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EMERGENCY SERVICES ACT

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GENERAL SESSION

S. B. No 136

By

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1 AN ACT REPEALING CHAPTER 5 OF TITLE 63, UTAH CODE ANNOTATED 1953, AND
2 ENACTING A NEW CHAPTER 5 IN LIEU THEREOF RELATING TO CIVIL DEFENSE
3 AND DISASTER.

Be it enacted by the Legislature of the State of Utah:

1 Section 1. Chapter 5 of Title 63, Utah Code Annotated 1953, as
2 amended is repealed.

3 Section 2. A new Chapter 5 of Title 63 is enacted to read as follows:

4 63-5-1. Short Title. This Chapter shall be cited as the Emergency
5 Services Act.

6 63-5-2. Purposes. The purposes of this Chapter are to:

7 1. reduce vulnerability of people and communities of this State to
8 damage, injury, and loss of life and property resulting from natural or
9 manmade catastrophes, riots, or hostile military or paramilitary action;

10 2. prepare for and carry out prompt and efficient search, rescue,
11 care, and treatment of persons victimized or threatened by disaster;
12 3. provide a setting conducive to the rapid and orderly start of
13 restoration and rehabilitation of persons and property affected by
14 disasters;

15 4. clarify and strengthen the roles of the Governor, State agencies,
16 and local governments in preparation for, and response to, and recovery
17 from disasters;

18 5. authorize and provide for cooperation in disaster preparedness
19 response and recovery;

20 6. authorize and provide for coordination of activities relating to

1 disaster prevention, preparedness, response, and recovery by agencies
2 and officers of this State, and similar state-local, interstate, and
3 Federal-State activities in which the State and its political subdivisions
4 may participate;

5 7. provide a disaster management system embodying all aspects of
6 pre-disaster preparedness and post-disaster response; and

7 8. assist in prevention of disasters caused or aggravated by in-
8 adequate planning for and regulation of public and private facilities
9 and land use.

10 63-5-3. Limitations.

11 *Nothing in this Chapter shall be construed to:*

12 1. interfere with the course or conduct of a labor dispute, except
13 that actions otherwise authorized by this Chapter or other laws may be
14 taken when necessary to forestall or mitigate imminent or existing
15 danger to public health or safety;

16 2. interfere with dissemination of news or comment on public affairs;
17 but any communications facility or organization (including but not limited
18 to radio and television stations, wire services, and newspapers) may be
19 required to transmit or print public service messages furnishing informa-
20 tion or instructions in connection with a disaster emergency;

21 3. affect the jurisdiction or responsibilities of police forces,
22 fire fighting forces, units of the armed forces of the United States, or
23 of any personnel thereof, when on active duty; but State, local, and
24 interjurisdictional disaster emergency plans shall place reliance upon
25 the forces available for performance of functions related to disaster
26 emergencies; or

27 4. limit, modify, or abridge the authority of the Governor to pro-
28 claim martial law or exercise any other powers vested in him under the
29 constitution, statutes, or common law of this State independent of, or
30 in conjunction with, any provisions of this Chapter.

1 63-5-4. Definitions.

2 As used in this Chapter:

3 1. "disaster" means occurrence or imminent threat of widespread
4 or severe damage, injury, or loss of life or property resulting from
5 any natural or manmade cause, including but not limited to fire, flood,
6 earthquake, wind, storm, oil spill, or other water contamination re-
7 quiring emergency action to avert danger or damage, volcanic activity,
8 epidemic, air contamination, blight, drought, infestation, explosion,
9 riot, or hostile military or paramilitary action;

10 2. "political subdivision" means any county, city, township,
11 district, or other unit of local government; and

12 3. "unorganized militia" means all able bodied male and female
13 persons between the ages of 18 and 45 years.

14 63-5-5. Powers and Duties of the Governor.

15 (a) The Governor is responsible for meeting the dangers to the State
16 and people presented by disasters.

17 (b) Under this Chapter the Governor may issue executive orders,
18 proclamations, and regulations and amend or rescind them. Executive
19 orders, proclamations, and regulations have the force and effect of
20 law.

21 (c) A disaster emergency shall be declared by executive order or
22 proclamation of the Governor if he finds a disaster has occurred or
23 that this occurrence of the threat thereof is imminent. The state of
24 disaster emergency shall continue until the Governor finds that the
25 threat or danger has passed or the disaster has been dealt with to the
26 extent that emergency conditions no longer exist and terminates the
27 state of disaster emergency by executive order or proclamation, but no
28 state of disaster emergency may continue for longer than 30 days unless
29 renewed by the Governor. The Legislature by concurrent resolution may
30 terminate a state of disaster emergency at any time. Thereupon, the

1 Governor shall issue an executive order or proclamation ending the state
2 of disaster emergency. All executive orders or proclamations issued
3 under this subsection shall indicate the nature of the disaster, the
4 area or areas threatened, the conditions which have brought it about
5 or which make possible termination of the state of disaster emergency.
6 An executive order or proclamation shall be disseminated promptly by
7 means calculated to bring its contents to the attention of the general
8 public and unless the circumstances attendant upon the disaster prevent
9 or impede, promptly filed with the State Office of Emergency Services,
10 the Secretary of State, the County Clerk, and the Clerk of the Board
11 of Trustees of the Township in the area to which it applies.

