- 1832 (H) emergency debris removal;
- 1833 (I) temporary bridges;
- 1834 (J) procurement and distribution of food, water, or ice;
- 1835 (K) procurement and deployment of generators;
- 1836 (L) rescue or recovery; or
- 1837 (M) services similar to those described in Subsections (2)(d)(i)(A) through (L), as
- 1838 defined by the division by rule, that are generally required within the first 96 hours of a
- 1839 declared disaster.
- 1840 (ii) "Emergency disaster services" does not include:
- 1841 (A) emergency preparedness; or
- 1842 (B) notwithstanding whether or not a county participates in the Wildland Fire
- 1843 Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs
- 1844 that may be paid for from the Wildland Fire Suppression Fund if the county participates in the
- 1845 Wildland Fire Suppression Fund.
- 1846 (e) "Governing body" means:
- 1847 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 1848 (ii) for a local district, the board of trustees of the local district; and
- 1849 (iii) for a special service district:

1850 (A) the legislative body of the county, city, or town that established the special service  
1851 district, if no administrative control board has been appointed under Section 17D-1-301; or

1852 (B) the administrative control board of the special service district, if an administrative  
1853 control board has been appointed under Section 17D-1-301.

1854 (f) "Local district" has the same meaning as defined in Section 17B-1-102.

1855 (g) "Local fund" means a local government disaster fund created in accordance with  
1856 Section ~~[53-2-405]~~ 53-2a-605.

1857 (h) "Local government" means:

1858 (i) a county;

1859 (ii) a city or town; or

1860 (iii) a local district or special service district that:

1861 (A) operates a water system;

1862 (B) provides transportation service;

1863 (C) provides, operates, and maintains correctional and rehabilitative facilities and  
1864 programs for municipal, state, and other detainees and prisoners;

1865 (D) provides consolidated 911 and emergency dispatch service;

1866 (E) operates an airport; or

1867 (F) operates a sewage system.

1868 (i) "Special fund" means a fund other than a general fund of a local government that is  
1869 created for a special purpose established under the uniform system of budgeting, accounting,  
1870 and reporting.

1871 (j) "Special service district" has the same meaning as defined in Section 17D-1-102.

1872 Section 53. Section **53-2a-603**, which is renumbered from Section 53-2-403 is  
1873 renumbered and amended to read:

1874 ~~[53-2-403]~~. **53-2a-603. State Disaster Recovery Restricted Account.**

1875 (1) (a) There is created a restricted account in the General Fund known as the "State  
1876 Disaster Recovery Restricted Account."

1877 (b) The disaster recovery fund shall consist of:

- 1878 (i) money deposited into the disaster recovery fund in accordance with Section  
1879 63J-1-314;
- 1880 (ii) money appropriated to the disaster recovery fund by the Legislature; and  
1881 (iii) any other public or private money received by the division that is:
- 1882 (A) given to the division for purposes consistent with this section; and  
1883 (B) deposited into the disaster recovery fund at the request of:
- 1884 (I) the division; or  
1885 (II) the person giving the money.
- 1886 (c) The Division of Finance shall deposit interest or other earnings derived from  
1887 investment of fund money into the General Fund.
- 1888 (d) Subject to being appropriated by the Legislature, money in the disaster recovery  
1889 fund may only be expended or committed to be expended as follows:
- 1890 (i) (A) subject to Section [~~53-2-406~~] 53-2a-606, in any fiscal year the division may  
1891 expend or commit to expend an amount that does not exceed \$250,000, in accordance with  
1892 Section [~~53-2-404~~] 53-2a-604, to fund costs to the state of emergency disaster services in  
1893 response to a declared disaster;
- 1894 (B) subject to Section [~~53-2-406~~] 53-2a-606, in any fiscal year the division may expend  
1895 or commit to expend an amount that exceeds \$250,000, but does not exceed \$1,000,000, in  
1896 accordance with Section [~~53-2-404~~] 53-2a-604, to fund costs to the state of emergency disaster  
1897 services in response to a declared disaster if the division:
- 1898 (I) before making the expenditure or commitment to expend, obtains approval for the  
1899 expenditure or commitment to expend from the governor;
- 1900 (II) subject to Subsection (4), provides written notice of the expenditure or  
1901 commitment to expend to the speaker of the House of Representatives, the president of the  
1902 Senate, the Division of Finance, and the Office of the Legislative Fiscal Analyst no later than  
1903 72 hours after making the expenditure or commitment to expend; and
- 1904 (III) makes the report required by Subsection [~~53-2-406~~] 53-2a-606(2); and  
1905 (C) subject to Section [~~53-2-406~~] 53-2a-606, in any fiscal year the division may expend

1906 or commit to expend an amount that exceeds \$1,000,000, but does not exceed \$3,000,000, in  
1907 accordance with Section [~~53-2-404~~] 53-2a-604, to fund costs to the state of emergency disaster  
1908 services in response to a declared disaster if, before making the expenditure or commitment to  
1909 expend, the division:

1910 (I) obtains approval for the expenditure or commitment to expend from the governor;  
1911 and

1912 (II) submits the expenditure or commitment to expend to the Executive Appropriations  
1913 Committee in accordance with Subsection [~~53-2-406~~] 53-2a-606(3); and

1914 (ii) subject to being appropriated by the Legislature, money not described in Subsection  
1915 (1)(d)(i) may be expended or committed to be expended to fund costs to the state directly  
1916 related to a declared disaster that are not costs related to:

1917 (A) emergency disaster services;

1918 (B) emergency preparedness; or

1919 (C) notwithstanding whether [~~or not~~] a county participates in the Wildland Fire  
1920 Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs  
1921 that may be paid for from the Wildland Fire Suppression Fund if the county participates in the  
1922 Wildland Fire Suppression Fund.

1923 (2) The state treasurer shall invest money in the disaster recovery fund according to  
1924 Title 51, Chapter 7, State Money Management Act.

1925 (3) (a) Except as provided in Subsection (1), the money in the disaster recovery fund  
1926 may not be diverted, appropriated, expended, or committed to be expended for a purpose that is  
1927 not listed in this section.

1928 (b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money  
1929 from the disaster recovery fund to eliminate or otherwise reduce an operating deficit if the  
1930 money appropriated from the disaster recovery fund is expended or committed to be expended  
1931 for a purpose other than one listed in this section.

1932 (c) The Legislature may not amend the purposes for which money in the disaster  
1933 recovery fund may be expended or committed to be expended except by the affirmative vote of

1934 two-thirds of all the members elected to each house.

1935 (4) The division:

1936 (a) shall provide the notice required by Subsection (1)(d)(i)(B) using the best available  
1937 method under the circumstances as determined by the division; and

1938 (b) may provide the notice required by Subsection (1)(d)(i)(B) in electronic format.

1939 Section 54. Section **53-2a-604 (Superseded 05/01/13)**, which is renumbered from  
1940 Section 53-2-404 (Superseded 05/01/13) is renumbered and amended to read:

1941 ~~**[53-2-404 (Superseded 05/01/13)]**~~. **53-2a-604 (Superseded 05/01/13)**. **State**  
1942 **costs for emergency disaster services.**

1943 (1) Subject to this section and Section ~~[53-2-403]~~ 53-2a-603, the division shall expend  
1944 or commit to expend money described in Subsection ~~[53-2-403]~~ 53-2a-603(1)(d)(i) to fund  
1945 costs to the state of emergency disaster services.

1946 (2) Money paid by the division under this section to government entities and private  
1947 persons providing emergency disaster services are subject to Title 63G, Chapter 6, Utah  
1948 Procurement Code.

1949 Section 55. Section **53-2a-604 (Effective 05/01/13)**, which is renumbered from Section  
1950 53-2-404 (Effective 05/01/13) is renumbered and amended to read:

1951 ~~**[53-2-404 (Effective 05/01/13)]**~~. **53-2a-604 (Effective 05/01/13)**. **State costs for**  
1952 **emergency disaster services.**

1953 (1) Subject to this section and Section ~~[53-2-403]~~ 53-2a-603, the division shall expend  
1954 or commit to expend money described in Subsection ~~[53-2-403]~~ 53-2a-603(1)(d)(i) to fund  
1955 costs to the state of emergency disaster services.

1956 (2) Money paid by the division under this section to government entities and private  
1957 persons providing emergency disaster services are subject to Title 63G, Chapter 6a, Utah  
1958 Procurement Code.

1959 Section 56. Section **53-2a-605**, which is renumbered from Section 53-2-405 is  
1960 renumbered and amended to read:

1961 ~~**[53-2-405]**~~. **53-2a-605**. **Local government disaster funds.**

1962           (1) (a) Subject to this section and notwithstanding anything to the contrary contained in  
1963 Title 10, Utah Municipal Code, or Title 17, Counties, Title 17B, Limited Purpose Local  
1964 Government Entities - Local Districts, or Title 17D, Chapter 1, Special Service District Act, the  
1965 governing body of a local government may create and maintain by ordinance a special fund  
1966 known as a local government disaster fund.

