

1 **PUBLIC SAFETY EMERGENCY MANAGEMENT AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Karen Mayne**

5 House Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Public Safety Code regarding emergency assistance during a
10 declared disaster.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ authorizes the Division of Emergency Management to conduct a feasibility study
14 regarding establishing a contract with the United States Postal Service to help with
15 emergency response services during a declared disaster; and

16 ▶ requires the Division of Emergency Management to report to the Business and
17 Labor Interim Committee by November 30, 2016, regarding the feasibility study.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53-2a-204**, as last amended by Laws of Utah 2015, Chapter 258

25

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

27 Section 1. Section **53-2a-204** is amended to read:



28 **53-2a-204. Authority of governor -- Federal assistance -- Fraud or willful**
29 **misstatement in application for financial assistance -- Penalty.**

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

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

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

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

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

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

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

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

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

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

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

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

59 (ii) to make the housing units described in Subsection (1)(h)(i) available to a political
60 subdivision of this state;

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

64 (j) subject to Sections 53-2a-209 and 53-2a-214, temporarily suspend or modify by
65 executive order, during the state of emergency, any public health, safety, zoning, transportation,
66 or other requirement of a statute or administrative rule within this state if such action is
67 essential to provide temporary housing described in Subsection (1)(h)(i);

68 (k) upon determination that a political subdivision of the state will suffer a substantial
69 loss of tax and other revenues because of a state of emergency and the political subdivision so
70 affected has demonstrated a need for financial assistance to perform its governmental
71 functions, in accordance with Utah Constitution, Article XIV, Sections 3 and 4, and Section
72 10-8-6:

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

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

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

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

86 (n) recommend to the Legislature other actions the governor considers to be necessary
87 to address a state of emergency; or

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

89 (2) A person who fraudulently or willfully makes a misstatement of fact in connection

90 with an application for financial assistance under this section shall, upon conviction of each
91 offense, be subject to a fine of not more than \$5,000 or imprisonment for not more than one
92 year, or both.

93 (3) The division shall conduct a feasibility study regarding the establishment of an
94 agreement with the United States Postal Service regarding the use of employees, resources, and
95 assets within the Postal Service Network to provide the following services:

96 (a) identify residential or commercial structures that have been damaged;

97 (b) identify persons who reside in a damaged area and the emergent medical or
98 physical needs of those persons;

99 (c) help assess the damage to neighborhoods or communities; and

100 (d) any other activity that the division determines to be necessary to assist in
101 responding to a declared disaster.

102 (4) The division shall provide a report to the Business and Labor Interim Committee
103 regarding the feasibility study conducted under Subsection (3) no later than November 30,
104 2016.

Legislative Review Note
Office of Legislative Research and General Counsel