12 (d) An executive order or proclamation of a state of disaster emer-
13 gency shall activate the disaster response and recovery aspects of the
14 State, local, and interjurisdictional disaster emergency plans applicable
15 to the political subdivision or area in question and be authority for
16 the deployment and use of any forces to which the plan or plans apply
17 and for use of distribution of any supplies, equipment, and materials
18 and facilities assembled, stockpiled, or arranged to be made available
19 pursuant to this Chapter or any other provision of law relating to
20 disaster emergencies.

21 (e) During the continuance of any state of disaster emergency the
22 Governor is commander-in-chief of the organized and unorganized militia
23 and of all other forces available for emergency duty. To the greatest
24 extent practicable, the Governor shall delegate or assign command authority
25 by prior arrangement embodied in appropriate executive orders or regula-
26 tions, but nothing herein restricts his authority to do so by orders
27 issued at the time of the disaster emergency.

28 (f) In addition to any other powers conferred upon the Governor by
29 law, he may:

30 (1) suspend the provisions of any regulatory statute prescribing

1 the procedures for conduct of State business, or the orders, rules,
2 or regulations of any State agency, if strict compliance with the
3 provisions of any statute, order, rule, or regulation would in any
4 way prevent, hinder, or delay necessary action in coping with the
5 emergency;

6 (2) utilize all available resources of the State Government
7 as reasonably necessary to cope with the disaster emergency and of
8 each political subdivision of the State;

9 (3) transfer the direction, personnel, or functions of State
10 departments and agencies or units thereof for the purpose of per-
11 forming or facilitating emergency services;

12 (4) subject to any applicable requirements for compensation
13 under 63-5-13, commandeer or utilize any private property if he
14 finds this necessary to cope with the disaster emergency;

15 (5) direct and compel the evacuation of all or part of the
16 population from any stricken or threatened area within the State if
17 he deems this action necessary for the preservation of life or other
18 disaster mitigation, response, or recovery;

19 (6) prescribe routes, modes of transportation, and destinations
20 in connection with evacuation;

21 (7) control ingress and egress to and from a disaster area, the
22 movement of persons within the area, and the occupancy of premises
23 therein;

24 (8) suspend or limit the sale, dispensing, or transportation of
25 alcoholic beverages, firearms, explosives, and combustibles; and

26 (9) make provision for the availability and use of temporary
27 emergency housing.

28 63-5-6. Utah Emergency Council.

29 (a) A Utah Emergency Council is hereby created for the purpose of
30 advising the Governor on matters relating to disaster emergencies. The

1 powers and duties of the Council shall include the following:

2 (1) To consider, recommend, and approve orders and regulations
3 which are within the province of the Governor to promulgate;

4 (2) To recommend to the Governor the assignment of any responsi-
5 bility, service, or activity relative to emergencies or emergency
6 planning to a State agency having duties related to such responsi-
7 bility, service or activity;

8 (3) To consider and recommend the creation by the Governor of
9 advisory committees in order to make civilian participation and
10 cooperation in emergency planning and activities available to the
11 State;

12 (4) To consider and recommend the expenditures of moneys appro-
13 priated for any of the objectives or purposes of this Chapter;

14 (b) The Utah Emergency Council shall be composed of the Governor,
15 the Secretary of State, the Attorney General, the President of the
16 Senate, the Speaker of the House of Representatives, and four members
17 appointed by the Governor from the citizens of the State at large to
18 hold office during the pleasure of the Governor. The Governor shall
19 designate the chairman and vice-chairman of the Council. Appointment
20 of citizen members shall be made with reference to their special know-
21 ledge of industry, transportation, agriculture, consumer protection,
22 labor, education, health, welfare, or other subjects relating to the
23 national or state defense or combating disasters. (No more than two
24 of the four members appointed by the Governor shall be members of the
25 same political party.)

26 (c) The members of the Council shall serve without compensation, but
27 shall be reimbursed for their actual and necessary traveling and other
28 expenses incurred in connection with attendance upon meetings of the
29 Council.

30 63-5-7. State Office of Emergency Services

1 (a) An Office of Emergency Services is hereby established in the
2 Office of the Governor. The Office shall have a Director appointed by
3 and to serve at the pleasure of the Governor. The Division shall have
4 such other professional, technical, secretarial, and clerical employees
5 as necessary for the performance of its functions.

