Lisa Shepherd proposes the following substitute bill:

State Sovereignty Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor: Ronald M. Winterton

2 3 LONG TITLE 4 **General Description:** 5 This bill addresses state sovereignty. 6 **Highlighted Provisions:** 7 This bill: 8 defines terms: 9 declares that an international organization does not have any power, jurisdiction, or legal authority in this state; 10 11 provides that, if an international organization issues a rule, resolution, tax, policy, or 12 mandate that purports to have the force and effect of law, then the state, or a political 13 subdivision of the state, may not implement or enforce the rule, resolution, tax, policy, 14 or mandate; 15 prohibits the governor or the chief executive officer of a political subdivision from 16 declaring a state of emergency exclusively in response to an international organization's 17 proclamation declaring a state of emergency; and 18 makes technical and conforming changes. 19 Money Appropriated in this Bill: 20 None

21 **Other Special Clauses:**

22 None

- 23 **Utah Code Sections Affected:**
- 24 AMENDS:
- 25 53-2a-203, as last amended by Laws of Utah 2023, Chapter 16
- 53-2a-205, as last amended by Laws of Utah 2022, Chapter 39 26
- 27 53-2a-206, as last amended by Laws of Utah 2024, Chapter 381
- 28 53-2a-208, as last amended by Laws of Utah 2024, Chapter 438

6	3G-16-201 , as enacted by Laws of Utah 2024, Chapter 11
ENACTS:	
6	3G-16-203, Utah Code Annotated 1953
Be it e	enacted by the Legislature of the state of Utah:
	Section 1. Section 53-2a-203 is amended to read:
	53-2a-203 . Definitions.
А	s used in this part:
(1) "(Chief executive officer" means:
(8	a) for a municipality:
	(i) the mayor for a municipality operating under all forms of municipal government
	except the council-manager form of government; or
	(ii) the city manager for a municipality operating under the council-manager form of
	government;
(ł	b) for a county:
	(i) the chair of the county commission for a county operating under the county
	commission or expanded county commission form of government;
	(ii) the county executive officer for a county operating under the county-executive
	council form of government; or
	(iii) the county manager for a county operating under the council-manager form of
	government;
(0	e) for a special service district:
	(i) the chief executive officer of the county or municipality that created the special
	service district if authority has not been delegated to an administrative control
	board as provided in Section 17D-1-301;
	(ii) the chair of the administrative control board to which authority has been
	delegated as provided in Section 17D-1-301; or
	(iii) the general manager or other officer or employee to whom authority has been
	delegated by the governing body of the special service district as provided in
	Section 17D-1-301; or
(0	l) for a special district:
	(i) the chair of the board of trustees selected as provided in Section 17B-1-309; or
	(ii) the general manager or other officer or employee to whom authority has been
	delegated by the board of trustees.

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63	(2) "Executive action" means any of the following actions by the governor during a state of
64	emergency:
65	(a) an order, a rule, or a regulation made by the governor as described in Section
66	53-2a-209;
67	(b) an action by the governor to suspend or modify a statute as described in Subsection
68	53-2a-204(1)(j); or
69	(c) an action by the governor to suspend the enforcement of a statute as described in
70	Subsection 53-2a-209(4).
71	(3) "Exigent circumstances" means a significant change in circumstances following the
72	expiration of a state of emergency declared in accordance with this chapter that:
73	(a) substantially increases the threat to public safety or health relative to the
74	circumstances in existence when the state of emergency expired;
75	(b) poses an imminent threat to public safety or health; and
76	(c) was not known or foreseen and could not have been known or foreseen at the time
77	the state of emergency expired.
78	(4) "International organization" means the same as that term is defined in Section
79	<u>63G-16-201.</u>
80	[(4)] (5) "Legislative emergency response committee" means the Legislative Emergency
81	Response Committee created in Section 53-2a-218.
82	[(5)] (6) "Local emergency" means a condition in any municipality or county of the state
83	which requires that emergency assistance be provided by the affected municipality or
84	county or another political subdivision to save lives and protect property within its
85	jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster.
86	[(6)] (7) "Long-term state of emergency" means a state of emergency:
87	(a) that lasts longer than 30 days; or
88	(b) declared to respond to exigent circumstances as described in Subsection 53-2a-206(3).
89	[(7)] (8) "Political subdivision" means a municipality, county, special service district, or
90	special district.
91	Section 2. Section 53-2a-205 is amended to read:
92	53-2a-205 . Authority of chief executive officers of political subdivisions
93	Ordering of evacuations.
94	(1)(a) In order to protect life and property when a state of emergency or local emergency
95	has been declared, subject to limitation by the Legislature as described in Subsection
96	53-2a-206(5), and subject to Section 53-2a-216, the chief executive officer of each

