

Representative Clare Collard proposes the following substitute bill:

EMERGENCY PREPAREDNESS AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Clare Collard

Senate Sponsor: David P. Hinkins

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



26 ongoing appropriation:

- 27 • 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 ENACTS:

- 40 **53-2a-1501**, Utah Code Annotated 1953
- 41 **53-2a-1502**, Utah Code Annotated 1953
- 42 **53-2a-1503**, Utah Code Annotated 1953
- 43 **53-2a-1504**, Utah Code Annotated 1953
- 44 **53-2a-1505**, Utah Code Annotated 1953
- 45 **53-2a-1506**, Utah Code Annotated 1953



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

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

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

50 **53-2a-1501. Definitions.**

51 As used in this part:

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

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

56 (3) "Division" means the Division of Emergency Management created in Section

57 [53-2a-103.](#)

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

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

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

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

64 **53-2a-1502. Office of Earthquake Preparedness and Response -- Creation --**

65 **Administration.**

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

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

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

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

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

75 **53-2a-1503. Duties -- Rulemaking.**

76 (1) The office shall:

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

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

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

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

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

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

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

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

97 or

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

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

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

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

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

106 (iv) Salt Lake County Emergency Management; and

107 (v) the Federal Emergency Management Agency.

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

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

113 (b) may make rules:

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

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

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

117 **53-2a-1504. Funding.**

118 The office is funded from the following sources:

- 119 (1) appropriations by the Legislature;
- 120 (2) any federal matching funds that may be available through the expenditure of funds
- 121 appropriated from the account; and
- 122 (3) contributions, including in-kind assistance, from other public and private sources.

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

124 **53-2a-1505. State Earthquake Preparedness Restricted Account.**

125 (1) There is created a restricted account in the General Fund known as the "State

126 Earthquake Preparedness Restricted Account."

127 (2) The account consists of:

128 (a) money appropriated by the Legislature;

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

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

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

132 (A) the office; or

133 (B) the individual giving the money; and

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

135 (3) Upon appropriation by the Legislature, money in the account may only be used by

136 the office to fulfill the duties described in Section [53-2a-1503](#).

137 (4) The Division of Finance shall deposit interest or other earnings derived from

138 investment of account money into the account.

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

140 **53-2a-1506. Reporting.**

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

142 Operations Interim Committee of:

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

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

145 (3) the total amount of federal or private funds secured and used by the office during

146 the previous fiscal year; and

147 (4) any proposed statutory changes that the office recommends based on the office's

148 study and analysis of possible earthquake-preparedness strategies and programs.

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

150 **63C-6-102. Meetings -- Duties -- Committees.**

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

153 (2) The commission shall:

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

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

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

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

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

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

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

166 (3) The commission may:

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

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

171 **Section 8. Appropriation.**

172 The following sums of money are appropriated for the fiscal year beginning July 1,
173 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
174 fiscal year 2023.

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

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

180 ITEM 1

181 To General Fund Restricted -- State Earthquake Preparedness Restricted Account
 182 From General Fund, Ongoing \$10,000,000

183 Schedule of Programs:

184 General Fund Restricted -- Earthquake Preparedness
 185 Restricted Account \$10,000,000

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

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

190 ITEM 2

191 To Department of Public Safety -- Emergency Management
 192 From General Fund Restricted -- Earthquake Preparedness Restricted Account,
 193 Ongoing \$10,000,000

194 Schedule of Programs:

195 Office of Earthquake Preparedness
 196 and Response \$10,000,000

197 The Legislature intends that appropriations under Item 2 be used for the purposes
 198 described in Title 53, Chapter 2a, Part 15, Office of Earthquake Preparedness and Response.

199 ITEM 3

200 To Department of Public Safety -- Emergency Management
 201 From General Fund, Ongoing \$250,000

202 Schedule of Programs:

203 Office of Earthquake Preparedness
 204 and Response \$250,000