6 (b) The Office of Emergency Services shall prepare and maintain an
7 Emergency Operations Plan and keep it current, which plan may include:

8 (1) prevention and minimization of injury and damage caused by
9 disaster;

10 (2) prompt and effective response to disaster;

11 (3) emergency relief;

12 (4) identification of areas particularly vulnerable to disasters;

13 (5) recommendations for zoning, building, and other land-use con-
14 trols, safety measures for securing mobile homes or other nonpermanent
15 or semipermanent structures, and other preventive and preparedness
16 measures designed to eliminate or reduce disasters or their impact;

17 (6) assistance to local officials in designing local emergency
18 action plans;

19 (7) authorization and procedures for the erection or other con-
20 struction of temporary works designed to protect against or mitigate
21 danger, damage, or loss from flood, conflagration, or other disaster;

22 (8) preparation and distribution to the appropriate State and
23 local officials of State catalogs of Federal, State, and private
24 assistance programs;

25 (9) organization of manpower and chains of command;

26 (10) coordination of Federal, State, and local disaster activities;

27 (11) coordination of the Emergency Operations Plan with the disaster
28 plans of the Federal Government; and

29 (12) other necessary matters.

30 (c) The Office of Emergency Services shall take an integral part in

1 the development and revision of local and interjurisdictional disaster
2 plans prepared under 63-5-9. To this end it shall employ or otherwise
3 secure the services of professional and technical personnel capable of
4 providing expert assistance to political subdivisions, their disaster
5 agencies, and interjurisdictional planning and disaster agencies. These
6 personnel shall consult with subdivisions and agencies on a regularly
7 scheduled basis and shall make field examinations of the areas, cir-
8 cumstances, and conditions to which particular local and interjuris-
9 dictional disaster plans are intended to apply, and may suggest or re-
10 quire revisions.

11 (d) In preparing and revising the Emergency Operations Plan, the
12 Office of Emergency Services shall seek the advice and assistance of
13 local government, business, labor, industry, agriculture, civic, and
14 volunteer organizations and community leaders. In advising local and
15 interjurisdictional agencies, the Office shall encourage them also to
16 seek advice from these sources.

17 (e) The Emergency Operations Plan or any part thereof may be in-
18 corporated in regulations of the Office of Emergency Services or execu-
19 tive orders which have the force and effect of law.

20 (f) The Office of Emergency Services shall:

21 (1) determine requirements of the State and its political sub-
22 divisions for food, clothing, and other necessities in event of an
23 emergency;

24 (2) procure and pre-position supplies, medicines, materials, and
25 equipment;

26 (3) promulgate standards and requirements for local and inter-
27 jurisdictional disaster plans;

28 (4) periodically review local and interjurisdictional disaster
29 plans;

30 (5) provide for mobile support units;

1 (6) establish and operate or assist political subdivisions,
2 their disaster agencies, and interjurisdictional disaster agencies
3 to establish and operate training programs and programs of public
4 information;

5 (7) make surveys of industries, resources, and facilities within
6 the State, both public and private, as are necessary to carry out the
7 purposes of this Chapter;

8 (8) plan and make arrangements for the availability and use of
9 any private facilities, services, and property and, if necessary and
10 if in fact used, provide for payment for use under terms and condi-
11 tions agreed upon;

12 (9) establish a register of persons with types of training and
13 skills important in emergency prevention, preparedness, response,
14 and recovery;

15 (10) establish a register of mobile and construction equipment
16 and temporary housing available for use in a disaster emergency;

17 (11) prepare, for issuance by the Governor, executive orders,
18 proclamations, and regulations as necessary or appropriate in coping
19 with disasters;

20 (12) cooperate with the Federal Government and any public or pri-
21 vate agency or entity in achieving any purpose of this Chapter and in
22 implementing programs for disaster prevention, preparation, response,
23 and recovery; and

24 (13) do other things necessary, incidental, or appropriate for the
25 implementation of this Chapter.

26 63-5-8. Financing.

27 (a) It is the intent of the Legislature and declared to be the policy
28 of the State that funds to meet disaster emergencies shall always be
29 available.

30 (b) A Disaster Contingency Fund is established which shall receive

1 monies appropriated thereto by the Legislature. Monies in the Disaster
2 Contingency Fund shall remain therein until expended.

3 (c) It is the legislative intent that the first recourse shall be to
4 funds regularly appropriated to State and local agencies. If the
5 Governor finds that the demands placed upon these funds in coping with
6 a particular disaster are unreasonably great, he may make funds available
7 from the Disaster Contingency Fund. If monies available from the Fund
8 are insufficient, and if the Governor finds that other sources of money
9 to cope with the disaster are not available or are insufficient, the
10 Governor may transfer and expend monies appropriated for other purposes
11 or borrow for a term not to exceed 2 years from the United States Govern-
12 ment or other public or private source.

