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LEGISLATURE OF THE STATE OF IDAHO
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1 AN ACT
2 RELATING TO DISASTER EMERGENCIES; AMENDING SECTION 46-1008, IDAHO CODE, TO
3 REVISE PROVISIONS REGARDING ACTIONS BY THE GOVERNOR IN A STATE OF DISAS-
4 TER EMERGENCY; AND DECLARING AN EMERGENCY.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 46-1008, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 46-1008. THE GOVERNOR AND DISASTER EMERGENCIES. (1) Under this act,
9 the governor may issue executive orders, and proclamations and amend or re-
10 scind them. Executive orders and proclamations have the force and effect of
11 law.

12 (2) A disaster emergency shall be declared by executive order or
13 proclamation of the governor if he finds a disaster has occurred or that the
14 occurrence or the threat thereof is imminent. The state of disaster emer-
15 gency shall continue until the governor finds that the threat or danger has
16 passed, ~~or the disaster has been dealt with to the extent that~~ emergency con-
17 ditions no longer exist, and when either or both of these events occur, the
18 governor shall terminate the state of disaster emergency by executive order
19 or proclamation; provided, however, that no state of disaster emergency may
20 continue for longer than thirty (30) days unless the governor finds that it
21 should be continued for another thirty (30) days or any part thereof.

22 (3) Immediately upon issuing the declaration pursuant to subsection
23 (2) of this section, the governor shall concurrently call the legislature
24 into session if the legislature is not already in session. The legislature
25 shall convene within three (3) days from the declaration of disaster emer-
26 gency.

27 (4) The legislature by concurrent resolution may terminate a state of
28 disaster emergency at any time. Thereupon, the governor shall immediately
29 issue an executive order or proclamation ending the state of disaster emer-
30 gency. All executive orders or proclamations issued under this subsection,
31 except that of termination of the declaration, shall indicate the nature of
32 the disaster, the area or areas threatened, the area subject to the proclama-
33 tion, and the conditions which are causing the disaster. An executive order
34 or proclamation shall be disseminated promptly immediately by means calcu-
35 lated to bring its contents to the attention of the general public and unless
36 the circumstances attendant upon the disaster prevent or impede, be promptly
37 filed with the Idaho office of emergency management, the office of the secre-
38 tary of state and the office of the recorder of each county where the state of
39 disaster emergency applies.

40 (35) An executive order or proclamation of a state of disaster emer-
41 gency shall activate the disaster response and recovery aspects of the
42 state, local and intergovernmental disaster emergency plans applicable to

1 the political subdivision or area in question and be authority for the de-
2 ployment and use of any forces to which the plan or plans apply and for use
3 or distribution of any supplies, equipment, and materials and facilities
4 assembled, stockpiled, or arranged to be made available pursuant to this act
5 or any other provision of law relating to disaster emergencies.

6 (46) During the continuance of any state of disaster emergency, the
7 governor is commander-in-chief of the militia and may assume command of all
8 other forces available for emergency duty. To the greatest extent prac-
9 ticable, the governor shall delegate or assign command authority by prior
10 arrangement embodied in appropriate executive orders or ~~regulations~~ rules,
11 but nothing herein restricts his authority to do so by orders issued at the
12 time of the disaster emergency.

13 (57) In addition to any other powers conferred upon the governor by law,
14 he may:

15 (a) Suspend the provisions of any ~~regulations~~ rules prescribing the
16 procedures for conduct of public business that would in any way prevent,
17 hinder, or delay necessary action in coping with the emergency;

18 (b) Utilize all resources of the state, including, but not limited to,
19 those sums in the disaster emergency account as he shall deem necessary
20 to pay obligations and expenses incurred during a declared state of dis-
21 aster emergency;

22 (c) Transfer the direction, personnel, or functions of state depart-
23 ments and agencies or units thereof for the purpose of performing or fa-
24 cilitating emergency services;

25 (d) Subject to any applicable requirements for compensation under sec-
26 tion 46-1012, Idaho Code, commandeer or utilize any private property,
27 real or personal, if he finds this necessary to cope with the disaster
28 emergency;

29 (e) Direct and compel the evacuation of all or part of the population
30 from any stricken or threatened area within the state if he deems this
31 action necessary for the preservation of life or other disaster mitiga-
32 tion, response, or recovery;

33 (f) Prescribe routes, modes of transportation, and destinations in
34 connection with evacuation;

35 (g) Control ingress and egress to and from a disaster area, the movement
36 of persons within the area, and the occupancy of premises therein;

37 (h) Suspend or limit the sale, dispensing or transportation of alco-
38 holic beverages, explosives, and combustibles;

39 (i) Make provision for the availability and use of temporary emergency
40 housing.

41 (68) Whenever an emergency or a disaster has been declared to exist in
42 Idaho by the president of the United States under the provisions of the dis-
43 aster relief act of 1974 (public law 93-288, 42 U.S.C. 5121), as amended, the
44 governor may:

45 (a) Enter into agreements with the federal government for the sharing
46 of disaster recovery expenses involving public facilities;

47 (b) Require as a condition of state assistance that a local taxing dis-
48 trict be responsible for paying forty percent (40%) of the nonfederal
49 share of costs incurred by the local taxing district that have been de-
50 termined to be eligible for reimbursement by the federal government,

1 provided that the total local share of eligible costs for a taxing dis-
2 trict shall not exceed ten percent (10%) of the taxing district's tax
3 charges authorized by section 63-802, Idaho Code;

4 (c) Obligate the state to pay the balance of the nonfederal share of el-
5 ible costs within local taxing entities qualifying for federal assis-
6 tance; and

7 (d) Enter into agreements with the federal government for the sharing
8 of disaster assistance expenses to include individual and family grant
9 programs.

10 (79) During the continuance of any declared state of disaster emer-
11 gency, neither the governor nor any agency of any governmental entity or po-
12 litical subdivision of the state shall impose restrictions on United States
13 Constitution First Amendment rights or on the lawful possession, transfer,
14 sale, transport, storage, display or use of firearms or ammunition.

15 (10) The governor shall have no power to alter, amend, adjust, or sus-
16 pend any provision of any statute.

17 SECTION 2. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after its
19 passage and approval.