1967           (b) The local fund shall consist of:

1968           (i) subject to the limitations of this section, money transferred to it in accordance with  
1969 Subsection (2);

1970           (ii) any other public or private money received by the local government that is:

1971           (A) given to the local government for purposes consistent with this section; and

1972           (B) deposited into the local fund at the request of:

1973           (I) the governing body of the local government; or

1974           (II) the person giving the money; and

1975           (iii) interest or income realized from the local fund.

1976           (c) Interest or income realized from the local fund shall be deposited into the local  
1977 fund.

1978           (d) Money in a local fund may be:

1979           (i) deposited or invested as provided in Section 51-7-11; or

1980           (ii) transferred by the local government treasurer to the state treasurer under Section  
1981 51-7-5 for the state treasurer's management and control under Title 51, Chapter 7, State Money  
1982 Management Act.

1983           (e) (i) The money in a local fund may accumulate from year to year until the local  
1984 government governing body determines to spend any money in the local fund for one or more  
1985 of the purposes specified in Subsection (3).

1986           (ii) Money in a local fund at the end of a fiscal year:

1987           (A) shall remain in the local fund for future use; and

1988           (B) may not be transferred to any other fund or used for any other purpose.

1989           (2) The amounts transferred to a local fund may not exceed 10% of the total estimated

1990 revenues of the local government for the current fiscal period that are not restricted or  
1991 otherwise obligated.

1992 (3) Money in the fund may only be used to fund the services and activities of the local  
1993 government creating the local fund in response to:

1994 (a) a declared disaster within the boundaries of the local government;

1995 (b) the aftermath of the disaster that gave rise to a declared disaster within the  
1996 boundaries of the local government; and

1997 (c) subject to Subsection (5), emergency preparedness.

1998 (4) (a) A local fund is subject to this part and:

1999 (i) in the case of a town, Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah  
2000 Towns, except that:

2001 (A) in addition to the funds listed in Section 10-5-106, the mayor shall prepare a  
2002 budget for the local fund;

2003 (B) Section 10-5-119 addressing termination of special funds does not apply to a local  
2004 fund; and

2005 (C) the council of the town may not authorize an interfund loan under Section  
2006 10-5-120 from the local fund;

2007 (ii) in the case of a city, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah  
2008 Cities, except that:

2009 (A) in addition to the funds listed in Section 10-6-109, the mayor shall prepare a  
2010 budget for the local fund;

2011 (B) Section 10-6-131 addressing termination of special funds does not apply to a local  
2012 fund; and

2013 (C) the governing body of the city may not authorize an interfund loan under Section  
2014 10-6-132 from the local fund; and

2015 (iii) in the case of a county, Title 17, Chapter 36, Uniform Fiscal Procedures Act for  
2016 Counties, except that:

2017 (A) Section 17-36-29 addressing termination of special funds does not apply to a local



2018 fund; and

2019 (B) the governing body of the county may not authorize an interfund loan under  
2020 Section 17-36-30 from the local fund; and

2021 (iv) in the case of a local district or special service district, Title 17B, Chapter 1, Part 6,  
2022 Fiscal Procedures for Local Districts, except that:

2023 (A) Section 17B-1-625, addressing termination of a special fund, does not apply to a  
2024 local fund; and

2025 (B) the governing body of the local district or special service district may not authorize  
2026 an interfund loan under Section 17B-1-626 from the local fund.

2027 (b) Notwithstanding Subsection (4)(a), transfers of money to a local fund or the  
2028 accumulation of money in a local fund do not affect any limits on fund balances, net assets, or  
2029 the accumulation of retained earnings in any of the following of a local government:

2030 (i) a general fund;

2031 (ii) an enterprise fund;

2032 (iii) an internal service fund; or

2033 (iv) any other fund.

2034 (5) (a) A local government may not expend during a fiscal year more than 10% of the  
2035 money budgeted to be deposited into a local fund during that fiscal year for emergency  
2036 preparedness.

2037 (b) The amount described in Subsection (5)(a) shall be determined before the adoption  
2038 of the tentative budget.

2039 Section 57. Section **53-2a-606**, which is renumbered from Section 53-2-406 is  
2040 renumbered and amended to read:

2041 ~~[53-2-406]~~. **53-2a-606. Reporting.**

2042 (1) By no later than December 31 of each year, the division shall provide a written  
2043 report to the governor and the Executive Offices and Criminal Justice Appropriations  
2044 Subcommittee of:

2045 (a) the division's activities under this part;

2046 (b) money expended or committed to be expended in accordance with this part;

2047 (c) the balances in the disaster recovery fund; and

2048 (d) any unexpended balance of appropriations from the disaster recovery fund.

2049 (2) (a) The governor and the Department of Public Safety shall report to the Legislative  
2050 Management Committee an expenditure or commitment to expend made in accordance with  
2051 Subsection [~~53-2-403~~] 53-2a-603(1)(d)(i)(B).

2052 (b) The governor and the Department of Public Safety shall make the report required  
2053 by this Subsection (2) on or before the sooner of:

2054 (i) the day on which the governor calls the Legislature into session [~~in accordance with~~  
2055 ~~Section 63K-1-302~~]; or

2056 (ii) 15 days after the division makes the expenditure or commitment to expend  
2057 described in Subsection [~~53-2-403~~] 53-2a-603(1)(d)(i)(B).

2058 (3) (a) Subject to Subsection (3)(b), before the division makes an expenditure or  
2059 commitment to expend described in Subsection [~~53-2-403~~] 53-2a-603(1)(d)(i)(C), the governor  
2060 and the Department of Public Safety shall submit the expenditure or commitment to expend to  
2061 the Executive Appropriations Committee for its review and recommendations.

2062 (b) The Executive Appropriations Committee shall review the expenditure or  
2063 commitment to expend and may:

2064 (i) recommend that the division make the expenditure or commitment to expend;

2065 (ii) recommend that the division not make the expenditure or commitment to expend;

2066 or

2067 (iii) recommend to the governor that the governor call a special session of the  
2068 Legislature to review and approve or reject the expenditure or commitment to expend.

2069 Section 58. Section **53-2a-701** is enacted to read:

2070 **Part 7. Hazardous Materials Emergency Act**

2071 **53-2a-701. Title.**

2072 This part is known as the "Hazardous Materials Emergency Act."

2073 Section 59. Section **53-2a-702**, which is renumbered from Section 63K-3-301 is

2074 renumbered and amended to read:

2075 ~~[63K-3-301]~~. 53-2a-702. **Hazardous Chemical Emergency Response**  
2076 **Commission -- Allocation of responsibilities -- Local planning committees -- Specified**  
2077 **federal law considered law of state -- Application to federal agencies and facilities.**

2078 (1) (a) The commissioner [~~of the Department of Public Safety~~] and the executive  
2079 director of the Department of Environmental Quality, or their respective designees, are  
2080 designated as the state's Hazardous Chemical Emergency Response Commission for purposes  
2081 of carrying out all requirements of the federal Emergency Planning and Community Right To  
2082 Know Act of 1986.

2083 (b) A member may not receive compensation or benefits for the member's service, but  
2084 may receive per diem and travel expenses in accordance with:

2085 (i) Section 63A-3-106;

2086 (ii) Section 63A-3-107; and

2087 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2088 63A-3-107.

2089 (2) The Department of Public Safety has primary responsibility for all emergency  
2090 planning activities under the federal Emergency Planning and Community Right To Know Act  
2091 of 1986, and shall prepare policy and procedure and make rules necessary for implementation  
2092 of that act in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2093 (3) The Department of Environmental Quality has primary responsibility for receiving,  
2094 processing, and managing hazardous chemical information and notifications under the federal  
2095 Emergency Planning and Community Right To Know Act of 1986, including preparation of  
2096 policy and procedure, and promulgation of rules necessary for implementation of that act.  
2097 Funding for this program must be from the appropriation acts.

2098 (4) The Department of Public Safety and the Department of Environmental Quality  
2099 shall enter into an interagency agreement providing for exchange of information and  
2100 coordination of their respective duties and responsibilities under this section.

2101 (5) (a) The Hazardous Chemical Emergency Response Commission shall appoint a

2102 local planning committee for each local planning district that it establishes, as required by the  
2103 federal Emergency Planning and Community Right To Know Act of 1986, and to the extent  
2104 possible, shall use an existing local governmental organization as the local planning committee.

2105 (b) (i) Local government members who do not receive salary, per diem, or expenses  
2106 from the entity that they represent for their service may receive per diem and expenses incurred  
2107 in the performance of their official duties at the rates established by the Division of Finance  
2108 under Sections 63A-3-106 and 63A-3-107.

2109 (ii) Local government members may decline to receive per diem and expenses for their  
2110 service.

2111 (6) Requirements of the federal Emergency Planning and Community Right To Know  
2112 Act of 1986 pertaining to notification and submission of information are the law of this state,  
2113 and apply equally to federal agencies, departments, installations, and facilities located in this  
2114 state, as well as to other facilities that are subject to that act.