13 (d) Nothing contained in this Section shall be construed to limit the
14 Governor's authority to apply for, administer, and expend grants, gifts,
15 or payments in aid of disaster prevention, preparedness, response, or
16 recovery.

17 63-5-9. Local and Interjurisdictional Disaster Agencies and Services

18 (a) Each political subdivision within this State shall be within the
19 jurisdiction of and served by the Office of Emergency Services and by a
20 local or interjurisdictional agency responsible for disaster preparedness
21 and coordination of response.

22 (b) Each county shall maintain a disaster agency or participate in a
23 local or interjurisdictional disaster agency which, except as otherwise
24 provided under this Chapter has jurisdiction over and serves the entire
25 county.

26 (c) The Governor shall determine which municipal corporations need
27 disaster agencies of their own and require that they be established and
28 maintained. He shall make his determinations on the basis of the muni-
29 cipality's disaster vulnerability and capability of response related to
30 population size and concentration. The disaster agency of a county shall

1 cooperate with the disaster agencies of municipalities situated within its
2 borders but shall not have jurisdiction within a municipality having its
3 own disaster agency. The Office of Emergency Services shall publish and
4 keep current a list of municipalities required to have disaster agencies
5 under this subsection.

6 (d) Any provision of this Chapter or other law to the contrary notwith-
7 standing, the Governor may require a political subdivision to establish
8 and maintain a disaster agency jointly with one or more contiguous poli-
9 tical subdivisions, if he finds that the establishment and maintenance of
10 an agency or participation therein is made necessary by circumstances or
11 conditions that make it unusually difficult to provide disaster prevention,
12 preparedness, response, or recovery services under other provisions of
13 this chapter.

14 (e) Each political subdivision which does not have a disaster agency
15 and has not made arrangements to secure or participate in the services
16 of an agency shall have a liaison officer designated to facilitate the
17 cooperation and protection of that subdivision in the work of disaster
18 prevention, preparedness, response, and recovery.

19 (f) The principal executive officer of each political subdivision
20 in the State shall notify the Office of Emergency Services of the manner
21 in which the political subdivision is providing or securing disaster
22 planning and emergency services, identify the person who heads the agency
23 from which the service is obtained, and furnish additional information
24 relating thereto as the Office requires.

25 (g) Each local and interjurisdictional agency shall prepare and keep
26 current a local or interjurisdictional disaster emergency plan for its
27 area.

28 (h) The local or interjurisdictional disaster agency, as the case may
29 be, shall prepare and distribute to all appropriate officials in written
30 form a clear and complete statement of the emergency responsibilities of

1 all local agencies and officials and of the disaster chain of command.

2 63-5-10. Establishment of Interjurisdictional Disaster Planning and
3 Services Areas.

4 (a) If the Governor finds that two or more adjoining counties would
5 be better served by an interjurisdictional arrangement than by main-
6 taining separate disaster agencies and services, he may delineate by
7 executive order or regulation an interjurisdictional area adequate to
8 plan for, prevent, or respond to disaster in that area and direct steps
9 to be taken as necessary, including the creation of an interjurisdictional
10 relationship, a joint disaster emergency plan, mutual aid, or an area
11 organization for emergency planning and services. A finding of the
12 Governor pursuant to this subsection shall be based on one or more
13 factors related to the difficulty of maintaining an efficient and ef-
14 fective disaster prevention, preparedness, response, and recovery system
15 on an interjurisdictional basis, such as:

16 (1) small or sparse population;

17 (2) limitations on public financial resources severe enough to
18 make maintenance of a separate disaster agency and services unreason-
19 ably burdensome;

20 (3) unusual vulnerability to disaster as evidenced by a past
21 history of disasters, topographical features, drainage characteristics,
22 disaster potential, and presence of disaster-prone facilities or opera-
23 tions;

24 (4) the interrelated character of the counties in a multicounty
25 area;

26 (5) other relevant conditions or circumstances.

27 (b) If the Governor finds that a vulnerable area lies only partly with-
28 in this State and includes territory in another State or States and that
29 it would be desirable to establish an interstate or international rela-
30 tionship, mutual aid, or an area organization for disaster, he shall take

1 steps to that end as desirable. If this action is taken with jurisdictions
2 that have enacted the Interstate Civil Defense and Disaster Compact, any
3 resulting agreement or agreements may be considered supplemental agree-
4 ments pursuant to Article VI of that compact.

5 (c) If the other jurisdiction or jurisdictions with which the Governor
6 proposes to cooperate pursuant to subsection (b) hereof have not enacted
7 that compact, he may negotiate special agreements with the jurisdiction
8 or jurisdictions. Any agreement, if sufficient authority for the making
9 thereof does not otherwise exist, becomes effective only after its text
10 has been communicated to the Legislature and provided that neither
11 House of the Legislature has disapproved it by adjournment of the next
12 ensuing session competent to consider it or within thirty days of its
13 submission, whichever is longer.

