

EMERGENCY PROCEDURES AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends the Disaster Response and Recovery Act.

Highlighted Provisions:

This bill:

- ▶ provides an emergency declaration process within the state; and
- ▶ provides that a declaration of a local emergency provides a legal basis to request and obtain disaster assistance from other cities and counties.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63K-4-301, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **63K-4-301** is amended to read:

63K-4-301. Local emergency -- Declarations.

(1) (a) A local emergency may be declared by proclamation of the chief executive officer of a political subdivision.



28 (b) A local emergency shall not be continued or renewed for a period in excess of 30
29 days except by or with the consent of the governing body of the political subdivision.

30 (c) Any order or proclamation declaring, continuing, or terminating a local emergency
31 shall be filed promptly with the office of the clerk of the affected political subdivision.

32 (2) A declaration of a local emergency:

33 (a) constitutes an official recognition that a disaster situation exists within the affected
34 political subdivision;

35 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
36 from other cities, counties, or from the state or federal government [~~disaster assistance~~];

37 (c) activates the response and recovery aspects of any and all applicable local disaster
38 emergency plans; and

39 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

40 (3) A local emergency proclamation issued under this section shall state:

41 (a) the nature of the local emergency;

42 (b) the area or areas that are affected or threatened; and

43 (c) the conditions which caused the emergency.

44 (4) The emergency declaration process within the state shall be as follows:

45 (a) a city, town, or township shall declare to the county;

46 (b) a county shall declare to the state;

47 (c) the state shall declare to the federal government; and

48 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the

49 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq.

49a **H→ (5) Nothing in this part affects:**

49b **(a) the governor's authority to declare a state of emergency under Section 63K-4-203; or**

49c **[(b)the authority or responsibility of a political subdivision in an emergency.]**

49d **(b) the duties, requests, reimbursements, or other actions taken by a political**

49e **subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2,**

49f **Part 5, "Statewide Mutual Aid Act."** ←H

Legislative Review Note
as of 1-26-11 10:58 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 254

SHORT TITLE: **Emergency Procedures Amendments**

SPONSOR: **Greenwood, R.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.