

GOVERNOR'S FIRE SUPPRESSION AUTHORITY

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Keith Grover

LONG TITLE

General Description:

This bill amends provisions relating to the governor's authority during a state of emergency.

Highlighted Provisions:

This bill:

- ▶ amends provisions relating to the governor's authority during a state of emergency to authorize the use of all water sources as necessary for fire suppression; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63K-4-201, as last amended by Laws of Utah 2010, Chapter 370

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

Section 1. Section **63K-4-201** is amended to read:

63K-4-201. Authority of governor -- Federal assistance -- Fraud or willful misstatement in application for financial assistance -- Penalty.



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

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

32 (b) employ measures and give direction to state and local officers and agencies which
33 are reasonable and necessary for the purpose of securing compliance with the provisions of this
34 act and with orders, rules and regulations made pursuant to this act;

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

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

39 (e) in connection with evacuation, suspend or limit the sale, dispensing, or
40 transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful
41 bearing of arms;

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

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

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

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

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

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

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

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

62 (j) subject to Sections 63K-4-401 and 63K-4-406, temporarily suspend or modify by
63 executive order, during the state of emergency, any public health, safety, zoning, transportation,
64 or other requirement of a statute or administrative rule within this state if such action is
65 essential to provide temporary housing described in Subsection (1)(h)(i);

66 (k) upon determination that a political subdivision of the state will suffer a substantial
67 loss of tax and other revenues because of a state of emergency and the political subdivision so
68 affected has demonstrated a need for financial assistance to perform its governmental
69 functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section
70 10-8-6:

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

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

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

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

84 (n) recommend to the Legislature other actions the governor considers to be necessary
85 to address a state of emergency~~[-]; or~~

86 (o) authorize the use of all water sources as necessary for fire suppression.

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

90 year, or both.

Legislative Review Note
as of 2-5-13 2:33 PM

Office of Legislative Research and General Counsel