

PUBLIC SAFETY - DIVISION NAME CHANGE

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: DeMar Bud Bowman

This act modifies the Public Safety Code and provisions of the code related to disaster response and recovery and resource development by changing the title of the Comprehensive Emergency Management Act to the Emergency Services and Homeland Security Act, and renaming the division created by the act as the Division of Emergency Services and Homeland Security. The act also makes related amendments throughout the code to reflect this change.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

19-3-112, as renumbered and amended by Chapter 112, Laws of Utah 1991

53-1-104, as last amended by Chapters 263 and 343, Laws of Utah 1998

53-2-101, as last amended by Chapter 42, Laws of Utah 2001

53-2-102, as last amended by Chapter 42, Laws of Utah 2001

53-2-103, as enacted by Chapter 234, Laws of Utah 1993

53-2-104, as last amended by Chapter 42, Laws of Utah 2001

53-2-108, as enacted by Chapter 281, Laws of Utah 1997

53-12-201, as enacted by Chapter 343, Laws of Utah 1998

63-5-4, as last amended by Chapter 82, Laws of Utah 1997

63-5a-8, as last amended by Chapter 166, Laws of Utah 1989

63-5b-102, as last amended by Chapter 222, Laws of Utah 2000

63-5b-301, as enacted by Chapter 294, Laws of Utah 1992

63-28a-3, as last amended by Chapter 82, Laws of Utah 1997

63C-6-101, as last amended by Chapter 42, Laws of Utah 2000

63C-6-104, as last amended by Chapter 42, Laws of Utah 2000



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

29 Section 1. Section **19-3-112** is amended to read:

30 **19-3-112. Notification by the department to certain persons of release of radiation**
31 **from Nevada Test Site -- Notification to certain news outlets.**

32 (1) When informed by the United States Department of Energy of any release of radiation
33 exceeding the Nuclear Regulatory Commission's limits for unrestricted use in air or water from
34 the Nevada Test Site which is detected outside its boundaries, the department shall, unless
35 prohibited by federal law, immediately convey to the persons specified in Subsection (2) all
36 information that is made available to it, including:

- 37 (a) the date;
- 38 (b) the time and duration of each release of radiation;
- 39 (c) estimates of total amounts of radiation released;
- 40 (d) the types and amounts of each isotope detected off-site;
- 41 (e) the locations of monitoring stations detecting off-site radiation; and
- 42 (f) current and projected wind direction, wind velocity, and precipitation for the region.

43 (2) Unless prohibited by federal law, the department shall provide the information required
44 under Subsection (1) to the following:

- 45 (a) members of the Utah congressional delegation or their designated representatives;
- 46 (b) the director of the Division of [~~Comprehensive Emergency Management~~] Emergency
47 Services and Homeland Security;
- 48 (c) the attorney general;
- 49 (d) the regional director of the Federal Emergency Management Agency;
- 50 (e) the regional director of the National Oceanic and Atmospheric Administration;
- 51 (f) the executive director of the Utah League of Cities and Towns;
- 52 (g) the executive director of the Department of Health; and
- 53 (h) the chairpersons of the county commissions of affected counties.

54 (3) If the state is informed by the United States Department of Energy that any radiation
55 released from the Nevada Test Site has been detected by the United States Department of Energy
56 or United States Environmental Protection Agency or the department within the boundaries of the
57 state of Utah, the department shall, unless prohibited by federal law, immediately provide all
58 information available to it as specified in Subsection (1) to the Associated Press and United Press

59 International outlets in the state.

60 Section 2. Section **53-1-104** is amended to read:

61 **53-1-104. Boards, bureaus, councils, divisions, and offices.**

62 (1) The following are the policymaking boards within the department:

63 (a) the Driver License Medical Advisory Board, created in Section 53-3-303;

64 (b) the Concealed Weapon Review Board, created in Section 53-5-703;

65 (c) the Utah Fire Prevention Board, created in Section 53-7-203;

66 (d) the Liquified Petroleum Gas Board, created in Section 53-7-304; and

67 (e) the Private Investigator Hearing and Licensure Board, created in Section 53-9-104.

68 (2) The following are the councils within the department:

69 (a) the Peace Officer Standards and Training Council, created in Section 53-6-106; and

70 (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section 53-8-203.