2115 Section 60. Section **53-2a-703**, which is renumbered from Section 53-2-105 is  
2116 renumbered and amended to read:

2117 ~~[53-2-105].~~ **53-2a-703. Hazardous materials emergency -- Recovery of expenses.**

2118 (1) (a) The ~~[director]~~ Hazardous Chemical Emergency Response Commission may  
2119 recover from those persons whose negligent actions caused the hazardous materials emergency,  
2120 expenses incurred by state agencies directly associated with a response to a hazardous materials  
2121 emergency taken under authority of this part, Title ~~[63K]~~ 53, Chapter ~~[3]~~ 2a, Part 1, Emergency  
2122 Management Act, or Title ~~[63K]~~ 53, Chapter ~~[4]~~ 2a, Part 2, Disaster Response and Recovery  
2123 Act.

2124 (b) The payment of expenses under this Subsection (1) does not constitute an  
2125 admission of liability or negligence in any legal action for damages.

2126 (c) The ~~[director]~~ Hazardous Chemical Emergency Response Commission may obtain  
2127 assistance from the attorney general or a county attorney of the affected jurisdiction to assist  
2128 ~~[the director]~~ in recovering expenses and legal fees.

2129 (d) Any recovered costs shall be deposited in the General Fund as dedicated credits to

2130 be used by the division to reimburse state and local government agencies for the costs they  
2131 have incurred.

2132 (2) (a) If the cost directly associated with emergency response exceeds all available  
2133 funds of the division within a given fiscal year, the division, with approval from the governor,  
2134 may incur a deficit in its line item budget.

2135 (b) The Legislature shall provide a supplemental appropriation in the following year to  
2136 cover the deficit.

2137 (c) The division shall deposit all costs associated with any emergency response that are  
2138 collected in subsequent fiscal years into the General Fund.

2139 (3) Any political subdivision may enact local ordinances pursuant to existing statutory  
2140 or constitutional authority to provide for the recovery of expenses incurred by the political  
2141 subdivision.

2142 Section 61. Section **53-2a-801**, which is renumbered from Section 63K-1-101 is  
2143 renumbered and amended to read:

2144 **Part 8. Emergency Interim Succession Act**

2145 ~~[63K-1-101].~~ **53-2a-801. Title.**

2146 [~~(1) This title is known as "Emergency Management."~~]

2147 [~~(2) This [chapter] part is known as the "Emergency Interim Succession Act."~~]

2148 Section 62. Section **53-2a-802**, which is renumbered from Section 63K-1-102 is  
2149 renumbered and amended to read:

2150 ~~[63K-1-102].~~ **53-2a-802. Definitions.**

2151 (1) (a) "Absent" means:

2152 (i) not physically present or not able to be communicated with for 48 hours; or

2153 (ii) for local government officers, as defined by local ordinances.

2154 (b) "Absent" does not include a person who can be communicated with via telephone,  
2155 radio, or telecommunications.

2156 [~~(2) "Attack" means a nuclear, conventional, biological, or chemical warfare action~~  
2157 ~~against the United States of America or this state.]~~

2158           ~~[(3)]~~ (2) "Department" means the Department of Administrative Services, the  
2159 Department of Agriculture and Food, the Alcoholic Beverage Control Commission, the  
2160 Department of Commerce, the Department of Heritage and Arts, the Department of  
2161 Corrections, the Department of Environmental Quality, the Department of Financial  
2162 Institutions, the Department of Health, the Department of Human Resource Management, the  
2163 Department of Workforce Services, the Labor Commission, the National Guard, the  
2164 Department of Insurance, the Department of Natural Resources, the Department of Public  
2165 Safety, the Public Service Commission, the Department of Human Services, the State Tax  
2166 Commission, the Department of Technology Services, the Department of Transportation, any  
2167 other major administrative subdivisions of state government, the State Board of Education, the  
2168 State Board of Regents, the Utah Housing Corporation, the Workers' Compensation Fund, the  
2169 State Retirement Board, and each institution of higher education within the system of higher  
2170 education.

2171           ~~[(4)]~~ "Disaster" means a situation causing, or threatening to cause, widespread damage,  
2172 social disruption, or injury or loss of life or property resulting from attack, internal disturbance,  
2173 natural phenomenon, or technological hazard.]

2174           ~~[(5)]~~ (3) "Division" means the Division of Emergency Management established in Title  
2175 53, Chapter ~~[2]~~ 2a, Part 1, Emergency Management Act ~~[-Search and Rescue Advisory Board].~~

2176           ~~[(6)]~~ (4) "Emergency interim successor" means a person designated by this ~~[chapter]~~  
2177 part to exercise the powers and discharge the duties of an office when the person legally  
2178 exercising the powers and duties of the office is unavailable.

2179           ~~[(7)]~~ (5) "Executive director" means the person with ultimate responsibility for  
2180 managing and overseeing the operations of each department, however denominated.

2181           ~~[(8)]~~ "Internal disturbance" means a riot, prison break, terrorism, or strike.]

2182           ~~[(9)]~~ "Natural phenomenon" means any earthquake, tornado, storm, flood, landslide,  
2183 avalanche, forest or range fire, drought, epidemic, or other catastrophic event.]

2184           ~~[(10)]~~ (6) (a) "Office" includes all state and local offices, the powers and duties of  
2185 which are defined by constitution, statutes, charters, optional plans, ordinances, articles, or

2186 by-laws.

2187 (b) "Office" does not include the office of governor or the legislative or judicial offices.

2188 [(11)] (7) "Place of governance" means the physical location where the powers of an  
2189 office are being exercised.

2190 [(12)] (8) "Political subdivision" includes counties, cities, towns, townships, districts,  
2191 authorities, and other public corporations and entities whether organized and existing under  
2192 charter or general law.

2193 [(13)] (9) "Political subdivision officer" means a person holding an office in a political  
2194 subdivision.

2195 [(14)] (10) "State officer" means the attorney general, the state treasurer, the state  
2196 auditor, and the executive director of each department.

2197 [(15)] "~~Technological hazard~~" means ~~any hazardous materials accident, mine accident,~~  
2198 ~~train derailment, air crash, radiation incident, pollution, structural fire, or explosion.]~~

2199 [(16)] (11) "Unavailable" means:

2200 (a) absent from the place of governance during a disaster that seriously disrupts normal  
2201 governmental operations, whether or not that absence or inability would give rise to a vacancy  
2202 under existing constitutional or statutory provisions; or

2203 (b) as otherwise defined by local ordinance.

2204 Section 63. Section **53-2a-803**, which is renumbered from Section 63K-1-201 is  
2205 renumbered and amended to read:

2206 [~~63K-1-201~~]. **53-2a-803. Emergency interim successor to office of**  
2207 **governor.**

2208 (1) If the governor is unavailable, and if the lieutenant governor, president of the  
2209 Senate, and the speaker of the House of Representatives are unavailable to exercise the powers  
2210 and duties of the office of governor, the attorney general, state auditor, or state treasurer shall,  
2211 in the order named, exercise the powers and duties of the office of governor until:

2212 (a) the governor, lieutenant governor, president of the Senate, or speaker of the House  
2213 of Representatives becomes available; or

2214 (b) a new governor is elected and qualified.

2215 (2) Notwithstanding the provisions of Subsection (1), no emergency interim successor  
2216 to the lieutenant governor, president of the Senate, speaker of the House of Representatives,  
2217 attorney general, state auditor, or state treasurer may serve as governor.

2218 Section 64. Section **53-2a-804**, which is renumbered from Section 63K-1-202 is  
2219 renumbered and amended to read:

2220 ~~[63K-1-202]~~. **53-2a-804. Emergency interim successors for state officers.**

2221 (1) By July 1 of each year, each state officer shall:

2222 (a) designate three qualified emergency interim successors from within the state  
2223 officer's department who meet the constitutional qualifications for the office, if any;

2224 (b) specify their order of succession;

2225 (c) provide a list of those designated successors to the division; and

2226 (d) notify emergency interim successors within 30 days of designation.

2227 (2) (a) If any state officer is unavailable following a disaster, and if the state officer's  
2228 deputy, if any, is also unavailable, a designated emergency interim successor shall exercise the  
2229 powers and duties of the office according to the order of succession specified by the state  
2230 officer.

2231 (b) An emergency interim successor other than the attorney general, state auditor, or  
2232 state treasurer shall exercise the state officer's powers and duties only until:

2233 (i) the person exercising the powers and duties of the office of governor appoints a  
2234 successor to fill the vacancy;

2235 (ii) a permanent successor is appointed or elected and qualified as provided by law; or

2236 (iii) the state officer, the state officer's deputy, or an emergency interim successor  
2237 earlier in the order of succession becomes available to exercise or resume the exercise of the  
2238 powers and duties of the office.

