

1                   **GOVERNOR'S FIRE SUPPRESSION AUTHORITY**

2                                   2013 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Margaret Dayton**

5                                   House Sponsor: Keith Grover

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7   **LONG TITLE**

8   **General Description:**

9           This bill amends provisions relating to the governor's authority during a state of  
10 emergency.

11 **Highlighted Provisions:**

12       This bill:

- 13           ▶ amends provisions relating to the governor's authority during a state of emergency
- 14 to authorize the use of all water sources as necessary for fire suppression; and
- 15           ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17       None

18 **Other Special Clauses:**

19       None

20 **Utah Code Sections Affected:**

21 AMENDS:

22       **63K-4-201**, as last amended by Laws of Utah 2010, Chapter 370

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

25       Section 1. Section **63K-4-201** is amended to read:

26       **63K-4-201. Authority of governor -- Federal assistance -- Fraud or willful**  
27 **misstatement in application for financial assistance -- Penalty.**

28       (1) In addition to any other authorities conferred upon the governor, if the governor  
29 issues an executive order declaring a state of emergency, the governor may:

30 (a) utilize all available resources of state government as reasonably necessary to cope  
31 with a state of emergency;

32 (b) employ measures and give direction to state and local officers and agencies which  
33 are reasonable and necessary for the purpose of securing compliance with the provisions of this  
34 act and with orders, rules and regulations made pursuant to this act;

35 (c) recommend and advise the evacuation of all or part of the population from any  
36 stricken or threatened area within the state if necessary for the preservation of life;

37 (d) recommend routes, modes of transportation, and destination in connection with  
38 evacuation;

39 (e) in connection with evacuation, suspend or limit the sale, dispensing, or  
40 transportation of alcoholic beverages, explosives, and combustibles, not to include the lawful  
41 bearing of arms;

42 (f) control ingress and egress to and from a disaster area, the movement of persons  
43 within the area, and recommend the occupancy or evacuation of premises in a disaster area;

44 (g) clear or remove from publicly or privately owned land or water debris or wreckage  
45 that is an immediate threat to public health, public safety, or private property, including  
46 allowing an employee of a state department or agency designated by the governor to enter upon  
47 private land or waters and perform any tasks necessary for the removal or clearance operation if  
48 the political subdivision, corporation, organization, or individual that is affected by the removal  
49 of the debris or wreckage:

50 (i) presents an unconditional authorization for removal of the debris or wreckage from  
51 private property; and

52 (ii) agrees to indemnify the state against any claim arising from the removal of the  
53 debris or wreckage;

54 (h) enter into agreement with any agency of the United States:

55 (i) for temporary housing units to be occupied by victims of a state of emergency or  
56 persons who assist victims of a state of emergency; and

57 (ii) to make the housing units described in Subsection (1)(h)(i) available to a political

58 subdivision of this state;

59 (i) assist any political subdivision of this state to acquire sites and utilities necessary for  
60 temporary housing units described in Subsection (1)(h)(i) by passing through any funds made  
61 available to the governor by an agency of the United States for this purpose;

62 (j) subject to Sections 63K-4-401 and 63K-4-406, temporarily suspend or modify by  
63 executive order, during the state of emergency, any public health, safety, zoning, transportation,  
64 or other requirement of a statute or administrative rule within this state if such action is  
65 essential to provide temporary housing described in Subsection (1)(h)(i);

66 (k) upon determination that a political subdivision of the state will suffer a substantial  
67 loss of tax and other revenues because of a state of emergency and the political subdivision so  
68 affected has demonstrated a need for financial assistance to perform its governmental  
69 functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section  
70 10-8-6:

71 (i) apply to the federal government for a loan on behalf of the political subdivision if  
72 the amount of the loan that the governor applies for does not exceed 25% of the annual  
73 operating budget of the political subdivision for the fiscal year in which the state of emergency  
74 occurs; and

75 (ii) receive and disburse the amount of the loan to the political subdivision;

76 (l) accept funds from the federal government and make grants to any political  
77 subdivision for the purpose of removing debris or wreckage from publicly owned land or  
78 water;

79 (m) upon determination that financial assistance is essential to meet expenses related to  
80 a state of emergency of individuals or families adversely affected by the state of emergency that  
81 cannot be sufficiently met from other means of assistance, apply for, accept, and expend a grant  
82 by the federal government to fund the financial assistance, subject to the terms and conditions  
83 imposed upon the grant; ~~or~~

84 (n) recommend to the Legislature other actions the governor considers to be necessary  
85 to address a state of emergency[-]; or

86           (o) authorize the use of all water sources as necessary for fire suppression.

87           (2) A person who fraudulently or willfully makes a misstatement of fact in connection  
88 with an application for financial assistance under this section shall, upon conviction of each  
89 offense, be subject to a fine of not more than \$5,000 or imprisonment for not more than one  
90 year, or both.