71 (3) The following are the divisions within the department:

72 (a) the Administrative Services Division, created in Section 53-1-203;

73 (b) the Management Information Services Division, created in Section 53-1-303;

74 (c) the [~~Comprehensive Emergency Management~~] Division of Emergency Services and
75 Homeland Security, created in Section 53-2-103;

76 (d) the Driver License Division, created in Section 53-3-103;

77 (e) the Criminal Investigations and Technical Services Division, created in Section
78 53-10-103;

79 (f) the Peace Officers Standards and Training Division, created in Section 53-6-103;

80 (g) the State Fire Marshal Division, created in Section 53-7-103; and

81 (h) the Utah Highway Patrol Division, created in Section 53-8-103.

82 (4) The Office of Executive Protection is created in Section 53-1-112.

83 (5) The following are bureaus within the department:

84 (a) Bureau of Criminal Identification, created in Section 53-10-201;

85 (b) Criminal Investigations Bureau, created in Section 53-10-301;

86 (c) Bureau of Forensic Services, created in Section 53-10-401; and

87 (d) Bureau of Communications, created in Section 53-10-501.

88 (6) The State Olympic Public Safety Command is created within the department by Section
89 53-12-201.

90 Section 3. Section **53-2-101** is amended to read:

91 **Part 1. Emergency Services and Homeland Security Act**

92 **53-2-101. Title.**

93 This part is known as the "[~~Comprehensive Emergency Management~~] Emergency Services
94 and Homeland Security Act."

95 Section 4. Section **53-2-102** is amended to read:

96 **53-2-102. Definitions.**

97 As used in this part:

98 (1) "Attack" means a nuclear, conventional, biological, or chemical warfare action against
99 the United States of America or this state.

100 (2) "Disaster" means a situation causing, or threatening to cause, widespread damage,
101 social disruption, or injury or loss of life or property resulting from attack, internal disturbance,
102 natural phenomena, or technological hazard.

103 (3) "Director" means the division director appointed under Section 53-2-103.

104 (4) "Division" means the [~~Comprehensive Emergency Management~~] Division of
105 Emergency Services and Homeland Security created in Section 53-2-103.

106 (5) "Expenses" means actual labor costs of government and volunteer personnel, including
107 workers compensation benefits, fringe benefits, administrative overhead, cost of equipment, cost
108 of equipment operation, cost of materials, and the cost of any contract labor and materials.

109 (6) "Hazardous materials emergency" means a sudden and unexpected release of any
110 substance that because of its quantity, concentration, or physical, chemical, or infectious
111 characteristics presents a direct and immediate threat to public safety or the environment and
112 requires immediate action to mitigate the threat.

113 (7) "Internal disturbance" means a riot, prison break, disruptive terrorism, or strike.

114 (8) "Natural phenomena" means any earthquake, tornado, storm, flood, landslide,
115 avalanche, forest or range fire, drought, or epidemic.

116 (9) "State of emergency" means a condition in any part of this state that requires state
117 government emergency assistance to supplement the local efforts of the affected political
118 subdivision to save lives and to protect property, public health, welfare, and safety in the event of
119 a disaster, or to avoid or reduce the threat of a disaster.

120 (10) "Technological hazard" means any hazardous materials accident, mine accident, train

121 derailment, air crash, radiation incident, pollution, structural fire, or explosion.

122 Section 5. Section **53-2-103** is amended to read:

123 **53-2-103. Division of Emergency Services -- Creation -- Director -- Appointment --**
124 **Term -- Compensation.**

125 (1) There is created within the department the [~~Comprehensive Emergency Management~~]
126 Division of Emergency Services and Homeland Security.

127 (2) The division shall be administered by a director appointed by the commissioner with
128 the approval of the governor.

129 (3) The director is the executive and administrative head of the division and shall be
130 experienced in administration and possess additional qualifications as determined by the
131 commissioner and as provided by law.

132 (4) The director acts under the supervision and control of the commissioner and may be
133 removed from his position at the will of the commissioner.

134 (5) The director shall receive compensation as provided by Title 67, Chapter 19, Utah State
135 Personnel Management Act.

