

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;
- ▶ 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;



28 ▶ to the Division of Emergency Management - Office of Earthquake Preparedness and
29 Response, as an ongoing appropriation:

30 • from the General Fund Restricted - Earthquake Preparedness Restricted
31 Account, Ongoing, \$10,000,000; and

32 ▶ to the Division of Emergency Management, as an ongoing appropriation:
33 • from the General Fund, Ongoing, \$250,000.

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **63C-6-102**, as last amended by Laws of Utah 2000, Chapter 42

39 **63J-1-602.1**, as last amended by Laws of Utah 2021, Chapters 280, 382, 401, and 438

40 ENACTS:

41 **53-2a-1501**, Utah Code Annotated 1953

42 **53-2a-1502**, Utah Code Annotated 1953

43 **53-2a-1503**, Utah Code Annotated 1953

44 **53-2a-1504**, Utah Code Annotated 1953

45 **53-2a-1505**, Utah Code Annotated 1953

46 **53-2a-1506**, Utah Code Annotated 1953



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

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

50 **Part 15. Office of Earthquake Preparedness and Response**

51 **53-2a-1501. Definitions.**

52 As used in this part:

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

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

57 (3) "Division" means the Division of Emergency Management created in Section
58 **53-2a-103**.

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

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

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

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

65 **53-2a-1502. Office of Earthquake Preparedness and Response -- Creation --**
66 **Administration.**

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

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

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

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

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

76 **53-2a-1503. Duties -- Rulemaking.**

77 (1) The office shall:

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

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

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

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

89 (ii) for a federal program that requires the expenditure of state funds as a condition for

90 the state to participate in a fund or service, expend funds appropriated from the account;

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

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

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

98 or

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

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

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

105 (ii) the Utah Geological Survey established in Section [79-3-201](#);

106 (iii) the emergency managers described in Section [53-2a-1402](#);

107 (iv) Salt Lake County Emergency Management; and

108 (v) the Federal Emergency Management Agency.

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

111 (a) shall make rules establishing an application process and eligibility requirements for
112 a person to receive funds appropriated to the account for an earthquake preparedness project,
113 including seismically retrofitting or replacing an unreinforced masonry building; and

114 (b) may make rules:

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

116 (ii) relating to the administration of the office.

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

118 **53-2a-1504. Funding.**

119 The office is funded from the following sources:

120 (1) appropriations by the Legislature;

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

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

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

125 **53-2a-1505. State Earthquake Preparedness Restricted Account.**

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

128 (2) The account consists of:

129 (a) money appropriated by the Legislature;

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

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

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

133 (A) the office; or

134 (B) the individual giving the money; and

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

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

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

140 (5) Appropriations from the account are nonlapsing.

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

142 **53-2a-1506. Reporting.**

143 On or before August 1 of each year, the office shall provide a report to the Government
144 Operations Interim Committee of:

145 (1) the office's activities under this part;

146 (2) the total amount expended from the account during the previous fiscal year;

147 (3) the total amount of federal or private funds secured and used by the office during
148 the previous fiscal year; and

149 (4) any proposed statutory changes that the office recommends based on the office's
150 study and analysis of possible earthquake-preparedness strategies and programs.

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

152 **63C-6-102. Meetings -- Duties -- Committees.**

153 (1) The commission shall meet at the call of the chair, but not less than once each
154 quarter.

155 (2) The commission shall:

156 (a) review earthquake-related hazards and risks to the state of Utah and its inhabitants;

157 (b) prepare recommendations to identify and mitigate these hazards and risks;

158 (c) prioritize recommendations and present them to state and local government or other
159 appropriate entities for adoption as policy or loss reduction strategies;

160 (d) act as a source of information for individuals and groups concerned with
161 earthquake safety and as a promoter of earthquake loss reduction measures;

162 (e) prepare a strategic seismic planning document to be presented to the State and
163 Local Interim Committee before the 1995 annual general session of the Legislature; [~~and~~]

164 (f) periodically update the planning document and monitor progress toward achieving
165 the goal of loss reduction[-]; and

166 (g) collaborate with the Office of Earthquake Preparedness and Response created in
167 Section 53-2a-107 regarding the commission's expertise and recommendations.

168 (3) The commission may:

169 (a) divide into or create subcommittees as it determines necessary to carry out its duties
170 under this section; and

171 (b) accept contributions from other private or public sources and seek grants or funding
172 from the federal government for uses relating to seismic safety.