14 63-5-11. Intergovernmental Arrangements

15 (a) This State enacts into law and enters into the Interstate Civil
16 Defense and Disaster Compact with all states legally joining therein.

17 (b) Nothing in this Chapter shall be construed to limit or otherwise
18 impair the participation of this State in the Interstate Civil Defense
19 and Disaster Compact with any state with which Utah already participates
20 or with any other jurisdiction subsequently joining therein in accordance
21 with its terms.

22 (c) If any person holds a license, certificate, or other permit
23 issued by any State or political subdivision thereof evidencing the meet-
24 ing of qualifications for professional, mechanical, or other skills, the
25 person may render aid involving that skill in this State to meet an emer-
26 gency or disaster, and this State shall give due recognition to the li-
27 cense, certificate, or other permit.

28 63-5-12. Local Disaster Emergencies

29 (a) A local disaster emergency may be declared only by the principal
30 executive officer of a political subdivision. It shall not be continued

1 or renewed for a period in excess of 7 days except by or with the consent
2 of the governing board of the political subdivision. Any order or proclama-
3 tion declaring, continuing, or terminating a local disaster emergency shall
4 be given prompt and general publicity and shall be filed promptly with the
5 County Clerk and Board of Commissioners of any affected county or township.

6 (b) The effect of declaration of a local disaster emergency is to acti-
7 vate the response and recovery aspects of any and all applicable local or
8 interjurisdictional disaster emergency plans and to authorize the furnish-
9 ing of aid and assistance thereunder.

10 (c) No interjurisdictional agency or official thereof may declare a
11 local disaster emergency unless expressly authorized by the agreement
12 pursuant to which the agency functions. However, an interjurisdictional
13 disaster agency shall provide aid and services in accordance with the
14 agreement pursuant to which it functions.

15 63-5-13. Compensation

16 (a) Each person within this State shall conduct himself and keep and
17 manage his affairs and property in ways that will reasonably assist and
18 will not unreasonably detract from the ability of the State and the
19 public successfully to meet disaster emergencies. This obligation in-
20 cludes appropriate personal service and use or restriction on the use
21 of property in time of disaster emergency. This Chapter neither in-
22 creases nor decreases these obligations but recognizes their existence
23 under the constitution and statutes of this State and the common law.
24 Compensation for services or for the taking or use of property shall be
25 only to the extent that obligations recognized herein are exceeded in a
26 particular case and then only to the extent that the claimant may not be
27 deemed to have volunteered his services or property without compensation.
28 To the extent that persons are entitled to compensation for property
29 pursuant to this Chapter, they shall be compensated within the manner
30 provided by subsection (b) hereof.

1 (b) Whenever the seizing officer and the owner of such property can
2 agree on the value thereof, the seizing officer shall issue an order for
3 payment of the same, which shall be promptly paid out of state funds
4 appropriated therefor. Such order shall be nonnegotiable.

5 (c) Whenever the seizing officer and the owner of such property cannot
6 agree on the value of the property so taken, the seizing officer shall
7 issue a receipt to the owner, specifying the kind and amount of property
8 taken, and the officer's estimate of the fair value thereof.

9 (d) Upon receipt of such certificate provided for in the preceding
10 section, such owner may present the same to the district judge where the
11 property is taken, and such district judge is directed and empowered im-
12 mediately to determine and adjudicate the value of such property. Appeals
13 from such judgement shall lie as in other civil matters, and upon final
14 judgement thereon, such amount shall be paid in the same manner as though
15 the parties had agreed thereon.

16 (e) Nothing in this Section applies to or authorizes compensation for
17 the destruction or damaging of standing timber or other property in order
18 to provide a fire break or to the release of waters or the breach of im-
19 poundments in order to reduce pressure or other danger from actual or
20 threatened flood.

21 63-5-14. Communications

22 The Office of Emergency Services shall ascertain what means exist for
23 rapid and efficient communications in times of disaster emergencies. The
24 Office shall consider the desirability of supplementing these communications
25 resources or of integrating them into a comprehensive State or State-Federal
26 telecommunications or other communications system or network. In studying
27 the character and feasibility of any system or its several parts, the
28 Office shall evaluate the possibility of multipurpose use thereof for
29 general State and local governmental purposes. The Office shall make
30 recommendations to the Governor as appropriate.

1 63-5-15. Mutual Aid

2 (a) Political subdivisions not participating in interjurisdictional
3 arrangements pursuant to this Chapter nevertheless shall be encouraged
4 and assisted by the Office of Emergency Services to conclude suitable
5 arrangements for furnishing mutual aid in coping with disasters. The
6 arrangements shall include provision of aid by persons and units in
7 public employ.