136 Section 6. Section **53-2-104** is amended to read:

137 **53-2-104. Division duties -- Powers.**

138 (1) The division shall:

139 (a) respond to the policies of the governor and the Legislature;

140 (b) perform functions relating to [~~comprehensive emergency management~~] emergency
141 services and homeland security matters as directed by the commissioner;

142 (c) prepare, implement, and maintain programs and plans to provide for:

143 (i) prevention and minimization of injury and damage caused by disasters;

144 (ii) prompt and effective response to and recovery from disasters;

145 (iii) identification of areas particularly vulnerable to disasters;

146 (iv) coordination of hazard mitigation and other preventive and preparedness measures
147 designed to eliminate or reduce disasters;

148 (v) assistance to local officials in designing local emergency action plans;

149 (vi) coordination of federal, state, and local emergency activities;

150 (vii) coordination of emergency operations plans with emergency plans of the federal
151 government;

- 152 (viii) coordination of search and rescue activities;
- 153 (ix) coordination of rapid and efficient communications in times of emergency; and
- 154 (x) other measures necessary, incidental, or appropriate to this part.

155 (2) The division may consult with the Legislative Management Committee, the Judicial
156 Council, and legislative and judicial staff offices to assist them in preparing emergency succession
157 plans and procedures under Title 63, Chapter 5b, Emergency Interim Succession Act.

158 Section 7. Section **53-2-108** is amended to read:

159 **53-2-108. Search and Rescue Advisory Board -- Members -- Compensation.**

160 (1) There is created the Search and Rescue Advisory Board consisting of seven members
161 appointed as follows:

162 (a) two representatives designated by the Utah Search and Rescue Association, one of
163 whom is from a county with a population of 75,000 or more; and one from a county having a
164 population of less than 75,000;

165 (b) three representatives designated by the Utah Sheriff's Association, at least one of
166 whom shall be a member of a voluntary search and rescue unit operating in the state, at least one
167 of whom shall be from a county having a population of 75,000 or more, and at least one of whom
168 shall be from a county having a population of less than 75,000;

169 (c) one representative of the Division of [~~Comprehensive Emergency Management~~]
170 Emergency Services and Homeland Security designated by the director; and

171 (d) one private citizen appointed by the governor with the advice and consent of the
172 Senate.

173 (2) (a) The term of each member of the board is four years.

174 (b) A member may be reappointed to one successive term.

175 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
176 appointed for the unexpired term.

177 (d) A member resigning from the board shall serve until a successor is appointed and
178 qualified.

179 (3) Members who are not government employees shall receive no compensation or benefits
180 for their services, but may receive per diem and travel expenses incurred in the performance of the
181 member's official duties at the rates established by the Division of Finance under Sections
182 63A-3-106 and 63A-3-107.

183 Section 8. Section **53-12-201** is amended to read:

184 **53-12-201. State Olympic Public Safety Command -- Creation -- Membership --**
185 **Chair -- Quorum -- Compensation.**

186 (1) (a) There is created within the department the "State Olympic Public Safety Command"
187 consisting of the following members:

188 (i) the commissioner;

189 (ii) the Deputy Adjutant General of the Utah National Guard;

190 (iii) the chief law enforcement officer of each of the following:

191 (A) Salt Lake City Police Department;

192 (B) Salt Lake County Sheriff's Office;

193 (C) Summit County Sheriff's Office;

194 (D) University of Utah Police Department;

195 (E) Weber County Sheriff's Office;

196 (F) West Valley City Police Department;

197 (G) Wasatch County Sheriff's Office;

198 (H) Provo City Police Department; and

199 (I) Ogden City Police Department;

200 (iv) as determined by the Park City Council, either the:

201 (A) chief law enforcement officer of the Park City Police Department; or

202 (B) Olympics services director of the Park City Public Safety Department;

203 (v) the local special agents-in-charge of the Federal Bureau of Investigation;

204 (vi) the security director of the organizing committee;

205 (vii) the Olympic Coordinator for the [~~Comprehensive Emergency Management~~]
206 of Emergency Services and Homeland Security;

207 (viii) one individual to represent public works appointed by the commander based on
208 recommendations received as follows:

209 (A) the Utah Association of Counties shall recommend an individual;

210 (B) the Utah League of Cities and Towns shall recommend an individual; and

211 (C) the recommendations made under Subsections (1)(a)(viii)(A) and (B) shall be from
212 municipalities and counties in which an Olympic venue is located;

213 (ix) two individuals appointed by the Utah State Fire Chiefs Association, as follows:

214 (A) one representing fire services; and
215 (B) one representing emergency medical services; and
216 (x) any other member appointed by the command with the concurrence of the governor
217 based on a finding of the command that the member is important to the planning process of the
218 Olympics.

