

Senator Michael K. McKell proposes the following substitute bill:

EMERGENCY MANAGEMENT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Suzanne Harrison

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends provisions of the Emergency Management Act related to emergency preparedness and response, and other duties of the Division of Emergency Management.

Highlighted Provisions:

This bill:

- ▶ amends definitions and defines terms;
- ▶ requires political subdivisions to designate an emergency manager and create an emergency operations plan;
- ▶ requires state agencies to coordinate with the Division of Emergency Management before construction of a state building in a flood plain;
- ▶ extends the sunset of the Emergency Management Administration Council;
- ▶ amends appointment of membership of the Utah Seismic Safety Commission; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53-2a-102**, as last amended by Laws of Utah 2020, Chapter 85

29 **53-2a-104**, as last amended by Laws of Utah 2020, Chapter 85

30 **53-2a-807**, as last amended by Laws of Utah 2020, Chapter 85

31 **63C-6-101**, as last amended by Laws of Utah 2020, Chapter 154

32 **63I-1-253**, as last amended by Laws of Utah 2020, Chapters 154, 174, 214, 234, 242,
33 269, 335, and 354

34 ENACTS:

35 **53-2a-106**, Utah Code Annotated 1953

36 **53-2a-1401**, Utah Code Annotated 1953

37 **53-2a-1402**, Utah Code Annotated 1953

38 **53-2a-1403**, Utah Code Annotated 1953

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

41 Section 1. Section **53-2a-102** is amended to read:

42 **53-2a-102. Definitions.**

43 As used in this chapter:

44 (1) "Alerting authority" means a political subdivision that has received access to send
45 alerts through the Integrated Public Alert and Warning System.

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

48 (3) "Commissioner" means the commissioner of the Department of Public Safety or the
49 commissioner's designee.

50 (4) "Director" means the division director appointed under Section **53-2a-103** or the
51 director's designee.

52 (5) "Disaster" means an event that:

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

56 (b) requires resources that are beyond the scope of local agencies in routine responses

57 to emergencies and accidents and may be of a magnitude or involve unusual circumstances that
58 require response by government, not-for-profit, or private entities.

59 (6) "Division" means the Division of Emergency Management created in Section
60 [53-2a-103](#).

61 (7) "Emergency manager" means an individual designated as the emergency manager
62 for a political subdivision as described in Section [53-2a-1402](#).

63 [~~7~~] (8) "Energy" includes the energy resources defined in this chapter.

64 [~~8~~] (9) "Expenses" means actual labor costs of government and volunteer personnel,
65 and materials.

66 [~~9~~] (10) "Hazardous materials emergency" means a sudden and unexpected release of
67 any substance that because of its quantity, concentration, or physical, chemical, or infectious
68 characteristics presents a direct and immediate threat to public safety or the environment and
69 requires immediate action to mitigate the threat.

70 [~~10~~] (11) "Internal disturbance" means a riot, prison break, terrorism, or strike.

71 [~~11~~] (12) "IPAWS" means the Integrated Public Alert and Warning System
72 administered by the Federal Emergency Management Agency.

73 [~~12~~] (13) "Municipality" means the same as that term is defined in Section [10-1-104](#).

74 [~~13~~] (14) "Natural phenomena" means any earthquake, tornado, storm, flood,
75 landslide, avalanche, forest or range fire, drought, or epidemic.

76 (15) "Officer" means a person who is elected or appointed to an office or position
77 within a political subdivision.

78 (16) "Political subdivision" means the same as that term is defined in Section
79 [11-61-102](#).

80 [~~14~~] (17) "State of emergency" means a condition in any part of this state that
81 requires state government emergency assistance to supplement the local efforts of the affected
82 political subdivision to save lives and to protect property, public health, welfare, or safety in
83 the event of a disaster, or to avoid or reduce the threat of a disaster.

84 [~~15~~] (18) "Technological hazard" means any hazardous materials accident, mine
85 accident, train derailment, air crash, radiation incident, pollution, structural fire, or explosion.