8 (b) In passing upon local disaster plans, the Governor shall consider
9 whether they contain adequate provisions for the rendering and receipt
10 of mutual aid.

11 (c) It is a sufficient reason for the Governor to require an inter-
12 jurisdictional agreement or arrangement pursuant to 63-5-10 of this Chapter
13 that the area involved and political subdivisions therein have available
14 equipment, supplies, and forces necessary to provide mutual aid on a re-
15 gional basis and that the political subdivisions have not already made
16 adequate provision for mutual aid; but in requiring the making of an inter-
17 jurisdictional arrangement to accomplish the purpose of this Section, the
18 Governor need not require establishment and maintenance of an interjuris-
19 dictional agency or arrangement for any other disaster purposes.

20 63-5-16. Weather Modification

21 The Office of Emergency Services shall keep continuously apprised of
22 weather conditions which present danger of precipitation or other climatic
23 activity severe enough to constitute a disaster. If the Office determines
24 that precipitation that may result from weather modification operations,
25 either by itself or in conjunction with other precipitation or climatic
26 conditions or activity, would create or contribute to the severity of a
27 disaster, it shall direct the head of the department of Mines and Mineral
28 Industries of the University of Utah to inform anyone submitting a notice
29 or report as required by Section 73-15-1 of the Utah Code that weather
30 modification activities may not be undertaken until informed that the

1 dangerous weather condition has terminated. Anyone so informed shall be
2 prohibited from engaging in weather modification activities and anyone so
3 engaging shall be subject to a fine of \$500 or imprisonment for six months
4 or by both such fine and imprisonment.

5 63-5-17. Prohibition of Service by Disqualified Persons-Oath Prescribed

6 No person shall be employed or associated in any capacity, in any dis-
7 aster organization established under this act, who advocates, or has ad-
8 vocated a change by force or violence in the constitutional form of the
9 government of the United States, or of this State, or the overthrow of any
10 government in the United States by force or violence, or who has been con-
11 victed of, or is under indictment or information charging any subversive
12 act against the United States. Each person who is appointed to serve in
13 an organization for civil defense shall, before entering upon his duties,
14 take an oath in writing before a person authorized to administer oaths in
15 this State, which oath shall be substantially as follows:

16 "I _____, do solemnly swear (or affirm) that
17 I will support and defend the constitution of the United States and the
18 Constitution of the State of Utah, against all enemies, foreign and
19 domestic; that I will bear true faith and allegiance to the same; I
20 take this obligation freely, without any mental reservation or purpose
21 of evasion; and that I will well and faithfully discharge the duties
22 upon which I am about to enter.

23 And I do further swear (or affirm) that I do not advocate, nor
24 have I ever advocated, nor am I a member, nor have I ever been a member
25 of any political party or organization that advocates the overthrow of
26 the government of the United States, or of this state by force or
27 violence; and that during such time as I am a member of the (name of
28 civil defense organization), I will not advocate nor become a member of
29 any political party or organization that advocates the overthrow of the
30 government of the United States or of this state by force or violence."

1 63-5-18. Training of Personnel - Disability - Compensation - Exception
2 from Personal Liability

3 The various state and local disaster agencies are authorized to train
4 certain personnel on a gratuitous basis. Each such trainee who is injured
5 by accident arising out of, or in the course of his training, or in the
6 performance of duties during a disaster emergency or search and rescue
7 operations wherever such injury occurs, or who contracts any occupational
8 disease as defined by Section 35-2-7, Utah Code Annotated 1953, as amended,
9 and the dependents of every such trainee or part-time worker whose death
10 results from such injury or disease provided the same was not purposely
11 self-inflicted, shall be subject to chapter 35-1 and 35-2, Utah Code Anno-
12 tated 1953, as amended, and entitled to the benefits thereof to the same
13 extent as if the trainee was an employee of the State or local political
14 subdivision drawing such wages as are paid employees for similar or sub-
15 stantially similar work. All physicians, surgeons, and practitioners
16 treating such trainee for injury or occupational disease as herein defined
17 shall comply with all rules and regulations of the Industrial Commission
18 of Utah, issued under the authority of chapter 35-1 and 35-2, Utah Code
19 Annotated 1953, as amended.

20 The State of Utah and any local political subdivision insured by the
21 State Insurance Fund, shall pay to the said State Insurance Fund an amount
22 equal to the insurance premium for the type of work performed or service
23 rendered by the trainees, provided, however, that the wages upon which said
24 premium is based shall be determined by multiplying the actual number of days
25 the trainee is in training and performs services gratuitously by the daily
26 wage to employees of the State or local political subdivision for similar
27 or substantially similar work. In addition all shall report to the State
28 Insurance Fund, when requested, the actual number of days said trainee was
29 in training and rendered services gratuitously to the said State or local
30 political subdivision.

