

53-2a-211 Acquisition of property for public use -- Compensation of owners.

- (1)
 - (a) Upon proclamation of a state of emergency, the governor may purchase or lease public or private property for public use including:
 - (i) food and medical supplies;
 - (ii) clothing;
 - (iii) shelter;
 - (iv) means of transportation;
 - (v) fuels;
 - (vi) oils; or
 - (vii) buildings or lands.
 - (b) The governor may not purchase private home storage nor privately owned arms.
- (2)
 - (a) The governor may use property purchased under authority of this section for any purpose to meet the needs of an emergency, including its use to relieve want, distress, and disease.
 - (b) Any property used by the governor to meet the needs of an emergency is a public use.
- (3)
 - (a) The governor shall compensate the owner of property taken or used under authority of this section by complying with the procedures established in Title 78B, Chapter 6, Part 5, Eminent Domain.
 - (b) The governor shall pay for those purchases or leases from the funds available to the Division of Emergency Management under:
 - (i) this part; or
 - (ii) Title 53, Chapter 2a, Part 6, Disaster Recovery Funding Act, to the extent provided for in that part.
- (4) Nothing in this section applies to or authorizes compensation for the destruction or damage of standing timber or other property in order to provide a fire break or to the release of waters or the breach of impoundments in order to reduce pressure or other danger from actual or threatened flood.

Renumbered and Amended by Chapter 295, 2013 General Session