219 (b) (i) A member appointed under Subsections (1)(a)(i) through (vii) is an ex officio
220 member.

221 (ii) All members of the command are voting members.

222 (2) (a) The commissioner as the commander appointed under Section 53-12-301 shall
223 serve as chair of the command and call all necessary meetings.

224 (b) A [~~vice-commander~~] vice commander shall be elected by the command.

225 (3) A majority of the members constitutes a quorum for the transaction of business. The
226 action of a majority of a quorum constitutes the action of the command.

227 (4) The Utah Attorney General's Office shall provide legal counsel for the command.

228 (5) (a) (i) A state government member who does not receive salary, per diem, or expenses
229 from the state for the member's service may receive per diem and expenses incurred in the
230 performance of the member's official duties as a member of the command at the rates established
231 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

232 (ii) A state government member who is a member because of the member's state
233 government position may not receive per diem or expenses for the member's service.

234 (iii) A state government member may decline to receive per diem and expenses for the
235 member's service.

236 (b) (i) A local government member who does not receive salary, per diem, or expenses
237 from the entity that the member represents for the member's service may receive per diem and
238 expenses incurred in the performance of the member's official duties as a member of the command
239 at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

240 (ii) A local government member may decline to receive per diem and expenses for the
241 member's service.

242 Section 9. Section **63-5-4** is amended to read:

243 **63-5-4. Disaster Emergency Advisory Council created -- Function -- Composition --**
244 **Expenses.**

245 (1) A Disaster Emergency Advisory Council is created to provide advice to the governor
246 on matters relating to state government emergency disaster response and recovery actions and
247 activities.

248 (2) The council shall meet at the call of the governor.

249 (3) The Disaster Emergency Advisory Council comprises the:

250 (a) lieutenant governor;

251 (b) attorney general;

252 (c) president of the Senate;

253 (d) speaker of the House of Representatives;

254 (e) heads of the following state agencies:

255 (i) Public Safety;

256 (ii) Division of [~~Comprehensive Emergency Management~~] Emergency Services and

257 Homeland Security;

258 (iii) Building Board; and

259 (iv) Office of Planning and Budget;

260 (f) executive directors of the following departments:

261 (i) Transportation;

262 (ii) Human Services;

263 (iii) Health;

264 (iv) Environmental Quality;

265 (v) Community and Economic Development; and

266 (vi) Natural Resources;

267 (g) representative of the National Guard appointed by the governor with the advice and
268 consent of the Senate;

269 (h) commissioner of agriculture and food;

270 (i) state planning coordinator; and

271 (j) representatives from two statewide, nongovernmental service organizations appointed
272 by the governor with the advice and consent of the Senate.

273 (4) The commissioner of Public Safety shall serve as the chair of the council.

274 (5) (a) (i) State government officer and employee members who do not receive salary, per
275 diem, or expenses from their agency for their service may receive per diem and expenses incurred

276 in the performance of their official duties from the council at the rates established by the Division
277 of Finance under Sections 63A-3-106 and 63A-3-107.

278 (ii) State government officer and employee members may decline to receive per diem and
279 expenses for their service.

280 (b) Legislators on the committee shall receive compensation and expenses as provided by
281 law and legislative rule.

282 Section 10. Section **63-5a-8** is amended to read:

283 **63-5a-8. Acquisition of property for public use -- Compensation of owners.**

284 (1) (a) Upon proclamation of a state of emergency, the governor may purchase or lease
285 public or private property for public use including:

286 (i) food and medical supplies;

287 (ii) clothing;

288 (iii) shelter;

289 (iv) means of transportation;

290 (v) fuels;

291 (vi) oils; or

292 (vii) buildings or lands.

293 (b) The governor may not purchase private home storage nor privately owned arms.

294 (2) (a) The governor may use property purchased under authority of this section for any
295 purpose to meet the needs of an emergency, including its use to relieve want, distress, and disease.

296 (b) Any property used by the governor to meet the needs of an emergency is a public use.

297 (3) (a) The governor shall compensate the owner of property taken or used under authority
298 of this section by complying with the procedures established in Title 78, Chapter 34, Eminent
299 Domain.

300 (b) The governor shall pay for those purchases or leases from the funds available to the
301 Division of [~~Comprehensive Emergency Management~~] Emergency Services and Homeland
302 Security under this [~~act~~] chapter.

