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~~deleted text~~ shows text that was in HB0100 but was deleted in HB0100S01.

inserted text shows text that was not in HB0100 but was inserted into HB0100S01.

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Representative Clare Collard proposes the following substitute bill:

EMERGENCY PREPAREDNESS AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Clare Collard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Office of Earthquake Preparedness and Response.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Office of Earthquake Preparedness and Response within the Department of Public Safety, Division of Emergency Management;
- ▶ describes the duties of the office;
- ▶ describes how the office will be administered and funded;
- ▶ creates the State Earthquake Preparedness Restricted Account;
- ▶ requires the office to submit an annual report to the Government Operations Interim Committee;

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- ▶ requires the Utah Seismic Safety Commission to work collaboratively with the office; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- ▶ to General Fund Restricted - Earthquake Preparedness Restricted Account, as an ongoing appropriation:
 - from the General Fund, Ongoing, \$10,000,000;
- ▶ to the Division of Emergency Management - Office of Earthquake Preparedness and Response, as an ongoing appropriation:
 - from the General Fund Restricted - Earthquake Preparedness Restricted Account, Ongoing, \$10,000,000; and
- ▶ to the Division of Emergency Management, as an ongoing appropriation:
 - from the General Fund, Ongoing, \$250,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63C-6-102, as last amended by Laws of Utah 2000, Chapter 42

~~{ ——— **63J-1-602.1**, as last amended by Laws of Utah 2021, Chapters 280, 382, 401, and 438~~

~~}~~ENACTS:

53-2a-1501, Utah Code Annotated 1953

53-2a-1502, Utah Code Annotated 1953

53-2a-1503, Utah Code Annotated 1953

53-2a-1504, Utah Code Annotated 1953

53-2a-1505, Utah Code Annotated 1953

53-2a-1506, Utah Code Annotated 1953

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

Section 1. Section **53-2a-1501** is enacted to read:

Part 15. Office of Earthquake Preparedness and Response

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53-2a-1501. Definitions.

As used in this part:

(1) "Account" means the Earthquake Preparedness Restricted Account created in Section 53-2a-1505.

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

(3) "Division" means the Division of Emergency Management created in Section 53-2a-103.

(4) "Full-time employee" means an employment position that is filled by an employee who works at least 35 hours per week.

(5) "Historic property" means the same as that term is defined in Section 9-8-402.

(6) "Office" means the Office of Earthquake Preparedness and Response created in Section 53-2a-1502.

Section 2. Section **53-2a-1502** is enacted to read:

53-2a-1502. Office of Earthquake Preparedness and Response -- Creation -- Administration.

(1) There is created within the division the Office of Earthquake Preparedness and Response.

(2) The office is under the direction of the director, who serves as the chief administrative officer of the office.

(3) (a) The office shall employ personnel necessary to carry out the office's duties and responsibilities, including at least two full-time employees who have expertise or experience relevant to the office's duties described in Section 53-2a-1503.

(b) The division may provide staff support to the office at the direction of the director.

Section 3. Section **53-2a-1503** is enacted to read:

53-2a-1503. Duties -- Rulemaking.

(1) The office shall:

(a) assess earthquake preparedness, education, and awareness needs throughout the state on an ongoing basis;

(b) coordinate the provision of earthquake preparedness, education, and awareness resources and services in the state, with a focus on helping to meet the most critical needs as

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assessed by the office;

(c) create a public awareness campaign to raise awareness of the dangers of being unprepared for a future earthquake, including the earthquake-related risks of unreinforced masonry buildings;

(d) (i) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs related to earthquake preparedness, education, and awareness; and

(ii) for a federal program that requires the expenditure of state funds as a condition for the state to participate in a fund or service, expend funds appropriated from the account;

(e) develop and administer a program to distribute funds appropriated from the account for the purpose of earthquake preparedness, with an emphasis on assisting property owners with retrofitting or replacing unreinforced masonry buildings;

(f) make recommendations to the Legislature and local legislative bodies regarding policy changes that the office determines would further preparedness for a future earthquake, which may include:

(i) tax incentives to encourage seismic retrofitting of unreinforced masonry buildings;

or

(ii) changes to building codes to accommodate or encourage seismic retrofitting of a historic property; and

(g) to fulfill the duties described in Subsections (1)(a) through (f), work collaboratively with public and private persons with expertise in seismology, earthquake preparedness and education, and other relevant subjects, which may include:

(i) the Utah Seismic Safety Commission created in Section 63C-6-101;

(ii) the Utah Geological Survey established in Section 79-3-201;

(iii) the emergency managers described in Section 53-2a-1402;

(iv) Salt Lake County Emergency Management; and

(v) the Federal Emergency Management Agency.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director:

(a) shall make rules establishing an application process and eligibility requirements for a person to receive funds appropriated to the account for an earthquake preparedness project,

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including seismically retrofitting or replacing an unreinforced masonry building; and

(b) may make rules:

(i) to regulate the use of services provided by the office; and

(ii) relating to the administration of the office.