2239 (c) An emergency interim successor of the attorney general, state auditor, or state  
2240 treasurer shall exercise the powers and duties of those offices only until:

2241 (i) a permanent successor is appointed or elected and qualified as provided by law; or



2242 (ii) the attorney general, state auditor, or state treasurer, their deputy, or an emergency  
 2243 interim successor earlier in the order of succession becomes available to exercise or resume the  
 2244 exercise of the powers and duties of the office.

2245 Section 65. Section **53-2a-805**, which is renumbered from Section 63K-1-301 is  
 2246 renumbered and amended to read:

2247 ~~[63K-1-301].~~ **53-2a-805. Division to consult with legislative and judicial**  
 2248 **branch.**

2249 The Division of Emergency Management may consult with the Legislative Management  
 2250 Committee, the Judicial Council, and legislative and judicial staff offices to assist ~~[them]~~ the  
 2251 division in preparing emergency succession plans and procedures.

2252 Section 66. Section **53-2a-806**, which is renumbered from Section 63K-1-302 is  
 2253 renumbered and amended to read:

2254 ~~[63K-1-302].~~ **53-2a-806. Place of legislative session.**

2255 ~~[(1)(a) If the governor or the governor's interim successor declares a state of~~  
 2256 ~~emergency, the governor shall call the Legislature into session as soon as practicable.]~~

2257 ~~[(b) Each legislator shall proceed to the place of session as expeditiously as~~  
 2258 ~~practicable.]~~

2259 ~~[(2)]~~ (1) If the governor or the governor's interim successor declares a state of  
 2260 emergency or finds that a state of emergency is imminent, and the governor or the interim  
 2261 successor determines that the prescribed place of session is unsafe, the governor may change  
 2262 the place of session to any place in Utah that the governor considers safe and convenient.

2263 (2) Each legislator shall proceed to the place of session as expeditiously as practicable.

2264 Section 67. Section **53-2a-807**, which is renumbered from Section 63K-1-401 is  
 2265 renumbered and amended to read:

2266 ~~[63K-1-401].~~ **53-2a-807. Emergency interim successors for local officers.**

2267 (1) By July 1 of each year, each political subdivision officer shall:

2268 (a) designate three emergency interim successors;

2269 (b) specify their order of succession; and

2270 (c) provide a list of those designated successors to the division.  
2271 (2) In the event that a political subdivision does not designate emergency interim  
2272 successors as required under Subsection (1), the order of succession shall be as follows:  
2273 (a) the chief executive officer of the political subdivision;  
2274 (b) the chief deputy executive officer of the political subdivision;  
2275 (c) the chair of the legislative body of the political subdivision; and  
2276 (d) the chief law enforcement officer of the political subdivision.  
2277 (3) (a) Notwithstanding any other provision of law:  
2278 (i) if any political subdivision officer or the political subdivision officer's legal deputy,  
2279 if any, is unavailable, a designated emergency interim successor shall exercise the powers and  
2280 duties of the office according to the order of succession specified by the political subdivision  
2281 officer; or  
2282 (ii) counties may provide by ordinance that one member of the county legislative body  
2283 may act as the county legislative body if the other members are absent.  
2284 (b) An emergency interim successor shall exercise the powers and duties of the office  
2285 only until:  
2286 (i) the vacancy is filled in accordance with the constitution or statutes; or  
2287 (ii) the political subdivision officer, the political subdivision officer's deputy, or an  
2288 emergency interim successor earlier in the order of succession becomes available to exercise  
2289 the powers and duties of the office.  
2290 (4) The legislative bodies of each political subdivision may enact resolutions or  
2291 ordinances consistent with this ~~chapter~~ part and also provide for emergency interim  
2292 successors to officers of the political subdivision not governed by this section.  
2293 Section 68. Section **53-2a-808**, which is renumbered from Section 63K-1-501 is  
2294 renumbered and amended to read:  
2295 ~~[63K-1-501].~~ **53-2a-808. Formalities of taking office.**  
2296 (1) At the time that they are appointed as emergency interim successors or special  
2297 emergency judges, emergency interim successors and special emergency judges shall sign

2298 prospectively whatever oath is required to enable them to exercise the powers and duties of the  
2299 office to which they may succeed.

2300 (2) Notwithstanding any other provision of law, no person is required to comply with  
2301 any other provision of law relative to taking office as a prerequisite to the exercise of the  
2302 powers or discharge of the duties of an office to which the person succeeds.

2303 Section 69. Section **53-2a-809**, which is renumbered from Section 63K-1-502 is  
2304 renumbered and amended to read:

2305 **[63K-1-502]. 53-2a-809. Period in which authority may be exercised.**

2306 (1) Persons authorized to act as governor, emergency interim successors, and special  
2307 emergency judges shall exercise the powers and duties of the office to which they succeed only  
2308 when a disaster has occurred.

2309 (2) (a) Emergency interim successors serve for 30 days after the date the governor or  
2310 the governor's emergency successor calls the Legislature into special session, unless the  
2311 unavailability of the elected official ends or an emergency interim successor earlier in the order  
2312 of succession becomes available before expiration of the 30-day period.

2313 (b) Notwithstanding the provisions of Subsection (2)(a), if the emergency interim  
2314 successor is serving for a legislator who is killed or resigns, the emergency interim successor  
2315 shall serve until the legislator's legal replacement is sworn in.

2316 (3) The Legislature, by concurrent resolution, may:

2317 (a) terminate the authority of any or all emergency interim successors and special  
2318 emergency judges to exercise the powers and duties of their office at any time; and

2319 (b) extend the time during which any or all emergency interim successors and special  
2320 emergency judges may exercise the powers and duties of their office.

2321 Section 70. Section **53-2a-810**, which is renumbered from Section 63K-1-503 is  
2322 renumbered and amended to read:

2323 **[63K-1-503]. 53-2a-810. Removal of designees.**

2324 Until the persons designated as emergency interim successors or special emergency  
2325 judges succeed to the exercise of the powers and duties of an office, they shall serve as

2326 emergency interim successors or special emergency judges at the pleasure of the designating  
2327 authority and may be removed and replaced by the designating authority at any time, with or  
2328 without cause.

2329 Section 71. Section **53-2a-811**, which is renumbered from Section 63K-1-504 is  
2330 renumbered and amended to read:

2331 ~~[63K-1-504].~~ **53-2a-811. Disputes.**

2332 Except for factual disputes concerning the office of governor, the governor shall  
2333 adjudicate any dispute concerning a question of fact arising under this ~~[chapter]~~ part  
2334 concerning a state officer. The governor's decision is final.

2335 Section 72. Section **53-2a-812**, which is renumbered from Section 63K-1-601 is  
2336 renumbered and amended to read:

2337 ~~[63K-1-601].~~ **53-2a-812. Governor to declare location of emergency seat of**  
2338 **government.**

2339 (1) Whenever, due to an emergency resulting from the effects of a disaster, it becomes  
2340 imprudent, inexpedient, or impossible to conduct the affairs of the state government in Salt  
2341 Lake City, Utah, the governor shall:

2342 (a) by proclamation, declare an emergency temporary location for the seat of  
2343 government in Utah; and

2344 (b) take whatever action and issue whatever orders are necessary for an orderly  
2345 transition of the affairs of the state government to that emergency temporary location.

2346 (2) That emergency temporary location shall remain as the seat of government until the  
2347 Legislature establishes a new location by law, or until the emergency is declared to be ended by  
2348 the governor and the seat of government is returned to its normal location.

2349 (3) Local governments may provide, by ordinance, for temporary emergency locations  
2350 for the seat of government.

2351 Section 73. Section **53-2a-813**, which is renumbered from Section 63K-1-602 is  
2352 renumbered and amended to read:

2353 ~~[63K-1-602].~~ **53-2a-813. Official acts at emergency seat of government --**

2354 **Validity.**

2355 During the time when the seat of government remains at an emergency location, all  
2356 official acts required by law to be performed at the seat of government by any officer, agency,  
2357 department, or authority of this state or local government, including the convening and meeting  
2358 of the Legislature in regular, extraordinary, or emergency session, shall be as valid and binding  
2359 as when performed at the normal location of the seat of government.

2360 Section 74. Section **53-2a-901** is enacted to read:

2361 **Part 9. Energy Emergency Plan**

2362 **53-2a-901. Title.**

2363 This part is known as the "Energy Emergency Plan."

2364 Section 75. Section **53-2a-902**, which is renumbered from Section 53-2-110 is  
2365 renumbered and amended to read:

2366 **[53-2-110]. 53-2a-902. Energy emergency plan.**

2367 (1) The division shall develop an energy emergency plan consistent with Title [63K]  
2368 53, Chapter [2] 2a, Part 10, Energy Emergency Powers of the Governor Act.

2369 (2) In developing the energy emergency plan, the division shall coordinate with:

- 2370 (a) the Division of Public Utilities;
- 2371 (b) the Division of Oil, Gas, and Mining;
- 2372 (c) the Division of Air Quality; and
- 2373 (d) the Department of Agriculture and Food with regard to weights and measures.