303 (4) Nothing in this section applies to or authorizes compensation for the destruction or
304 damage of standing timber or other property in order to provide a fire break or to the release of
305 waters or the breach of impoundments in order to reduce pressure or other danger from actual or
306 threatened flood.

307 Section 11. Section **63-5b-102** is amended to read:

308 **63-5b-102. Definitions.**

309 (1) (a) "Absent" means:

310 (i) not physically present or not able to be communicated with for 48 hours; or

311 (ii) for local government officers, as defined by local ordinances.

312 (b) "Absent" does not include a person who can be communicated with via telephone,
313 radio, or telecommunications.

314 (2) "Attack" means a nuclear, conventional, biological, or chemical warfare action against
315 the United States of America or this state.

316 (3) "Department" means the Department of Administrative Services, the Department of
317 Agriculture and Food, the Alcoholic Beverage Control Commission, the Department of
318 Commerce, the Department of Community and Economic Development, the Department of
319 Corrections, the Department of Environmental Quality, the Department of Financial Institutions,
320 the Department of Health, the Department of Human Resource Management, the Department of
321 Workforce Services, the Labor Commission, the National Guard, the Department of Insurance, the
322 Department of Natural Resources, the Department of Public Safety, the Public Service
323 Commission, the Department of Human Services, the State Tax Commission, the Department of
324 Transportation, any other major administrative subdivisions of state government, the State Board
325 of Education, the State Board of Regents, the Utah Housing Finance Agency, the Utah Technology
326 Finance Corporation, the Workers' Compensation Fund, the State Retirement Board, and each
327 institution of higher education within the system of higher education.

328 (4) "Disaster" means a situation causing, or threatening to cause, widespread damage,
329 social disruption, or injury or loss of life or property resulting from attack, internal disturbance,
330 natural phenomenon, or technological hazard.

331 (5) "Division" means the [~~Comprehensive Emergency Management~~] Division of
332 Emergency Services and Homeland Security established in Title 53, Chapter 2, [~~Comprehensive~~
333 ~~Emergency Management~~] Emergency Services and Homeland Security Act.

334 (6) "Emergency interim successor" means a person designated by this chapter to exercise
335 the powers and discharge the duties of an office when the person legally exercising the powers and
336 duties of the office is unavailable.

337 (7) "Executive director" means the person with ultimate responsibility for managing and

338 overseeing the operations of each department, however denominated.

339 (8) "Internal disturbance" means a riot, prison break, disruptive terrorism, or strike.

340 (9) "Natural phenomenon" means any earthquake, tornado, storm, flood, landslide,
341 avalanche, forest or range fire, drought, epidemic, or other catastrophic event.

342 (10) (a) "Office" includes all state and local offices, the powers and duties of which are
343 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

344 (b) "Office" does not include the office of governor or the legislative or judicial offices.

345 (11) "Place of governance" means the physical location where the powers of an office are
346 being exercised.

347 (12) "Political subdivision" includes counties, cities, towns, townships, districts,
348 authorities, and other public corporations and entities whether organized and existing under charter
349 or general law.

350 (13) "Political subdivision officer" means a person holding an office in a political
351 subdivision.

352 (14) "State officer" means the attorney general, the state treasurer, the state auditor, and
353 the executive director of each department.

354 (15) "Technological hazard" means any hazardous materials accident, mine accident, train
355 derailment, air crash, radiation incident, pollution, structural fire, or explosion.

356 (16) "Unavailable" means:

357 (a) absent from the place of governance during a disaster that seriously disrupts normal
358 governmental operations, whether or not that absence or inability would give rise to a vacancy
359 under existing constitutional or statutory provisions; or

360 (b) as otherwise defined by local ordinance.

361 Section 12. Section **63-5b-301** is amended to read:

362 **63-5b-301. Division to consult with legislative and judicial branch.**

363 The Division of [~~Comprehensive Emergency Management~~] Emergency Services and
364 Homeland Security may consult with the Legislative Management Committee, the Judicial
365 Council, and legislative and judicial staff offices to assist them in preparing emergency succession
366 plans and procedures.