1 After the declaration of an emergency, neither the State nor any
2 political subdivision thereof, nor other agencies, nor, except in cases
3 of malfeasance, gross negligence, or willful misconduct, the agents,
4 employees, or representatives of any of them, engaged in civil defense
5 or disaster activities, while complying with or attempting to comply
6 with this act or any rules or regulation promulgated pursuant to the
7 provisions of this act, shall be liable for the death of or injury to
8 persons or damage to property. The provisions of this section shall not
9 affect the right of any person to receive benefits to which he is entitled
10 under this act, or under the Workmen's Compensation Law, or under any
11 pension law, or the right of any such person to receive any benefits or
12 compensation under any Act of Congress or the right of a property owner
13 to receive just compensation as provided for in section 63-5-13.

14 63-5-19. Political Activity Forbidden

15 No organization for disaster emergencies established under the authority
16 of this chapter shall participate in any form of political activity, nor
17 shall it be employed directly or indirectly for political purposes.

18 63-5-20. Misdemeanors

19 Any person who shall refuse to obey the lawful order of any legally
20 appointed officer or seeks to hinder, obstruct, or in any way interfere
21 with any officer carrying out the provisions of this chapter shall be
22 guilty of a misdemeanor and shall be punished by a fine of not more than
23 \$1,000 or by a jail sentence of not more than six months or by both such
24 fine and imprisonment.

25 63-5-21. Disaster Prevention

26 (a) In addition to disaster prevention measures as included in the
27 State, local, and interjurisdictional disaster plans, the Governor shall
28 consider on a continuing basis steps that could be taken to prevent or
29 reduce the harmful consequences of disaster. At his direction, and pur-
30 suant to any other authority and competence they have, State agencies,

1 including but not limited to those charged with responsibilities in
2 connection with flood plain management, stream encroachment, and flow
3 regulation, weather modification, fire prevention and control, air
4 quality, public works, land use and land-use planning, and construction
5 standards, shall make studies of disaster prevention-related matters.
6 The Governor, from time to time, shall make recommendation to the
7 Legislature, local governments, and other appropriate public and pri-
8 vate entities as may facilitate measures for prevention or reduction
9 of the harmful consequences of disasters.

10 (b) The appropriate State agency, in conjunction with the Office
11 of Emergency Services, shall keep land uses and construction of structures
12 and other facilities under continuing study and identify areas which are
13 particularly susceptible to severe land shifting, subsidence, flood, or
14 other catastrophic occurrence. The studies under this subsection shall
15 concentrate on means of reducing or avoiding the dangers caused by this
16 occurrence or the consequences thereof.

17 (c) If the Office of Emergency Services believes on the basis of the
18 studies or other competent evidence that an area is susceptible to a
19 disaster of catastrophic proportions without adequate warning, that
20 existing building standards and land-use controls in that area are
21 inadequate and could add substantially to the magnitude of the disaster,
22 and that changes in zoning regulations, other land-use regulations, or
23 building requirements are essential in order to further the purposes
24 of this section, it shall specify the essential changes to the Governor.
25 If the Governor upon review of the recommendations finds after public
26 hearing that the changes are essential, he shall so recommend to the
27 agencies or local governments with jurisdiction over the area and subject
28 matter. If no action or insufficient action pursuant to his recommenda-
29 tions is taken within the time specified by the Governor, he shall so
30 inform the Legislature and request legislative action appropriate to

1 mitigate the impact of disaster.

2 (d) The Governor, at the same time that he makes his recommendations
3 pursuant to subsection (c), may suspend the standard or control which he
4 finds to be inadequate to protect the public safety and by regulation
5 place a new standard or control in effect. The new standard or control
6 shall remain in effect until rejected by concurrent resolution of both
7 houses of the Legislature or amended by the Governor. During the time
8 it is in effect, the standard or control contained in the Governor's
9 regulation shall be administered and give full effect by all relevant
10 regulatory agencies of the State and local governments to which it
11 applies. The Governor's action is subject to judicial review in district
12 court, which review shall be governed by the Utah Rules of Civil Pro-
13 cedure, but shall not be subject to temporary stay pending litigation

14 63-5-22. This Chapter shall continue in full force and effect until
15 such time as the Governor shall duly issue a proclamation terminating
16 the same.

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Senate BILL

No. 136

By HAVEN J. BARLOW CARL E. PETERSSON

FEB 1 1973

READ

RULE

First Time FEB 1 1973, 19

Second Time _____, 19

Third Time _____, 19

Ordered Printed and Referred to
Committee on STATE AFFAIRS

FEB 2 1973

REPORTED

MAR 1 1973, 19

FURTHER ACTION

MAR 1 1973 SIFTING COMM.

