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## Emergency and Disaster Authorities Under Scrutiny



**This year, more than 30 states and territories have had bills introduced in the state legislature that would seek to limit the governor's emergency powers.** Many of these bills focus on limiting the length of time an emergency declaration remains in place; requiring the approval of the General Assembly to extend an emergency declaration; limiting the governor's ability to suspend statutes and regulations during disasters; giving the legislature the authority to direct federal funding coming to states for disaster recovery programs; and changing the definition of the terms "disaster" and "emergency".

In these times of increasing complexity and the proliferation of risks and hazards faced by the American public, including pandemics, the combined and integrated efforts of all of government are essential for success. Laws, authorities, policies, and funding decisions must be inclusive and foster unity of effort to ensure truly resilient states and communities.

As state legislatures consider a variety of disaster and public health emergency related bills, NEMA developed an informational document [\*\*Considerations for State Legislation Addressing Emergency and Disaster Authorities\*\*](#) that offers points of consideration to help ensure the continued effectiveness of disaster response and recovery, including public health emergencies such as pandemics.

The legislative process is often slow and deliberate to provide policy makers an opportunity to engage with a wide variety of stakeholders and fully assess short-term and long-term considerations. Conversely, disaster response must be swift and thorough to save lives and deal with the rapidly changing dynamics and complexity increasingly prevalent in the types of disasters being experienced today. Any legislative action that impedes a state's ability to respond quickly and comprehensively is of great concern to the emergency management community.

NEMA fully understands and appreciates the authority and autonomy of legislatures to conduct oversight of executives and do that which is in the best interest of their constituents and the state. Given the depth and breadth of the potential impacts of some legislation currently being considered, the emergency management community hopes elected officials will consider some of these points as they proceed with deliberations.

**Clearly there are always unintended consequences of any legislative or regulatory act that's taken in the heat of battle.**

**- Richard Grasso**

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