367 Section 13. Section **63-28a-3** is amended to read:

368 **63-28a-3. Membership -- Terms -- Chair -- Expenses.**

369 (1) Membership of the RDCC shall include the state science advisor and representatives
370 of the following departments and divisions:

- 371 (a) Department of Agriculture and Food;
372 (b) Department of Community and Economic Development;
373 (c) Department of Environmental Quality;
374 (d) Department of Natural Resources;
375 (e) Department of Transportation;
376 (f) Division of Business and Economic Development;
377 (g) Division of Community Development;
378 (h) Division of State History;
379 (i) Division of Air Quality;
380 (j) Division of Drinking Water;
381 (k) Division of Environmental Response and Remediation;
382 (l) Division of Radiation;
383 (m) Division of Solid and Hazardous Waste;
384 (n) Division of Water Quality;
385 (o) Division of Oil, Gas, and Mining;
386 (p) Division of Parks and Recreation;
387 (q) Division of Forestry, Fire and State Lands;
388 (r) Utah Geological Survey;
389 (s) Division of Water Resources;
390 (t) Division of Water Rights;
391 (u) Division of Wildlife Resources;
392 (v) School and Institutional Trust Lands Administration;
393 (w) Division of Facilities Construction and Management; and
394 (x) Division of [~~Comprehensive Emergency Management~~] Emergency Services and
395 Homeland Security.

396 (2) (a) Additional members may be added as considered appropriate by a majority vote of
397 RDCC members with the concurrence of the state planning coordinator.

398 (b) Terms of additional members shall be four-years each, adjusted to ensure that the terms
399 are staggered so that approximately half of the additional members are appointed every two years.

400 (3) A chair shall be selected by a majority vote of RDCC members with the concurrence
401 of the state planning coordinator.

402 (4) (a) (i) Members who are not government employees shall receive no compensation or
403 benefits for their services, but may receive per diem and expenses incurred in the performance of
404 the member's official duties at the rates established by the Division of Finance under Sections
405 63A-3-106 and 63A-3-107.

406 (ii) Members may decline to receive per diem and expenses for their service.

407 (b) (i) State government officer and employee members who do not receive salary, per
408 diem, or expenses from their agency for their service may receive per diem and expenses incurred
409 in the performance of their official duties from the council at the rates established by the Division
410 of Finance under Sections 63A-3-106 and 63A-3-107.

411 (ii) State government officer and employee members may decline to receive per diem and
412 expenses for their service.

413 Section 14. Section **63C-6-101** is amended to read:

414 **63C-6-101. Creation of commission -- Membership -- Appointment -- Vacancies.**

415 (1) There is created the Utah Seismic Safety Commission consisting of 15 members,
416 designated as follows:

417 (a) the director of the Division of [~~Comprehensive Emergency Management~~] Emergency
418 Services and Homeland Security or his designee;

419 (b) the director of the Utah Geological Survey or his designee;

420 (c) the director of the University of Utah Seismograph Stations or his designee;

421 (d) the executive director of the Utah League of Cities and Towns or his designee;

422 (e) a representative from the Structural Engineers Association of Utah biannually selected
423 by its membership;

424 (f) the director of the Division of Facilities and Construction Management or his designee;

425 (g) the executive director of the Department of Transportation or his designee;

426 (h) the State Planning Coordinator or his designee;

427 (i) a representative from the American Institute of Architects, Utah Section;

428 (j) a representative from the American Society of Civil Engineers, Utah Section;

429 (k) a member of the House of Representatives appointed biannually by the speaker of the
430 House;

- 431 (l) a member of the Senate appointed biannually by the president of the Senate;
- 432 (m) the commissioner of the Department of Insurance or his designee;
- 433 (n) a representative from the Association of Contingency Planners, Utah Chapter,
- 434 biannually selected by its membership; and
- 435 (o) a representative from the American Public Works Association, Utah Chapter,
- 436 biannually selected by its membership.

437 (2) The commission shall annually select one of its members to serve as chair of the
438 commission.

439 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
440 appointed for the unexpired term.

441 Section 15. Section **63C-6-104** is amended to read:

442 **63C-6-104. Staffing and appropriated funds.**

443 (1) Staff support to the commission shall be provided by the Division of [~~Comprehensive~~
444 ~~Emergency Management~~] Emergency Services and Homeland Security and the Utah Geological
445 Survey.

446 (2) Monies not expended by the Utah Seismic Safety Commission during a fiscal year are
447 nonlapsing except that any balance of General Fund monies greater than \$10,000 lapses to the
448 General Fund.

Legislative Review Note
as of 11-15-01 8:57 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.