2374 (3) The energy emergency plan shall:

2375 (a) designate the division as the entity that will coordinate the implementation of the  
2376 energy emergency plan;

2377 (b) provide for annual review of the energy emergency plan;

2378 (c) provide for cooperation with public utilities and other relevant private sector  
2379 persons;

2380 (d) provide a procedure for maintaining a current list of contact persons required under  
2381 the energy emergency plan; and

2382 (e) provide that the energy emergency plan may only be implemented if the governor  
2383 declares:

2384 (i) a state of emergency as provided in Title ~~[63K]~~ 53, Chapter ~~[2]~~ 2a, Part 2, Disaster  
2385 Response and Recovery Act; or

2386 (ii) a state of emergency related to energy as provided in Title ~~[63K]~~ 53, Chapter ~~[2]~~  
2387 2a, Part 10, Energy Emergency Powers of the Governor Act.

2388 (4) If an event requires the implementation of the energy emergency plan, the division  
2389 shall report on that event and the implementation of the energy emergency plan to:

2390 (a) the governor; and

2391 (b) the Public Utilities and Technology Interim Committee.

2392 (5) If the energy emergency plan includes a procedure for obtaining information, the  
2393 energy emergency plan shall incorporate reporting procedures that conform to existing  
2394 requirements of federal, state, and local regulatory authorities wherever possible.

2395 Section 76. Section **53-2a-1001**, which is renumbered from Section 63K-2-101 is  
2396 renumbered and amended to read:

2397 **Part 10. Energy Emergency Powers of the Governor Act**

2398 ~~[63K-2-101]~~. **53-2a-1001. Title.**

2399 This ~~[chapter]~~ part is known as the "Energy Emergency Powers of the Governor Act."

2400 Section 77. Section **53-2a-1002**, which is renumbered from Section 63K-2-102 is  
2401 renumbered and amended to read:

2402 ~~[63K-2-102]~~. **53-2a-1002. Legislative findings and purpose.**

2403 (1) The Legislature finds that the lack of energy resources and other energy resource  
2404 emergencies may threaten the availability of essential services and transportation and the  
2405 operation of the economy, jeopardizing the peace, health, safety, and welfare of the people of  
2406 this state.

2407 (2) The Legislature further finds that it is necessary to provide an orderly procedure for  
2408 anticipating and responding to energy resource shortages and disruptions and to grant, under  
2409 conditions prescribed in this ~~[act]~~ part, emergency powers to the governor to order involuntary

2410 curtailments in the use of energy resources.

2411 (3) The Legislature further finds and declares that it is the policy of this state to assist  
2412 the United States in effective management and control of ~~[such]~~ factors and situations as  
2413 contribute to an emergency affecting or likely to affect this state; to cooperate with other states  
2414 in matters related to an emergency affecting or likely to affect this state; to meet extraordinary  
2415 conditions in this state arising out of the crisis by taking ~~[such]~~ steps as are necessary and  
2416 appropriate; and generally to protect the peace, health, safety, and welfare of the people of this  
2417 state.

2418 Section 78. Section **53-2a-1003**, which is renumbered from Section 63K-2-103 is  
2419 renumbered and amended to read:

2420 ~~[63K-2-103].~~ **53-2a-1003. "Energy resources" defined.**

2421 As used in this ~~[act]~~ part, "energy resources" includes electricity, natural gas, gasoline  
2422 and middle distillates, coal, wood fuels, geothermal sources, radioactive materials, and any  
2423 other resource yielding energy.

2424 Section 79. Section **53-2a-1004**, which is renumbered from Section 63K-2-201 is  
2425 renumbered and amended to read:

2426 ~~[63K-2-201].~~ **53-2a-1004. Information-gathering powers -- Subpoena**  
2427 **power -- Coordination with other regulatory authorities.**

2428 (1) On a continuing basis the governor may obtain all necessary information from  
2429 energy resource producers, manufacturers, suppliers, and consumers doing business within, and  
2430 from political subdivisions in, this state as necessary to determine whether shortages or an  
2431 emergency will require energy resource conservation measures. This information may include,  
2432 but shall not be limited to:

- 2433 (a) sales volumes;
- 2434 (b) forecasts of energy resource requirements;
- 2435 (c) from manufacturers, suppliers, and consumers, an inventory of energy resources;

2436 and

- 2437 (d) local distribution patterns of the information described in Subsections (1)(a), (1)(b),

2438 and (1)(c).

2439 (2) In obtaining information at any time from energy resource producers,  
2440 manufacturers, suppliers, or consumers under Subsection (1)(c) and in obtaining any other  
2441 information under Subsection (1) during a state of emergency proclaimed, the governor may  
2442 subpoena witnesses, material and relevant books, papers, accounts, records, and memoranda,  
2443 administer oaths, and cause the depositions of persons residing within or without the state to be  
2444 taken in the manner prescribed for depositions in civil actions in district courts, to obtain  
2445 information relevant to energy resources that are the subject of the proclaimed emergency.

2446 (3) In obtaining information under this section the governor shall:

2447 (a) seek to avoid eliciting information already furnished by a person or political  
2448 subdivision in this state to a federal, state, or local regulatory authority that is available for the  
2449 governor's study; and

2450 (b) cause reporting procedures, including forms, to conform to existing requirements of  
2451 federal, state, and local regulatory authorities wherever possible.

2452 Section 80. Section **53-2a-1005**, which is renumbered from Section 63K-2-202 is  
2453 renumbered and amended to read:

2454 ~~[63K-2-202]~~. **53-2a-1005. Confidential nature of information preserved --**  
2455 **Relief from subpoena -- Unauthorized disclosure as misdemeanor -- Removal from office.**

2456 (1) Information furnished pursuant to Section ~~[63K-2-201]~~ 53-2a-1004 and designated  
2457 by that person as confidential shall be maintained as confidential by the governor and any  
2458 person who obtains information which the person knows to be confidential under this ~~[act]~~  
2459 part. The governor shall not make known in any manner any particulars of such information to  
2460 persons other than those specified in Subsection (4). No subpoena or judicial order may be  
2461 issued compelling the governor or any other person to divulge or make known such  
2462 confidential information, except when relevant to a prosecution for violation of Subsection (5).

2463 (2) Nothing in this section shall prohibit the use of confidential information to prepare  
2464 statistics or other general data for publication, so presented as to prevent identification of  
2465 particular persons.



2466 (3) Any person who is served with a subpoena to give testimony orally or in writing, or  
2467 to produce books, papers, correspondence, memoranda, agreements, or other documents or  
2468 records pursuant to this ~~[act]~~ part may apply to any district court of this state for protection  
2469 against abuse or hardship in the manner provided by law.

2470 (4) References to the governor in this section include the governor and any other  
2471 individuals designated for this purpose in writing by the governor.

2472 (5) Any person who wilfully discloses confidential information in violation of this  
2473 section is guilty of a class A misdemeanor and, in addition, may be subject to removal from  
2474 office or immediate dismissal from public employment.

2475 Section 81. Section **53-2a-1006**, which is renumbered from Section 63K-2-203 is  
2476 renumbered and amended to read:

2477 ~~[63K-2-203]~~. **53-2a-1006. Curtailment of energy use -- Standby priorities**  
2478 **-- Restriction on involuntary curtailment.**

2479 In consultation with appropriate federal and state officials and officials of political  
2480 subdivisions in this state, the governor shall cause to be established, and revised as appropriate,  
2481 standby priorities for curtailment in the use of energy resources. Involuntary curtailments,  
2482 however, may be ordered only by means of executive orders issued pursuant to this ~~[act]~~ part.

2483 Section 82. Section **53-2a-1007**, which is renumbered from Section 63K-2-204 is  
2484 renumbered and amended to read:

2485 ~~[63K-2-204]~~. **53-2a-1007. Proclamation of emergency -- Effective period --**  
2486 **Extension of renewal by Legislature.**

2487 (1) (a) The governor may issue a proclamation declaring that a state of emergency  
2488 exists with regard to one or more energy resources if the governor determines that an existing  
2489 or imminent severe disruption or impending shortage in the supply of one or more energy  
2490 resources, in this state or elsewhere:

2491 (i) threatens:

2492 (A) the availability of essential services or transportation; or

2493 (B) the operation of the economy; and

2494 (ii) because of the threats described in Subsection (1)(a)(i), jeopardizes the peace,  
2495 health, safety, and welfare of the people of this state.

2496 (b) The proclamation declaring a state of emergency described in Subsection (1)(a)  
2497 shall state with specificity the nature of the disruption or shortage in an energy resource.

2498 (c) (i) Within seven calendar days of the day on which the governor issues a  
2499 proclamation declaring a state of emergency under this section, the Legislative Management  
2500 Committee shall:

2501 (A) review the proclamation; and

2502 (B) advise the governor on the proclamation.

2503 (ii) The failure of the Legislative Management Committee to meet as required by  
2504 Subsection (1)(c)(i) does not affect the validity of the proclamation declaring a state of  
2505 emergency.

