

1 **EMERGENCY PROCEDURES AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Richard A. Greenwood**

5 Senate Sponsor: Peter C. Knudson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Disaster Response and Recovery Act.

10 **Highlighted Provisions:**

11 This bill:

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

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **63K-4-301**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

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

25 **63K-4-301. Local emergency -- Declarations.**

26 (1) (a) A local emergency may be declared by proclamation of the chief executive
27 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. Sec. 5121 et seq.

50 (5) Nothing in this part affects:

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

52 or

53 (b) the duties, requests, reimbursements, or other actions taken by a political

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

55 Part 5, Statewide Mutual Aid Act.