

**Effective 5/12/2015**

**53-2a-802 Definitions.**

- (1)
  - (a) "Absent" means:
    - (i) not physically present or not able to be communicated with for 48 hours; or
    - (ii) for local government officers, as defined by local ordinances.
  - (b) "Absent" does not include a person who can be communicated with via telephone, radio, or telecommunications.
- (2) "Department" means the Department of Administrative Services, the Department of Agriculture and Food, the Alcoholic Beverage Control Commission, the Department of Commerce, the Department of Heritage and Arts, the Department of Corrections, the Department of Environmental Quality, the Department of Financial Institutions, the Department of Health, the Department of Human Resource Management, the Department of Workforce Services, the Labor Commission, the National Guard, the Department of Insurance, the Department of Natural Resources, the Department of Public Safety, the Public Service Commission, the Department of Human Services, the State Tax Commission, the Department of Technology Services, the Department of Transportation, any other major administrative subdivisions of state government, the State Board of Education, the State Board of Regents, the Utah Housing Corporation, the Workers' Compensation Fund, the State Retirement Board, and each institution of higher education within the system of higher education.
- (3) "Division" means the Division of Emergency Management established in Title 53, Chapter 2a, Part 1, Emergency Management Act.
- (4) "Emergency interim successor" means a person designated by this part to exercise the powers and discharge the duties of an office when the person legally exercising the powers and duties of the office is unavailable.
- (5) "Executive director" means the person with ultimate responsibility for managing and overseeing the operations of each department, however denominated.
- (6)
  - (a) "Office" includes all state and local offices, the powers and duties of which are defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.
  - (b) "Office" does not include the office of governor or the legislative or judicial offices.
- (7) "Place of governance" means the physical location where the powers of an office are being exercised.
- (8) "Political subdivision" includes counties, cities, towns, metro townships, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.
- (9) "Political subdivision officer" means a person holding an office in a political subdivision.
- (10) "State officer" means the attorney general, the state treasurer, the state auditor, and the executive director of each department.
- (11) "Unavailable" means:
  - (a) absent from the place of governance during a disaster that seriously disrupts normal governmental operations, whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions; or
  - (b) as otherwise defined by local ordinance.

Amended by Chapter 352, 2015 General Session