86 [~~16~~] (19) "Terrorism" means activities or the threat of activities that:

87 (a) involve acts dangerous to human life;

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

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

90 (i) intimidate or coerce a civilian population;

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

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

94 [(17)] (20) "Urban search and rescue" means the location, extrication, and initial
95 medical stabilization of victims trapped in a confined space as the result of a structural
96 collapse, transportation accident, mining accident, or collapsed trench.

97 Section 2. Section **53-2a-104** is amended to read:

98 **53-2a-104. Division duties -- Powers.**

99 (1) The division shall:

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

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

103 (i) coordinating with state agencies and local governments the use of personnel and
104 other resources of these governmental entities as agents of the state during an interstate disaster
105 in accordance with the Emergency Management Assistance Compact described in Section
106 [53-2a-402](#);

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

109 (iii) receiving and disbursing federal resources provided to the state in a declared
110 disaster;

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

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

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

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

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

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

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

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

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

124 (vii) coordination of emergency operations plans with emergency plans of the federal
125 government;

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

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

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

129 (d) coordinate with local officials, state agencies, and the business and public sectors in
130 developing, implementing, and maintaining a state energy emergency plan in accordance with
131 Section [53-2a-902](#);

132 (e) coordinate with state agencies regarding development and construction of state
133 buildings within a flood plain to ensure compliance with minimum standards of the National
134 Flood Insurance Program, 42 U.S.C. Chapter 50, Subchapter I, as described in Section
135 [53-2a-106](#);

136 [~~(e)~~] (f) administer Part 6, Disaster Recovery Funding Act, in accordance with that
137 part;

138 [~~(f)~~] (g) conduct outreach annually to agencies and officials who have access to
139 IPAWS; and

140 [~~(g)~~] (h) coordinate with counties to ensure every county has the access and ability to
141 send, or a plan to send, IPAWS messages, including Wireless Emergency Alerts and
142 Emergency Alert System messages.

143 (2) Every three years, organizations that have the ability to send IPAWS messages,
144 including emergency service agencies, public safety answering points, and emergency
145 managers shall send verification of Federal Emergency Management Agency training to the
146 Division.

147 (3) (a) The Department of Public Safety shall designate state geographical regions and
148 allow the political subdivisions within each region to:

149 (i) coordinate planning with other political subdivisions, tribal governments, and as

150 appropriate, other entities within that region and with state agencies as appropriate, or as
151 designated by the division;

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

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

154 (b) The political subdivisions within a region designated in Subsection (3)(a) may not
155 establish the region as a new government entity in the emergency disaster declaration process
156 under Section 53-2a-208.

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

159 (a) establish protocol for prevention, mitigation, preparedness, response, recovery, and
160 the activities described in Subsection (3);

161 (b) coordinate federal, state, and local resources in a declared disaster or local
162 emergency; and

163 (c) implement provisions of the Emergency Management Assistance Compact as
164 provided in Section 53-2a-402 and Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

165 (5) The division may consult with the Legislative Management Committee, the Judicial
166 Council, and legislative and judicial staff offices to assist the division in preparing emergency
167 succession plans and procedures under Title 53, Chapter 2a, Part 8, Emergency Interim
168 Succession Act.

169 (6) The division shall report annually in writing not later than October 31 to the Law
170 Enforcement and Criminal Justice, and Political Subdivisions Interim Committees regarding
171 the status of the emergency alert system in the state. The report shall include:

172 (a) a status summary of the number of alerting authorities in Utah;

173 (b) any changes in that number;

174 (c) administrative actions taken; and

175 (d) any other information considered necessary by the division.

176 Section 3. Section 53-2a-106 is enacted to read:

177 **53-2a-106. Coordination for state development in a flood plain.**

178 Any state agency that plans to develop or construct a building within a flood plain shall
179 consult and coordinate with the division to ensure compliance with minimum standards of the
180 National Flood Insurance Program, 42 U.S.C. Chapter 50, Subchapter I.