Section 4. Section **53-2a-1504** is enacted to read:

53-2a-1504. Funding.

The office is funded from the following sources:

(1) appropriations by the Legislature;

(2) any federal matching funds that may be available through the expenditure of funds appropriated from the account; and

(3) contributions, including in-kind assistance, from other public and private sources.

Section 5. Section **53-2a-1505** is enacted to read:

53-2a-1505. State Earthquake Preparedness Restricted Account.

(1) There is created a restricted account in the General Fund known as the "State Earthquake Preparedness Restricted Account."

(2) The account consists of:

(a) money appropriated by the Legislature;

(b) any other public or private money received by the office that is:

(i) given to the office for purposes consistent with this part; or

(ii) deposited into the account at the request of:

(A) the office; or

(B) the individual giving the money; and

(c) interest and other earnings derived from investment of money in the account.

(3) Upon appropriation by the Legislature, money in the account may only be used by the office to fulfill the duties described in Section 53-2a-1503.

(4) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the account.

~~{ (5) Appropriations from the account are nonlapsing.~~

+ Section 6. Section **53-2a-1506** is enacted to read:

53-2a-1506. Reporting.

On or before August 1 of each year, the office shall provide a report to the Government

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Operations Interim Committee of:

- (1) the office's activities under this part;
- (2) the total amount expended from the account during the previous fiscal year;
- (3) the total amount of federal or private funds secured and used by the office during the previous fiscal year; and
- (4) any proposed statutory changes that the office recommends based on the office's study and analysis of possible earthquake-preparedness strategies and programs.

Section 7. Section **63C-6-102** is amended to read:

63C-6-102. Meetings -- Duties -- Committees.

- (1) The commission shall meet at the call of the chair, but not less than once each quarter.
- (2) The commission shall:
 - (a) review earthquake-related hazards and risks to the state of Utah and its inhabitants;
 - (b) prepare recommendations to identify and mitigate these hazards and risks;
 - (c) prioritize recommendations and present them to state and local government or other appropriate entities for adoption as policy or loss reduction strategies;
 - (d) act as a source of information for individuals and groups concerned with earthquake safety and as a promoter of earthquake loss reduction measures;
 - (e) prepare a strategic seismic planning document to be presented to the State and Local Interim Committee before the 1995 annual general session of the Legislature; ~~and~~
 - (f) periodically update the planning document and monitor progress toward achieving the goal of loss reduction[-]; and
 - (g) collaborate with the Office of Earthquake Preparedness and Response created in Section 53-2a-107 regarding the commission's expertise and recommendations.

- (3) The commission may:
 - (a) divide into or create subcommittees as it determines necessary to carry out its duties under this section; and
 - (b) accept contributions from other private or public sources and seek grants or funding from the federal government for uses relating to seismic safety.

Section 8. ~~Section 63J-1-602.1 is amended to read:~~

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

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

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

~~(2) The Native American Repatriation Restricted Account created in Section 9-9-407.~~

~~(3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.~~

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

~~(5) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.~~

~~(6) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.~~

~~(7) The "Latino Community Support Restricted Account" created in Section 13-1-16.~~

~~(8) The Clean Air Support Restricted Account created in Section 19-1-109.~~

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

~~(10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in Section 19-5-126.~~

~~(11) The "Support for State-Owned Shooting Ranges Restricted Account" created in Section 23-14-13.5.~~

~~(12) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.~~

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

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

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

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

~~(17) The Nurse Home Visiting Restricted Account created in Section 26-63-601.~~

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~~—— (18) The Technology Development Restricted Account created in Section 31A-3-104.~~

~~—— (19) The Criminal Background Check Restricted Account created in Section 31A-3-105.~~

~~—— (20) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.~~

~~—— (21) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.~~

~~—— (22) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.~~

~~—— (23) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.~~

~~—— (24) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.~~

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

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

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

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

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

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

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

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

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

~~—— (34) The State Earthquake Preparedness Restricted Account created in Section 53-2a-1505.~~

~~—— [(34)] (35) The Department of Public Safety Restricted Account to the Department of~~

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Public Safety, as provided in Section 53-3-106.

