



OLRGC

Office of Legislative Research  
and General Counsel



# DISASTER RESPONSE AND RECOVERY ACT

A History of  
Provisions



A yellow helicopter is shown hovering in a dense forest. A person wearing a yellow jacket and a backpack is rappelling down from the helicopter. The scene is illuminated with a warm, golden light, possibly from a low sun or a fire. The forest consists of tall, thin trees with sparse foliage. A large, semi-transparent red circle is overlaid on the right side of the image, containing the text "Enacted 1981".

# Enacted 1981

# PURPOSE

- **Emergency Authority**
- **Respond to existing and increasing threats:**
  - natural disasters
  - human caused disasters



# DEFINITIONS

- **Attack**
- **Chief executive officer**
- **Disaster**
- **Internal disturbance**
- **Local emergency**
- **Natural phenomena**
- **Political subdivision**
- **State of emergency**
- **Technological hazard**



# **GOVERNOR'S AUTHORITY (1981)**

- **Use existing state resources**
- **Direct state and local government**
- **Recommend and advise regarding evacuation**
- **Control ingress, egress, and movement within disaster area**
- **Clear debris from public or private land or water**
- **Recommend additional action to legislature**
- **Provide temporary housing for disaster victims:**
- **Apply to federal government for a loan on behalf of a political subdivision**
- **Apply to federal government for financial aid to individuals or families**

# **GOVERNOR'S AUTHORITY (2010 CHANGES)**

- **Authority to clear debris limited to “an immediate threat to public health, public safety, or private property”**
- **Extended temporary housing provisions to responding personnel**
- **Clarified that “suspension of law or regulation” means “a statute or administrative rule”**
- **Granted authority to use all water sources as necessary for fire suppression**



# FRAUD

- \$5,000
- 1 year

# **AUTHORITY OF POLITICAL SUBDIVISIONS (1981)**

**Governing body authorized to carry out:**

- measures ordered by the governor**
- additional measures the governing body may deem necessary**

# AUTHORITY OF POLITICAL SUBDIVISIONS (2006 CHANGES)

- **Authority to chief executive officer**
- **Use resources of the political subdivision**
- **Direct local officers and agencies**
- **Evacuation authority same as governor regarding evacuation, *except:***
  - Order evacuation
  - Chief law enforcement officer may issue
  - Chief executive officer may ratify, modify, or revoke
- **Permission and indemnification**
- **Invoke mutual aid agreement**

# GOVERNOR'S DECLARATION OF EMERGENCY

State of emergency continues until:

- governor finds emergency is over
- 30 days, unless extended by joint resolution of the Legislature
- Legislature may terminate state of emergency by joint resolution at any time



# GOVERNOR'S DECLARATION OF EMERGENCY

Executive orders or proclamations shall state:

- nature of emergency
- areas threatened
- conditions creating the emergency
- conditions allowing termination



# GOVERNOR'S DECLARATION OF EMERGENCY

Commander in chief



# LOCAL EMERGENCY DECLARATION

- Executive officer declares
- Can't be continued or renewed for more than 30 days (unless governing body consents)



# LOCAL EMERGENCY DECLARATION

## Declaration:

- Provides a legal basis for requesting aid
- Activates local disaster emergency plans



# LOCAL EMERGENCY DECLARATION

Declaration shall state:

- Nature of emergency
- Area threatened
- Conditions that caused





# FORCE OF LAW

Orders, rules, and regulations of:

- **Governor**
- **Political subdivisions**
- **Other agencies**



# FORCE OF LAW

## 2010 Additions

Governor may suspend enforcement of statute if:

- Directly related
- Necessary
- Acts in good faith



# FORCE OF LAW

## 2010 Additions

- Provide written notice to speaker and president
- Report to LMC



# FORCE OF LAW

## 2010 Additions

### Order:

- **Must describe how the suspension is directly related and necessary to state of emergency**
- **Must provide the citation of the statute**
- **May not suspend a criminal penalty except . . .**
- **Terminates when the state of emergency ends**

# ACQUISITION OF PROPERTY

**Governor may purchase or lease public or private property for public use**

**Owner of property shall be compensated**

**No compensation for:**

- **standing timber or property to provide fire break**
- **release of waters**



# AGREEMENTS AND COMPACTS

- **Governor authorized to execute an interstate agreement or compact with any other states**
- **Political subdivisions authorized to enter into mutual-aid compacts with other political subdivisions within Utah**



# EXPENDITURE OF FUNDS (1981)

- \$2 million every 2 years
- Must make agency cutbacks



# EXPENDITURE OF FUNDS (1989)

Repealed and Replaced with --

Director of the Division of Comprehensive Emergency Management may use funds authorized in this act to provide:

- Transportation
- Accommodations
- Emergency purchase of equipment and supplies





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