2506 (2) (a) A proclamation issued under this section, and any order or rule issued as a result  
2507 of the proclamation shall continue in effect until 60 days from the date of the proclamation of  
2508 the state of emergency unless the governor rescinds the proclamation and declares the  
2509 emergency ended prior to the expiration of this 60-day period.

2510 (b) A proclamation issued within 30 days of the expiration of a prior proclamation for  
2511 the same emergency shall be considered a renewal or extension subject to Subsection (3).

2512 (3) A proclamation may be renewed or extended only by joint resolution of the  
2513 Legislature.

2514 Section 83. Section **53-2a-1008**, which is renumbered from Section 63K-2-205 is  
2515 renumbered and amended to read:

2516 ~~[63K-2-205]~~. **53-2a-1008. Curtailment, adjustment, and allocation of**  
2517 **energy use by executive orders -- Limitations and considerations in issuance and**  
2518 **application.**

2519 (1) Upon issuance of a proclamation pursuant to Section [~~63K-2-204~~] 53-2a-1007, the  
2520 governor in addition may by executive order:

2521 (a) require reduction in energy resource usage and the application of conservation,

2522 prevention of waste, and the salvaging of energy resources and the materials, services, and  
2523 facilities derived therefrom or dependent thereon, by state agencies and political subdivisions  
2524 in this state;

2525 (b) direct the establishment by state agencies and political subdivisions in this state of  
2526 programs necessary to implement and comply with federal energy conservation programs  
2527 where these programs have not theretofore been so established, including, but not limited to,  
2528 allocation or rationing of energy resources and the distribution of the state's discretionary  
2529 allotments;

2530 (c) require involuntary curtailments, adjustments, or allocations in the supply and  
2531 consumption of energy resources applicable to all suppliers and consumers including, but not  
2532 limited to, specification of the times and manner in which these resources are supplied or  
2533 consumed; or

2534 (d) prescribe and direct activities promoting the conservation, prevention of waste, and  
2535 salvage of energy resources and the materials, services, and facilities derived therefrom or  
2536 dependent thereon, including, but not limited to, the modification of transportation routes and  
2537 schedules, or the suspension of weight limits or other restrictions from the transportation of  
2538 energy resources, to the extent permissible under federal law and regulations.

2539 (2) Any restrictions, curtailments, adjustments, or allocations pursuant to Subsection  
2540 (1) shall:

2541 (a) be ordered and continue only so long as demonstrably necessary for the  
2542 maintenance of essential services or transportation, or the continued operation of the economy  
2543 but no longer than the duration of the proclamation;

2544 (b) be applied as uniformly as practicable within each class of suppliers and consumers  
2545 and without discrimination within a class; and

2546 (c) give due consideration to the needs of commercial, retail, professional, and service  
2547 establishments whose normal function is to supply goods or services or both of an essential  
2548 nature, including, but not limited to, food, lodging, fuel, or medical care facilities during times  
2549 of the day other than conventional daytime working hours.

2550 Section 84. Section **53-2a-1009**, which is renumbered from Section 63K-2-206 is  
2551 renumbered and amended to read:

2552 ~~[63K-2-206].~~ **53-2a-1009. Other emergency powers of governor**  
2553 **unaffected.**

2554 The powers vested in the governor under this [act] part shall be in addition to, and not  
2555 in lieu of, any other emergency powers otherwise constitutionally or statutorily vested in the  
2556 governor.

2557 Section 85. Section **53-2a-1010**, which is renumbered from Section 63K-2-301 is  
2558 renumbered and amended to read:

2559 ~~[63K-2-301].~~ **53-2a-1010. Existing agencies to be used in implementation.**

2560 The governor shall use, to the extent practicable, existing state boards, commissions, or  
2561 agencies or officers or employees for the purpose of carrying out the provisions of this [act]  
2562 part.

2563 Section 86. Section **53-2a-1011**, which is renumbered from Section 63K-2-302 is  
2564 renumbered and amended to read:

2565 ~~[63K-2-302].~~ **53-2a-1011. Enforcement of orders and rules.**

2566 The governor may apply to any district court for appropriate equitable relief against any  
2567 person violating or failing to carry out the provisions of this [act] part or any order or rule  
2568 issued pursuant to this [act] part.

2569 Section 87. Section **53-2a-1012**, which is renumbered from Section 63K-2-303 is  
2570 renumbered and amended to read:

2571 ~~[63K-2-303].~~ **53-2a-1012. Rules and regulations -- Approval by**  
2572 **Legislature.**

2573 The board, commission, or agency designated by the governor for carrying out the  
2574 provisions of this [act] part is authorized to promulgate [~~such~~] rules and regulations as are  
2575 necessary for effective administration of this [act] part with approval of the Legislature.

2576 Section 88. Section **53-2a-1101** is enacted to read:

2577 **Part 11. Search and Rescue Act**

2578 **53-2a-1101. Title.**

2579 This part is known as the "Search and Rescue Act."

2580 Section 89. Section **53-2a-1102**, which is renumbered from Section 53-2-107 is  
2581 renumbered and amended to read:

2582 ~~[53-2-107].~~ **53-2a-1102. Search and Rescue Financial Assistance Program --**  
2583 **Uses -- Rulemaking -- Distribution.**

2584 (1) (a) "Reimbursable expenses," as used in this section, means those reasonable  
2585 ~~[costs]~~ expenses incidental to search and rescue activities.

2586 (b) "Reimbursable expenses" include:

2587 (i) rental for fixed wing aircraft, helicopters, snowmobiles, boats, and generators;

2588 (ii) replacement and upgrade of search and rescue equipment;

2589 (iii) training of search and rescue volunteers;

2590 (iv) costs of providing workers' compensation benefits for volunteer search and rescue  
2591 team members under Section 67-20-7.5; and

2592 (v) any other equipment or expenses necessary or appropriate for conducting search  
2593 and rescue activities.

2594 (c) "Reimbursable expenses" do not include any salary or overtime paid to any person  
2595 on a regular or permanent payroll, including permanent part-time employees of any agency or  
2596 political subdivision of the state.

2597 (2) There is created the Search and Rescue Financial Assistance Program within the  
2598 division.

2599 (3) (a) The program shall be funded from the following revenue sources:

2600 (i) any voluntary contributions to the state received for search and rescue operations;

2601 (ii) money received by the state under Section 23-19-42, Section 41-22-34, and Section  
2602 73-18-24; and

2603 (iii) appropriations made to the program by the Legislature.

2604 (b) All funding for the program shall be nonlapsing.

2605 (4) The director shall use the money to reimburse counties for all or a portion of each

2606 county's reimbursable expenses for search and rescue operations, subject to:

2607 (a) the approval of the Search and Rescue Advisory Board as provided in Section  
2608 [~~53-2-109~~] 53-2a-1104;

2609 (b) money available in the program; and

2610 (c) rules made under Subsection (7).

2611 (5) Program money may not be used to reimburse for any paid personnel costs or paid  
2612 man hours spent in emergency response and search and rescue related activities.

2613 (6) The Legislature finds that these funds are for a general and statewide public  
2614 purpose.

2615 (7) The division, with the approval of the Search and Rescue Advisory Board, shall  
2616 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
2617 consistent with this act:

2618 (a) specifying the costs that qualify as reimbursable expenses;

2619 (b) defining the procedures of agencies to submit expenses and be reimbursed; and

2620 (c) providing a formula to govern the distribution of available money among the  
2621 counties for uncompensated search and rescue expenses based on:

2622 (i) the total qualifying expenses submitted;

2623 (ii) the number of search and rescue incidents per county population;

2624 (iii) the number of victims that reside outside the county; and

2625 (iv) the number of volunteer hours spent in each county in emergency response and  
2626 search and rescue related activities per county population.

2627 Section 90. Section **53-2a-1103**, which is renumbered from Section 53-2-108 is  
2628 renumbered and amended to read:

2629 [~~53-2-108~~]. **53-2a-1103. Search and Rescue Advisory Board -- Members --**  
2630 **Compensation.**

2631 (1) There is created the Search and Rescue Advisory Board consisting of seven  
2632 members appointed as follows:

2633 (a) two representatives designated by the Utah Search and Rescue Association, one of

2634 whom is from a county having a population of 75,000 or more; and one from a county having a  
2635 population of less than 75,000;

2636 (b) three representatives designated by the Utah Sheriff's Association, at least one of  
2637 whom shall be a member of a voluntary search and rescue unit operating in the state, at least  
2638 one of whom shall be from a county having a population of 75,000 or more, and at least one of  
2639 whom shall be from a county having a population of less than 75,000;

2640 (c) one representative of the Division of Emergency Management designated by the  
2641 director; and

2642 (d) one private citizen appointed by the governor with the consent of the Senate.

2643 (2) (a) The term of each member of the board is four years.

2644 (b) A member may be reappointed to successive terms.

2645 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
2646 appointed for the unexpired term.

2647 (d) In order to stagger the terms of membership, the members appointed or reappointed  
2648 to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two  
2649 years, and all subsequent terms shall be four years.