181 Section 4. Section **53-2a-807** is amended to read:

182 **53-2a-807. Emergency interim successors for local officers.**

183 (1) By July 1 of each year, each political subdivision shall:

184 (a) for each officer and the emergency manager described in Part 14, Local Emergency
185 Management Act, designate three emergency interim successors and specify their order of
186 succession;

187 (b) identify the political subdivision's alerting authority and any individuals authorized
188 to send emergency alerts;

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

190 (d) have an emergency alert plan in place and provide a copy of the plan to the
191 division.

192 (2) In the event that a political subdivision does not designate emergency interim
193 successors as required under Subsection (1), the order of succession shall be as follows:

194 (a) the chief executive officer of the political subdivision;

195 (b) the chief deputy executive officer of the political subdivision;

196 (c) the chair of the legislative body of the political subdivision; and

197 (d) the chief law enforcement officer of the political subdivision.

198 (3) (a) Notwithstanding any other provision of law:

199 (i) if any political subdivision officer or the political subdivision officer's legal deputy,
200 if any, is unavailable, a designated emergency interim successor shall exercise the powers and
201 duties of the office according to the order of succession specified by the political subdivision
202 officer; or

203 (ii) counties may provide by ordinance that one member of the county legislative body
204 may act as the county legislative body if the other members are absent.

205 (b) An emergency interim successor shall exercise the powers and duties of the office
206 only until:

207 (i) the vacancy is filled in accordance with the constitution or statutes; or

208 (ii) the political subdivision officer, the political subdivision officer's deputy, or an
209 emergency interim successor earlier in the order of succession becomes available to exercise
210 the powers and duties of the office.

211 (4) The legislative bodies of each political subdivision may enact resolutions or

212 ordinances consistent with this part and also provide for emergency interim successors to
213 officers of the political subdivision not governed by this section.

214 Section 5. Section **53-2a-1401** is enacted to read:

215 **Part 14. Local Emergency Management Act**

216 **53-2a-1401. Title.**

217 This part is known as the "Local Emergency Management Act."

218 Section 6. Section **53-2a-1402** is enacted to read:

219 **53-2a-1402. Designation and duties of emergency managers.**

220 (1) Each political subdivision of the state of Utah shall designate an emergency
221 manager.

222 (2) A political subdivision may designate an officer of the political subdivision to serve
223 as the emergency manager.

224 (3) An emergency manager shall:

225 (a) create a plan to coordinate emergency preparedness, response, mitigation,
226 coordination, and other recovery activities; and

227 (b) coordinate with other emergency managers and officials to ensure efficient,
228 appropriate, and coordinated emergency preparedness, response, mitigation, and recovery.

229 (4) Each political subdivision shall provide for emergency interim succession of the
230 emergency manager as described in Part 8, Emergency Interim Succession Act.

231 Section 7. Section **53-2a-1403** is enacted to read:

232 **53-2a-1403. Emergency operations plan.**

233 (1) Each county shall create and maintain an emergency operations plan.

234 (2) Each city, town, and metro township shall:

235 (a) create and maintain an emergency operations plan; or

236 (b) adopt the emergency operations plan created by the county in which the city, town,
237 or metro township is located.

238 Section 8. Section **63C-6-101** is amended to read:

239 **63C-6-101. Creation of commission -- Membership -- Appointment -- Vacancies.**

240 (1) There is created the Utah Seismic Safety Commission consisting of 15 members,
241 designated as follows:

242 (a) the director of the Division of Emergency Management or the director's designee;