— ~~[(35)] (36) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.~~

— ~~[(36)] (37) The DNA Specimen Restricted Account created in Section 53-10-407.~~

— ~~[(37)] (38) The Canine Body Armor Restricted Account created in Section 53-16-201.~~

— ~~[(38)] (39) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.~~

— ~~[(39)] (40) The Higher Education Capital Projects Fund created in Section 53B-22-202.~~

— ~~[(40)] (41) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.~~

— ~~[(41)] (42) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).~~

— ~~[(42)] (43) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.~~

— ~~[(43)] (44) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.~~

— ~~[(44)] (45) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.~~

— ~~[(45)] (46) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.~~

— ~~[(46)] (47) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-56-3.5.~~

— ~~[(47)] (48) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.~~

— ~~[(48)] (49) The Relative Value Study Restricted Account created in Section 59-9-105.~~

— ~~[(49)] (50) The Cigarette Tax Restricted Account created in Section 59-14-204.~~

— ~~[(50)] (51) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.~~

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- ~~——— [(51)] (52) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.~~
- ~~——— [(52)] (53) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.~~
- ~~——— [(53)] (54) The National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202.~~
- ~~——— [(54)] (55) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.~~
- ~~——— [(55)] (56) The Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.~~
- ~~——— [(56)] (57) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.~~
- ~~——— [(57)] (58) The Immigration Act Restricted Account created in Section 63G-12-103.~~
- ~~——— [(58)] (59) Money received by the military installation development authority, as provided in Section 63H-1-504.~~
- ~~——— [(59)] (60) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.~~
- ~~——— [(60)] (61) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.~~
- ~~——— [(61)] (62) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.~~
- ~~——— [(62)] (63) The Utah Capital Investment Restricted Account created in Section 63N-6-204.~~
- ~~——— [(63)] (64) The Motion Picture Incentive Account created in Section 63N-8-103.~~
- ~~——— [(64)] (65) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under Section 63N-10-301.~~
- ~~——— [(65)] (66) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).~~
- ~~——— [(66)] (67) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.~~

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~~—— [(67)] (68) The Transportation of Veterans to Memorials Support Restricted Account created in Section 71-14-102.~~

~~—— [(68)] (69) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.~~

~~—— [(69)] (70) Certain funds received by the Office of the State Engineer for well-drilling fines or bonds, as provided in Section 73-3-25.~~

~~—— [(70)] (71) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.~~

~~—— [(71)] (72) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).~~

~~—— [(72)] (73) Fees for certificate of admission created under Section 78A-9-102.~~

~~—— [(73)] (74) Funds collected for adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.~~

~~—— [(74)] (75) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.~~

~~—— [(75)] (76) The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in Section 79-3-403.~~

~~—— [(76)] (77) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, and Green River State Park, as provided under Section 79-4-403.~~

~~—— [(77)] (78) Certain funds received by the Division of State Parks from the sale or disposal of buffalo, as provided under Section 79-4-1001.~~

~~—— [(78)] (79) The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.~~

~~—— Section 9.} **Appropriation.**~~

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023.

Subsection (9)(a). **Restricted Fund and Account Transfers.**

The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds or accounts to which the money is transferred must be authorized by an

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appropriation.

ITEM 1

To General Fund Restricted -- State Earthquake Preparedness Restricted Account

From General Fund, Ongoing \$10,000,000

Schedule of Programs:

General Fund Restricted -- Earthquake Preparedness

Restricted Account \$10,000,000

Subsection (9)(b). **Operating and Capital Budgets.**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 2

To Department of Public Safety -- Emergency Management

From General Fund Restricted -- Earthquake Preparedness Restricted Account,

Ongoing \$10,000,000

Schedule of Programs:

Office of Earthquake Preparedness

and Response \$10,000,000

The Legislature intends that

~~(1) appropriations under Item 2 be used for the purposes described in Title 53, Chapter 2a, Part 15, Office of Earthquake Preparedness and Response;~~

~~(2) under Section 63J-1-602.1, appropriations under Item 2 not lapse at the close of fiscal year 2023; and~~

~~(3) the use of any nonlapsing funds is limited to the purposes described in Title 53, Chapter 2a, Part 15, Office of Earthquake Preparedness and Response.~~

ITEM 3

To Department of Public Safety -- Emergency Management

From General Fund, Ongoing \$250,000

Schedule of Programs:

Office of Earthquake Preparedness

and Response \$250,000

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