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

174 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

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

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

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

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

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

- 183 (5) Funds collected for directing and administering the C-PACE district created in
184 Section [11-42a-106](#).
- 185 (6) Money received by the Utah Inland Port Authority, as provided in Section
186 [11-58-105](#).
- 187 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).
- 188 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).
- 189 (9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
190 Section [19-2a-106](#).
- 191 (10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
192 Section [19-5-126](#).
- 193 (11) The "Support for State-Owned Shooting Ranges Restricted Account" created in
194 Section [23-14-13.5](#).
- 195 (12) Award money under the State Asset Forfeiture Grant Program, as provided under
196 Section [24-4-117](#).
- 197 (13) Funds collected from the program fund for local health department expenses
198 incurred in responding to a local health emergency under Section [26-1-38](#).
- 199 (14) The Children with Cancer Support Restricted Account created in Section
200 [26-21a-304](#).
- 201 (15) State funds for matching federal funds in the Children's Health Insurance Program
202 as provided in Section [26-40-108](#).
- 203 (16) The Children with Heart Disease Support Restricted Account created in Section
204 [26-58-102](#).
- 205 (17) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).
- 206 (18) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 207 (19) The Criminal Background Check Restricted Account created in Section
208 [31A-3-105](#).
- 209 (20) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
210 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 211 (21) The Title Licensee Enforcement Restricted Account created in Section
212 [31A-23a-415](#).
- 213 (22) The Health Insurance Actuarial Review Restricted Account created in Section

- 214 [31A-30-115](#).
- 215 (23) The Insurance Fraud Investigation Restricted Account created in Section
- 216 [31A-31-108](#).
- 217 (24) The Underage Drinking Prevention Media and Education Campaign Restricted
- 218 Account created in Section [32B-2-306](#).
- 219 (25) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 220 (26) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 221 products or services, as provided in Section [35A-13-202](#).
- 222 (27) The Oil and Gas Administrative Penalties Account created in Section [40-6-11](#).
- 223 (28) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 224 (29) The Division of Oil, Gas, and Mining Restricted account created in Section
- 225 [40-6-23](#).
- 226 (30) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
- 227 the Motor Vehicle Division.
- 228 (31) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
- 229 created by Section [41-3-110](#) to the State Tax Commission.
- 230 (32) The Utah Law Enforcement Memorial Support Restricted Account created in
- 231 Section [53-1-120](#).
- 232 (33) The State Disaster Recovery Restricted Account to the Division of Emergency
- 233 Management, as provided in Section [53-2a-603](#).
- 234 (34) The State Earthquake Preparedness Restricted Account created in Section
- 235 [53-2a-1505](#).
- 236 [~~34~~] (35) The Department of Public Safety Restricted Account to the Department of
- 237 Public Safety, as provided in Section [53-3-106](#).
- 238 [~~35~~] (36) The Utah Highway Patrol Aero Bureau Restricted Account created in
- 239 Section [53-8-303](#).
- 240 [~~36~~] (37) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 241 [~~37~~] (38) The Canine Body Armor Restricted Account created in Section [53-16-201](#).
- 242 [~~38~~] (39) The Technical Colleges Capital Projects Fund created in Section
- 243 [53B-2a-118](#).
- 244 [~~39~~] (40) The Higher Education Capital Projects Fund created in Section

245 53B-22-202.

246 [~~(40)~~] (41) A certain portion of money collected for administrative costs under the
247 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

248 [~~(41)~~] (42) The Public Utility Regulatory Restricted Account created in Section
249 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

250 [~~(42)~~] (43) Funds collected from a surcharge fee to provide certain licensees with
251 access to an electronic reference library, as provided in Section 58-3a-105.

252 [~~(43)~~] (44) Certain fines collected by the Division of Occupational and Professional
253 Licensing for violation of unlawful or unprofessional conduct that are used for education and
254 enforcement purposes, as provided in Section 58-17b-505.

255 [~~(44)~~] (45) Funds collected from a surcharge fee to provide certain licensees with
256 access to an electronic reference library, as provided in Section 58-22-104.

257 [~~(45)~~] (46) Funds collected from a surcharge fee to provide certain licensees with
258 access to an electronic reference library, as provided in Section 58-55-106.

259 [~~(46)~~] (47) Funds collected from a surcharge fee to provide certain licensees with
260 access to an electronic reference library, as provided in Section 58-56-3.5.

261 [~~(47)~~] (48) Certain fines collected by the Division of Occupational and Professional
262 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
263 provided in Section 58-63-103.

264 [~~(48)~~] (49) The Relative Value Study Restricted Account created in Section 59-9-105.

265 [~~(49)~~] (50) The Cigarette Tax Restricted Account created in Section 59-14-204.

266 [~~(50)~~] (51) Funds paid to the Division of Real Estate for the cost of a criminal
267 background check for a mortgage loan license, as provided in Section 61-2c-202.

268 [~~(51)~~] (52) Funds paid to the Division of Real Estate for the cost of a criminal
269 background check for principal broker, associate broker, and sales agent licenses, as provided
270 in Section 61-2f-204.

271 [~~(52)~~] (53) Certain funds donated to the Department of Human Services, as provided in
272 Section 62A-1-111.

273 [~~(53)~~] (54) The National Professional Men's Basketball Team Support of Women and
274 Children Issues Restricted Account created in Section 62A-1-202.

275 [~~(54)~~] (55) Certain funds donated to the Division of Child and Family Services, as

276 provided in Section [62A-4a-110](#).