- 243 (b) the director of the Utah Geological Survey or the director's designee;
- 244 (c) the director of the University of Utah Seismograph Stations or the director's
245 designee;
- 246 (d) the executive director of the Utah League of Cities and Towns or the executive
247 director's designee;
- 248 (e) a representative from the Structural Engineers Association of Utah biannually
249 selected by its membership;
- 250 (f) the director of the Division of Facilities Construction and Management or the
251 director's designee;
- 252 (g) the executive director of the Department of Transportation or the director's
253 designee;
- 254 (h) the State Planning Coordinator or the coordinator's designee;
- 255 (i) a representative from the American Institute of Architects, Utah Section;
- 256 (j) a representative from the American Society of Civil Engineers, Utah Section;
- 257 (k) [~~two~~] three individuals, appointed by the director of the Division of Emergency
258 Management, from earthquake-related organizations that have an interest in reducing
259 earthquake-related loss in the state, with consideration given to recommendations of the Utah
260 Seismic Safety Commission;
- 261 (l) the commissioner of the Department of Insurance or the commissioner's designee;
262 and
- 263 [~~(m) a representative from the Association of Contingency Planners, Utah Chapter,~~
264 ~~biannually selected by its membership; and]~~
- 265 [(~~m~~)] (m) a representative from the American Public Works Association, Utah Chapter,
266 biannually selected by its membership.
- 267 (2) The commission shall annually select one of its members to serve as chair of the
268 commission.
- 269 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
270 appointed for the unexpired term.
- 271 Section 9. Section **63I-1-253** is amended to read:
- 272 **63I-1-253. Repeal dates, Titles 53 through 53G.**
- 273 (1) Section **53-2a-105**, which creates the Emergency Management Administration

274 Council, is repealed July 1, [~~2021~~] 2022.

275 (2) Sections [53-2a-1103](#) and [53-2a-1104](#), which create the Search and Rescue Advisory
276 Board, are repealed July 1, 2022.

277 (3) Section [53-5-703](#), which creates the Concealed Firearm Review Board, is repealed
278 July 1, 2023.

279 (4) Subsection [53-6-203\(1\)\(b\)\(ii\)](#), regarding being 19 years old at certification, is
280 repealed July 1, 2027.

281 (5) Subsection [53-13-104\(6\)\(a\)](#), regarding being 19 years old at certification, is
282 repealed July 1, 2027.

283 (6) Section [53B-6-105.5](#), which creates the Technology Initiative Advisory Board, is
284 repealed July 1, 2024.

285 (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

286 (8) Section [53B-17-1203](#), which creates the SafeUT and School Safety Commission, is
287 repealed January 1, 2025.

288 (9) Section [53B-18-1501](#) is repealed July 1, 2021.

289 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

290 (11) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July
291 1, 2025.

292 (12) Subsection [53C-3-203\(4\)\(b\)\(vii\)](#), which provides for the distribution of money
293 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
294 hydrologic studies in the West Desert, is repealed July 1, 2030.

295 (13) Section [53E-3-515](#) is repealed January 1, 2023.

296 (14) In relation to a standards review committee, on January 1, 2023:

297 (a) in Subsection [53E-4-202\(8\)](#), the language "by a standards review committee and the
298 recommendations of a standards review committee established under Section [53E-4-203](#)" is
299 repealed; and

300 (b) Section [53E-4-203](#) is repealed.

301 (15) Subsections [53E-3-503\(5\)](#) and (6), which create coordinating councils for youth in
302 custody, are repealed July 1, 2027.

303 (16) Section [53E-4-402](#), which creates the State Instructional Materials Commission, is
304 repealed July 1, 2022.

305 (17) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
306 repealed July 1, 2023.

307 (18) Subsection 53E-8-204(4), which creates the advisory council for the Utah Schools
308 for the Deaf and the Blind, is repealed July 1, 2021.

309 (19) Section 53F-2-514 is repealed July 1, 2020.

310 (20) Section 53F-5-203 is repealed July 1, 2024.

311 (21) Section 53F-5-212 is repealed July 1, 2024.

312 (22) Section 53F-5-213 is repealed July 1, 2023.

313 (23) Section 53F-5-214, in relation to a grant for professional learning, is repealed July
314 1, 2025.

315 (24) Section 53F-5-215, in relation to an elementary teacher preparation grant is
316 repealed July 1, 2025.

317 (25) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
318 Committee, is repealed July 1, 2024.

319 (26) Section 53F-9-501 is repealed January 1, 2023.

320 (27) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
321 Commission, are repealed January 1, 2025.

322 (28) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class C
323 misdemeanor, is repealed July 1, 2022.