

Effective 5/10/2016

53-2a-204 Authority of governor -- Federal assistance -- Fraud or willful misstatement in application for financial assistance -- Penalty.

- (1) In addition to any other authorities conferred upon the governor, if the governor issues an executive order declaring a state of emergency, the governor may:
- (a) utilize all available resources of state government as reasonably necessary to cope with a state of emergency;
 - (b) employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with the provisions of this part and with orders, rules, and regulations made pursuant to this part;
 - (c) recommend and advise the evacuation of all or part of the population from any stricken or threatened area within the state if necessary for the preservation of life;
 - (d) recommend routes, modes of transportation, and destination in connection with evacuation;
 - (e) in connection with evacuation, suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful bearing of arms;
 - (f) control ingress and egress to and from a disaster area, the movement of persons within the area, and recommend the occupancy or evacuation of premises in a disaster area;
 - (g) clear or remove from publicly or privately owned land or water debris or wreckage that is an immediate threat to public health, public safety, or private property, including allowing an employee of a state department or agency designated by the governor to enter upon private land or waters and perform any tasks necessary for the removal or clearance operation if the political subdivision, corporation, organization, or individual that is affected by the removal of the debris or wreckage:
 - (i) presents an unconditional authorization for removal of the debris or wreckage from private property; and
 - (ii) agrees to indemnify the state against any claim arising from the removal of the debris or wreckage;
 - (h) enter into agreement with any agency of the United States:
 - (i) for temporary housing units to be occupied by victims of a state of emergency or persons who assist victims of a state of emergency; and
 - (ii) to make the housing units described in Subsection (1)(h)(i) available to a political subdivision of this state;
 - (i) assist any political subdivision of this state to acquire sites and utilities necessary for temporary housing units described in Subsection (1)(h)(i) by passing through any funds made available to the governor by an agency of the United States for this purpose;
 - (j) subject to Sections 53-2a-209 and 53-2a-214, temporarily suspend or modify by executive order, during the state of emergency, any public health, safety, zoning, transportation, or other requirement of a statute or administrative rule within this state if such action is essential to provide temporary housing described in Subsection (1)(h)(i);
 - (k) upon determination that a political subdivision of the state will suffer a substantial loss of tax and other revenues because of a state of emergency and the political subdivision so affected has demonstrated a need for financial assistance to perform its governmental functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section 10-8-6:
 - (i) apply to the federal government for a loan on behalf of the political subdivision if the amount of the loan that the governor applies for does not exceed 25% of the annual operating budget of the political subdivision for the fiscal year in which the state of emergency occurs; and
 - (ii) receive and disburse the amount of the loan to the political subdivision;

- (l) accept funds from the federal government and make grants to any political subdivision for the purpose of removing debris or wreckage from publicly owned land or water;
 - (m) upon determination that financial assistance is essential to meet expenses related to a state of emergency of individuals or families adversely affected by the state of emergency that cannot be sufficiently met from other means of assistance, apply for, accept, and expend a grant by the federal government to fund the financial assistance, subject to the terms and conditions imposed upon the grant;
 - (n) recommend to the Legislature other actions the governor considers to be necessary to address a state of emergency; or
 - (o) authorize the use of all water sources as necessary for fire suppression.
- (2) A person who fraudulently or willfully makes a misstatement of fact in connection with an application for financial assistance under this section shall, upon conviction of each offense, be subject to a fine of not more than \$5,000 or imprisonment for not more than one year, or both.
- (3) The division shall conduct a feasibility study regarding the establishment of an agreement with the United States Postal Service regarding the use of employees, resources, and assets within the Postal Service Network to provide the following services:
- (a) identify residential or commercial structures that have been damaged;
 - (b) identify persons who reside in a damaged area and the emergent medical or physical needs of those persons;
 - (c) help assess the damage to neighborhoods or communities; and
 - (d) any other activity that the division determines to be necessary to assist in responding to a declared disaster.
- (4) The division shall provide a report to the Business and Labor Interim Committee and the Law Enforcement and Criminal Justice Interim Committee regarding the feasibility study conducted under Subsection (3) no later than November 30, 2016.

Amended by Chapter 329, 2016 General Session