2650 (3) A member may not receive compensation or benefits for the member's service, but  
2651 may receive per diem and travel expenses in accordance with:

2652 (a) Section 63A-3-106;

2653 (b) Section 63A-3-107; and

2654 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2655 63A-3-107.

2656 Section 91. Section **53-2a-1104**, which is renumbered from Section 53-2-109 is  
2657 renumbered and amended to read:

2658 ~~[53-2-109]~~. **53-2a-1104**. **General duties of the Search and Rescue Advisory**  
2659 **Board.**

2660 The duties of the Search and Rescue Advisory Board shall include:

2661 (1) conducting a board meeting at least once per quarter;

2662 (2) receiving applications for reimbursement of eligible expenses from county search  
2663 and rescue operations by the end of the first quarter of each calendar year;

2664 (3) determining the reimbursement to be provided from the Search and Rescue  
2665 Financial Assistance Program to each applicant;

2666 (4) standardizing the format and maintaining key search and rescue statistical data from  
2667 each county within the state; and

2668 (5) disbursing funds accrued in the Search and Rescue Financial Assistance Program,  
2669 created under Section 53-2-107, to eligible applicants [~~until the program money is depleted in~~  
2670 ~~that fiscal year~~].

2671 Section 92. Section **63J-1-314** is amended to read:

2672 **63J-1-314. Deposits related to the Disaster Recovery Funding Act.**

2673 (1) As used in this section, "operating deficit" means that, at the end of the fiscal year,  
2674 the unassigned fund balance in the General Fund is less than zero.

2675 (2) Except as provided under Subsection (3), at the end of each fiscal year, the Division  
2676 of Finance shall, after the transfer of General Fund revenue surplus has been made to the  
2677 Medicaid Growth Reduction and Budget Stabilization Account, as provided in Section  
2678 63J-1-315, and the General Fund Budget Reserve Account, as provided in Section 63J-1-312,  
2679 transfer an amount into the State Disaster Recovery Restricted Account, created in Section  
2680 [~~53-2-403~~] 53-2a-603, from the General Fund revenue surplus as defined in Section 63J-1-312,  
2681 calculated by:

2682 (a) determining the amount of General Fund revenue surplus after the transfer to the  
2683 Medicaid Growth Reduction and Budget Stabilization Account under Section 63J-1-315 and  
2684 the General Fund Budget Reserve Account under Section 63J-1-312;

2685 (b) calculating an amount equal to the lesser of:

2686 (i) 25% of the amount determined under Subsection (2)(a); or

2687 (ii) 6% of the total of the General Fund appropriation amount for the fiscal year in  
2688 which the surplus occurs; and

2689 (c) adding to the amount calculated under Subsection (2)(b) an amount equal to the



2690 lesser of:

2691 (i) 25% more of the amount described in Subsection (2)(a); or

2692 (ii) the amount necessary to replace, in accordance with this Subsection (2)(c), any  
2693 amount appropriated from the State Disaster Recovery Restricted Account within 10 fiscal  
2694 years before the fiscal year in which the surplus occurs if:

2695 (A) a surplus exists; and

2696 (B) the Legislature appropriates money from the State Disaster Recovery Restricted  
2697 Account that is not replaced by appropriation or as provided in this Subsection (2)(c).

2698 (3) Notwithstanding Subsection (2), if, at the end of a fiscal year, the Division of  
2699 Finance determines that an operating deficit exists, the division shall reduce the transfer to the  
2700 State Disaster Recovery Restricted Account by the amount necessary to eliminate the operating  
2701 deficit.

2702 Section 93. Section **63J-1-602.3** is amended to read:

2703 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 53 through Title 59**

2704 (1) Funding for the Search and Rescue Financial Assistance Program, as provided in  
2705 Section [~~53-2-107~~] 53-2a-1101.

2706 (2) Appropriations made to the Department of Public Safety from the Department of  
2707 Public Safety Restricted Account, as provided in Section 53-3-106.

2708 (3) Appropriations to the Motorcycle Rider Education Program, as provided in Section  
2709 53-3-905.

2710 (4) Appropriations from the Utah Highway Patrol Aero Bureau Restricted Account  
2711 created in Section 53-8-303.

2712 (5) Appropriations from the DNA Specimen Restricted Account created in Section  
2713 53-10-407.

2714 (6) The Canine Body Armor Restricted Account created in Section 53-16-201.

2715 (7) Appropriations to the State Board of Education, as provided in Section  
2716 53A-17a-105.

2717 (8) Money received by the State Office of Rehabilitation for the sale of certain products

2718 or services, as provided in Section 53A-24-105.

2719 (9) Certain funds appropriated from the General Fund to the State Board of Regents for  
2720 teacher preparation programs, as provided in Section 53B-6-104.

2721 (10) A certain portion of money collected for administrative costs under the School  
2722 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

2723 (11) Certain surcharges on residential and business telephone numbers imposed by the  
2724 Public Service Commission, as provided in Section 54-8b-10.

2725 (12) Certain fines collected by the Division of Occupational and Professional Licensing  
2726 for violation of unlawful or unprofessional conduct that are used for education and enforcement  
2727 purposes, as provided in Section 58-17b-505.

2728 (13) Certain fines collected by the Division of Occupational and Professional Licensing  
2729 for use in education and enforcement of the Security Personnel Licensing Act, as provided in  
2730 Section 58-63-103.

2731 (14) Appropriations from the Relative Value Study Restricted Account created in  
2732 Section 59-9-105.

2733 (15) The Cigarette Tax Restricted Account created in Section 59-14-204.

2734 Section 94. Section **63J-3-103** is amended to read:

2735 **63J-3-103. Definitions.**

2736 As used in this chapter:

2737 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations  
2738 from unrestricted General Fund and Education Fund sources.

2739 (b) "Appropriations" includes appropriations that are contingent upon available  
2740 surpluses in the General Fund and Education Fund.

2741 (c) "Appropriations" does not mean:

2742 (i) public education expenditures;

2743 (ii) Utah Education Network expenditures in support of public education;

2744 (iii) Utah College of Applied Technology expenditures in support of public education;

2745 (iv) Tax Commission expenditures related to collection of income taxes in support of

- 2746 public education;
- 2747 (v) debt service expenditures;
- 2748 (vi) emergency expenditures;
- 2749 (vii) expenditures from all other fund or subfund sources;
- 2750 (viii) transfers or appropriations from the Education Fund to the Uniform School Fund;
- 2751 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
- 2752 Account established in Section 63J-1-312;
- 2753 (x) transfers into, or appropriations made to, the Education Budget Reserve Account
- 2754 established in Section 63J-1-313;
- 2755 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to the
- 2756 State Disaster Recovery Restricted Account created in Section [~~53-2-403~~] 53-2a-603;
- 2757 (xii) money appropriated to fund the total one-time project costs for the construction of
- 2758 capital developments as defined in Section 63A-5-104;
- 2759 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund
- 2760 Restricted Account created by Section 72-2-118;
- 2761 (xiv) transfers or deposits into or appropriations made to the Transportation Investment
- 2762 Fund of 2005 created by Section 72-2-124;
- 2763 (xv) transfers or deposits into or appropriations made to:
- 2764 (A) the Department of Transportation from any source; or
- 2765 (B) any transportation-related account or fund from any source; or
- 2766 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,
- 2767 Fire, and State Lands to provide money for wildland fire control expenses incurred during the
- 2768 current or previous fire years.
- 2769 (2) "Base year real per capita appropriations" means the result obtained for the state by
- 2770 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
- 2771 (a) the state's July 1, 1983 population; and
- 2772 (b) the fiscal year 1983 inflation index divided by 100.
- 2773 (3) "Calendar year" means the time period beginning on January 1 of any given year

2774 and ending on December 31 of the same year.

2775 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate  
2776 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,  
2777 Chapter 4.

2778 (5) "Fiscal year" means the time period beginning on July 1 of any given year and  
2779 ending on June 30 of the subsequent year.

2780 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual  
2781 capital and operations appropriations from General Fund and non-Uniform School Fund  
2782 income tax revenue sources, less debt money.

2783 (7) "Inflation index" means the change in the general price level of goods and services  
2784 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic  
2785 Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.

2786 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could  
2787 be, or could have been, spent in any given year under the limitations of this chapter.

2788 (b) "Maximum allowable appropriations limit" does not mean actual appropriations  
2789 spent or actual expenditures.

2790 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two  
2791 fiscal years previous to the fiscal year for which the maximum allowable inflation and  
2792 population appropriations limit is being computed under this chapter.

2793 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal  
2794 years previous to the fiscal year for which the maximum allowable inflation and population  
2795 appropriations limit is being computed under this chapter.

2796 (11) "Population" means the number of residents of the state as of July 1 of each year  
2797 as calculated by the Governor's Office of Planning and Budget according to the procedures and  
2798 requirements of Section 63J-3-202.

2799 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and  
2800 other monetary exaction and interest connected with it that are recorded as unrestricted revenue  
2801 of the General Fund and from non-Uniform School Fund income tax revenues, except as

2802 specifically exempted by this chapter.