277 ~~[(55)]~~ [\(56\)](#) The Choose Life Adoption Support Restricted Account created in Section
278 [62A-4a-608](#).

279 ~~[(56)]~~ [\(57\)](#) Funds collected by the Office of Administrative Rules for publishing, as
280 provided in Section [63G-3-402](#).

281 ~~[(57)]~~ [\(58\)](#) The Immigration Act Restricted Account created in Section [63G-12-103](#).

282 ~~[(58)]~~ [\(59\)](#) Money received by the military installation development authority, as
283 provided in Section [63H-1-504](#).

284 ~~[(59)]~~ [\(60\)](#) The Computer Aided Dispatch Restricted Account created in Section
285 [63H-7a-303](#).

286 ~~[(60)]~~ [\(61\)](#) The Unified Statewide 911 Emergency Service Account created in Section
287 [63H-7a-304](#).

288 ~~[(61)]~~ [\(62\)](#) The Utah Statewide Radio System Restricted Account created in Section
289 [63H-7a-403](#).

290 ~~[(62)]~~ [\(63\)](#) The Utah Capital Investment Restricted Account created in Section
291 [63N-6-204](#).

292 ~~[(63)]~~ [\(64\)](#) The Motion Picture Incentive Account created in Section [63N-8-103](#).

293 ~~[(64)]~~ [\(65\)](#) Certain money payable for expenses of the Pete Suazo Utah Athletic
294 Commission, as provided under Section [63N-10-301](#).

295 ~~[(65)]~~ [\(66\)](#) Funds collected by the housing of state probationary inmates or state parole
296 inmates, as provided in Subsection [64-13e-104\(2\)](#).

297 ~~[(66)]~~ [\(67\)](#) Certain forestry and fire control funds utilized by the Division of Forestry,
298 Fire, and State Lands, as provided in Section [65A-8-103](#).

299 ~~[(67)]~~ [\(68\)](#) The Transportation of Veterans to Memorials Support Restricted Account
300 created in Section [71-14-102](#).

301 ~~[(68)]~~ [\(69\)](#) The Amusement Ride Safety Restricted Account, as provided in Section
302 [72-16-204](#).

303 ~~[(69)]~~ [\(70\)](#) Certain funds received by the Office of the State Engineer for well drilling
304 fines or bonds, as provided in Section [73-3-25](#).

305 ~~[(70)]~~ [\(71\)](#) The Water Resources Conservation and Development Fund, as provided in
306 Section [73-23-2](#).

307 [~~(71)~~] (72) Funds donated or paid to a juvenile court by private sources, as provided in
308 Subsection 78A-6-203(1)(c).

309 [~~(72)~~] (73) Fees for certificate of admission created under Section 78A-9-102.

310 [~~(73)~~] (74) Funds collected for adoption document access as provided in Sections
311 78B-6-141, 78B-6-144, and 78B-6-144.5.

312 [~~(74)~~] (75) Funds collected for indigent defense as provided in Title 78B, Chapter 22,
313 Part 4, Utah Indigent Defense Commission.

314 [~~(75)~~] (76) The Utah Geological Survey Oil, Gas, and Mining Restricted Account
315 created in Section 79-3-403.

316 [~~(76)~~] (77) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades
317 State Park, and Green River State Park, as provided under Section 79-4-403.

318 [~~(77)~~] (78) Certain funds received by the Division of State Parks from the sale or
319 disposal of buffalo, as provided under Section 79-4-1001.

320 [~~(78)~~] (79) The Drinking While Pregnant Prevention Media and Education Campaign
321 Restricted Account created in Section 32B-2-308.

322 Section 9. **Appropriation.**

323 The following sums of money are appropriated for the fiscal year beginning July 1,
324 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
325 fiscal year 2023.

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

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

331 ITEM 1

332 To General Fund Restricted -- State Earthquake Preparedness Restricted Account

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

334 Schedule of Programs:

335 General Fund Restricted -- Earthquake Preparedness

336 Restricted Account \$10,000,000

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

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

341 ITEM 2

342 To Department of Public Safety -- Emergency Management

343 From General Fund Restricted -- Earthquake Preparedness Restricted Account,

344 Ongoing \$10,000,000

345 Schedule of Programs:

346 Office of Earthquake Preparedness

347 and Response \$10,000,000

348 The Legislature intends that:

349 (1) appropriations under Item 2 be used for the purposes described in Title 53, Chapter

350 2a, Part 15, Office of Earthquake Preparedness and Response;

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

353 (3) the use of any nonlapsing funds is limited to the purposes described in Title 53,

354 Chapter 2a, Part 15, Office of Earthquake Preparedness and Response.

355 ITEM 3

356 To Department of Public Safety -- Emergency Management

357 From General Fund, Ongoing \$250,000

358 Schedule of Programs:

359 Office of Earthquake Preparedness

360 and Response \$250,000