ENACTING CLAUSE STRUCK MAR 8 1973
FINAL VOTE

_____, 19

Yeas _____ Nays _____ Absent _____

RECEIVED FROM HOUSE

_____, 19

Enrolled _____, 19

Sent to Governor _____, 19

IN THE HOUSE

RECEIVED FROM SENATE

_____, 19

READ

First Time _____, 19

Second Time _____, 19

Third Time _____, 19

REFERRED TO

Committee on _____

_____, 19

REPORTED

_____, 19

FURTHER ACTION

FINAL VOTE

_____, 19

Yeas _____ Nays _____ Absent _____

RETURNED TO SENATE

_____, 19

YELLOW

LEGAL SERVICES COMMITTEE
Approved MBZ
Indexed MBZ
Proof Read MBZ

(CHANGE IN MINORITY)

1973

GENERAL SESSION

S. B. No. 137

By Wilford Rex Black

Darrell G. Renstrom

Donald G. Brooke

Robert O. Bowen

Miles 'Cap' Ferry

- 1 AN ACT AMENDING SECTION 15-2-1, UTAH CODE ANNOTATED 1953; DECREASING THE
2 PERIOD OF MINORITY FOR MALES TO 18 YEARS.

Be it enacted by the Legislature of the State of Utah:

- 1 Section 1. Section 15-2-1, Utah Code Annotated 1953, is amended to
2 read:
3 15-2-1. The period of minority extends in males to the age of
4 [twenty-one] 18 years and in females to that of [eighteen] 18 years; but
5 all minors obtain their majority by marriage.

MANAGEMENT AND FISCAL ANALYSIS
SENATE BILL NO. 137

NONE REQUIRED.

OFFICE OF THE LEGISLATIVE ANALYST

GOALS AND PLANNING ANALYSIS

S.B. No. 137 - This proposed bill does not alter the organizational structure of state government. This bill will affect contracts and restrictions now reserved to men over age 21.

Legislative Council Staff

(CHANGE IN MINORITY)

1973

GENERAL SESSION

Substitute
S.B. No. 137

By Wilford Rex Black ✓
Darrell G. Renstrom
Donald G. Brooke
Robert O. Bowen
Miles 'Cap' Ferry

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4 ~~twenty-one years~~] and in females to [~~that~~] the age of eighteen years;
5 but all minors obtain their majority by marriage.

Read and Enacted

LEGAL SERVICES COMMITTEE
Approved M&L
Indexed M&L
Proof Read M&L

(CHANGE IN MINORITY)
1973
GENERAL SESSION

S. B. No. 137

By Wilford Rex Black
Darrell G. Renstrom
Donald G. Brooke
Robert O. Bowen
Miles 'Cap' Ferry

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NONE REQUIRED.

OFFICE OF THE LEGISLATIVE ANALYST

GOALS AND PLANNING ANALYSIS

S.B. No. 137 - This proposed bill does not alter the organizational structure of state government. This bill will affect contracts and restrictions now reserved to men over age 21.

Legislative Council Staff

(CHANGE IN MINORITY)

1973

GENERAL SESSION

S. B. No. 137

By Wilford Rex Black
Harold G. Kinsman
Don Draceler
Robert A. Brown
Mike Sperry

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SB No. 137

TITLE _____

ATTN: RULES COMMITTEE CHAIRMAN

UNANIMOUS CONSENT
REQUESTED BY SPONSOR

Wilford Rex Black

**Senate
BILL**

No. **137**
By **DARRELL G. RENDROM** **WILEY R. BAKER** **ROBERT C. EOWEN** **MILES (CAP) FERRY**

FEB 1 1973, 19

RULES **READ**
FEB 1 1973
First Time, 19
Second Time, 19
Third Time, 19

Ordered Printed and Referred to
Committee on **JUDICIARY**
FEB 2 1973, 19

REPORTED
FEB 23 1973, 19

FURTHER ACTION
FEB 23 1973 **SIFTING COMM.**

FEB 28 1973 **CONSENT**

MAR 2 1973 *Removed off* **CONSENT**

MAR 8 1973 **ENACTING CLAUSE STRUCK**

FINAL VOTE
_____, 19

Yeas _____ Nays _____ Absent _____

RECEIVED FROM HOUSE

_____, 19
Enrolled _____, 19
Sent to Governor _____, 19

IN THE HOUSE

RECEIVED FROM SENATE

_____, 19

READ

First Time _____, 19

Second Time _____, 19

Third Time _____, 19

REFERRED TO

Committee on _____

_____, 19

REPORTED

_____, 19

FURTHER ACTION

~~CHANGING CLAUSE STRUCK~~ MAR 8 1973

FINAL VOTE

_____, 19

Yeas _____ Nays _____ Absent _____

RETURNED TO SENATE

_____, 19

YELLOW