2803 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,  
2804 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an  
2805 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

2806 Section 95. Section **63J-5-103** is amended to read:

2807 **63J-5-103. Scope and applicability of chapter.**

2808 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute  
2809 superseding provisions of this chapter by explicit reference to this chapter, the provisions of  
2810 this chapter apply to each agency and govern each federal funds request.

2811 (2) This chapter does not govern federal funds requests for:

2812 (a) the Medical Assistance Program, commonly known as Medicaid;

2813 (b) the Children's Health Insurance Program;

2814 (c) the Women, Infant, and Children program;

2815 (d) the Temporary Assistance to Needy Families program;

2816 (e) Social Security Act money;

2817 (f) the Substance Abuse Prevention and Treatment program;

2818 (g) Child Care and Development Block [~~grants~~] Grant;

2819 (h) SNAP Administration and Training money;

2820 (i) Unemployment Insurance Operations money;

2821 (j) Federal Highway Administration money;

2822 (k) the Utah National Guard; or

2823 (l) pass-through federal funds.

2824 (3) The governor need not seek legislative review or approval of federal funds received  
2825 by the state if:

2826 (a) the governor has declared a state of emergency; and

2827 (b) the federal funds are received to assist victims of the state of emergency under

2828 Subsection [~~63K-4-201~~] 53-2a-204(1).

2829 Section 96. Section **63J-7-102** is amended to read:

2830           **63J-7-102. Scope and applicability of chapter.**

2831           (1) Except as provided in Subsection (2), and except as otherwise provided by a statute  
2832 superseding provisions of this chapter by explicit reference to this chapter, the provisions of  
2833 this chapter apply to each agency and govern each grant received on or after May 5, 2008.

2834           (2) This chapter does not govern:

2835           (a) a grant deposited into a General Fund restricted account;

2836           (b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;

2837           (c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;

2838           (d) a grant made to the state without a restriction or other designated purpose that is  
2839 deposited into the General Fund as free revenue;

2840           (e) a grant made to the state that is restricted only to "education" and that is deposited  
2841 into the Education Fund or Uniform School Fund as free revenue;

2842           (f) in-kind donations;

2843           (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state  
2844 when required by state law or application of state law;

2845           (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax  
2846 Contribution Act;

2847           (i) a grant received by an agency from another agency or political subdivision;

2848           (j) a grant to the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion  
2849 Act;

2850           (k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah  
2851 Science Center Authority;

2852           (l) a grant to the Heber Valley Railroad Authority created in Title 63H, Chapter 4,  
2853 Heber Valley Historic Railroad Authority;

2854           (m) a grant to the Utah State Railroad Museum Authority created in Title 63H, Chapter  
2855 5, Utah State Railroad Museum Authority;

2856           (n) a grant to the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7,  
2857 Utah Housing Corporation Act;

- 2858 (o) a grant to the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah  
2859 State Fair Corporation Act;
- 2860 (p) a grant to the Workers' Compensation Fund created in Title 31A, Chapter 33,  
2861 Workers' Compensation Fund;
- 2862 (q) a grant to the Utah State Retirement Office created in Title 49, Chapter 11, Utah  
2863 State Retirement Systems Administration;
- 2864 (r) a grant to the School and Institutional Trust Lands Administration created in Title  
2865 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- 2866 (s) a grant to the Utah Communications Agency Network created in Title 63C, Chapter  
2867 7, Utah Communications Agency Network Act;
- 2868 (t) a grant to the Medical Education Program created in Section 63C-8-102;
- 2869 (u) a grant to the Utah Capital Investment Corporation created in Title 63M, Chapter 1,  
2870 Part 12, Utah Venture Capital Enhancement Act;
- 2871 (v) a grant to the Utah Charter School Finance Authority created in Section  
2872 53A-20b-103;
- 2873 (w) a grant to the State Building Ownership Authority created in Section 63B-1-304;
- 2874 (x) a grant to the Utah Comprehensive Health Insurance Pool created in Section  
2875 31A-29-104; or
- 2876 (y) a grant to the Military Installation Development Authority created in Section  
2877 63H-1-201.
- 2878 (3) An agency need not seek legislative review or approval of grants under Part 2,  
2879 Grant Approval Requirements, if:
- 2880 (a) the governor has declared a state of emergency; and
- 2881 (b) the grant is donated to the agency to assist victims of the state of emergency under  
2882 Subsection [~~63K-4-201~~] 53-2a-204(1).
- 2883 Section 97. Section **63M-4-201** is amended to read:
- 2884 **63M-4-201. Governor's energy advisor -- Duties.**
- 2885 (1) (a) The governor shall appoint an energy advisor.

- 2886 (b) The governor's energy advisor serves at the pleasure of the governor.
- 2887 (2) The governor's energy advisor shall:
- 2888 (a) advise the governor on energy-related matters;
- 2889 (b) annually review and propose updates to the state's energy policy, as contained in
- 2890 Section 63M-4-301;
- 2891 (c) promote as the governor's energy advisor considers necessary:
- 2892 (i) the development of cost-effective energy resources both renewable and
- 2893 nonrenewable; and
- 2894 (ii) educational programs, including programs supporting conservation and energy
- 2895 efficiency measures;
- 2896 (d) coordinate across state agencies to assure consistency with state energy policy,
- 2897 including:
- 2898 (i) working with the State Energy Program to promote access to federal assistance for
- 2899 energy-related projects for state agencies and members of the public;
- 2900 (ii) working with the Division of Emergency Management to assist the governor in
- 2901 carrying out the governor's energy emergency powers under Title ~~[63K]~~ 53, Chapter ~~[2,]~~ 2a,
- 2902 Part 10, Energy Emergency Powers of the Governor Act;
- 2903 (iii) participating in the annual review of the energy emergency plan and the
- 2904 maintenance of the energy emergency plan and a current list of contact persons required by
- 2905 Section ~~[53-2-110]~~ 53-2a-902; and
- 2906 (iv) identifying and proposing measures necessary to facilitate low-income consumers'
- 2907 access to energy services;
- 2908 (e) coordinate with the Division of Emergency Management ongoing activities
- 2909 designed to test an energy emergency plan to ensure coordination and information sharing
- 2910 among state agencies and political subdivisions in the state, public utilities and other energy
- 2911 suppliers, and other relevant public sector persons as required by Sections ~~[53-2-110,~~
- 2912 ~~63K-2-201, 63K-2-205, and 63K-2-301]~~ 53-2a-902, 53-2a-1004, 53-2a-1008, and 53-2a-1010;
- 2913 (f) coordinate with requisite state agencies to study:



- 2914 (i) the creation of a centralized state repository for energy-related information;
- 2915 (ii) methods for streamlining state review and approval processes for energy-related
- 2916 projects; and
- 2917 (iii) the development of multistate energy transmission and transportation
- 2918 infrastructure;
- 2919 (g) coordinate energy-related regulatory processes within the state;
- 2920 (h) compile, and make available to the public, information about federal, state, and
- 2921 local approval requirements for energy-related projects;
- 2922 (i) act as the state's advocate before federal and local authorities for energy-related
- 2923 infrastructure projects or coordinate with the appropriate state agency; and
- 2924 (j) help promote the Division of Facilities Construction and Management's measures to
- 2925 improve energy efficiency in state buildings.
- 2926 (3) The governor's energy advisor has standing to testify on behalf of the governor at
- 2927 the Public Service Commission created in Section 54-1-1.

2928 Section 98. Section **73-18-24** is amended to read:

2929 **73-18-24. Search and rescue fee -- Amount -- Deposition.**

2930 (1) In addition to the fee imposed under Section 73-18-7, there is imposed a search and

2931 rescue fee of 50 cents on each motorboat or sailboat required to pay the fee imposed under

2932 Subsection 73-18-7(2) to be registered or renewed under Section 73-18-7.

2933 (2) The fees imposed under this section shall be collected in the same manner and by

2934 the same agency designated to collect the fees imposed under this chapter.

2935 (3) The fees collected under this section shall be deposited in the General Fund as

2936 dedicated credits for the Search and Rescue Financial Assistance Program created under

2937 Section [~~53-2-107~~] 53-2a-1101.

2938 Section 99. Section **76-8-317** is amended to read:

2939 **76-8-317. Refusal to comply with order to evacuate or other orders issued in a**

2940 **local or state emergency -- Penalties.**

2941 (1) A person may not refuse to comply with an order to evacuate issued under this

2942 chapter or refuse to comply with any other order issued by the governor in a state of an  
2943 emergency under Section [~~63K-4-201~~] 53-2a-204 or by a chief executive officer in a local  
2944 emergency under Section [~~63K-4-202~~] 53-2a-205, if notice of the order has been given to that  
2945 person.

2946 (2) A person who violates this section is guilty of a class B misdemeanor.

2947 Section 100. **Repealer.**

2948 This bill repeals:

2949 Section **63K-3-101, Title.**

2950 Section **63K-3-102, Definitions.**