97 political subdivision of the state is authorized to: 98 (i) carry out, in the chief executive officer's jurisdiction, the measures as may be 99 ordered by the governor under this part; and (ii) take any additional measures the chief executive officer may consider necessary, 100 101 subject to the limitations and provisions of this part. 102 (b) The chief executive officer may not take an action that is inconsistent with any order, 103 rule, regulation, or action of the governor. 104 (c) A chief executive officer of a municipality may not exercise powers under this 105 chapter to respond to an epidemic or a pandemic. 106 (d) A chief executive officer may not exercise powers under this chapter exclusively in 107 response to an international organization's proclamation declaring a state of 108 emergency. 109 (2) Subject to Section 53-2a-216, when a state of emergency or local emergency is 110 declared, the authority of the chief executive officer includes: 111 (a) utilizing all available resources of the political subdivision as reasonably necessary to 112 manage a state of emergency or local emergency; 113 (b) employing measures and giving direction to local officers and agencies which are 114 reasonable and necessary for the purpose of securing compliance with the provisions 115 of this part and with orders, rules, and regulations made under this part; 116 (c) if necessary for the preservation of life, issuing an order for the evacuation of all or 117 part of the population from any stricken or threatened area within the political 118 subdivision; 119 (d) recommending routes, modes of transportation, and destinations in relation to an evacuation; 120 121 (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages, 122 explosives, and combustibles in relation to an evacuation, except that the chief 123 executive officer may not restrict the lawful bearing of arms; 124 (f) controlling ingress and egress to and from a disaster area, controlling the movement 125 of persons within a disaster area, and ordering the occupancy or evacuation of 126 premises in a disaster area; 127 (g) clearing or removing debris or wreckage that may threaten public health, public 128 safety, or private property from publicly or privately owned land or waters, except 129 that where there is no immediate threat to public health or safety, the chief executive 130 officer shall not exercise this authority in relation to privately owned land or waters

131	unless:
132	(i) the owner authorizes the employees of designated local agencies to enter upon the
133	private land or waters to perform any tasks necessary for the removal or clearance;
134	and
135	(ii) the owner provides an unconditional authorization for removal of the debris or
136	wreckage and agrees to indemnify the local and state government against any
137	claim arising from the removal; and
138	(h) invoking the provisions of any mutual aid agreement entered into by the political
139	subdivision.
140	(3)(a) If the chief executive is unavailable to issue an order for evacuation under
141	Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area
142	may issue an urgent order for evacuation, for a period not to exceed 36 hours, if the
143	order is necessary for the preservation of life.
144	(b) The chief executive officer may ratify, modify, or revoke the chief law enforcement
145	officer's order.
146	(4) Notice of an order or the ratification, modification, or revocation of an order issued
147	under this section shall be:
148	(a) given to the persons within the jurisdiction by the most effective and reasonable
149	means available; and
150	(b) filed in accordance with Subsection 53-2a-209(1).
151	Section 3. Section 53-2a-206 is amended to read:
152	53-2a-206 . State of emergency Declaration Termination Commander in
153	chief of military forces.
154	(1)(a) [A state of emergency may be declared by executive order of the governor] Subject
155	to Subsection (1)(b), the governor may declare a state of emergency by executive
156	order if the governor finds a disaster has occurred or the occurrence or threat of a
157	disaster is imminent in any area of the state in which state government assistance is
158	required to supplement the response and recovery efforts of the affected political
159	subdivision or political subdivisions.
160	(b) The governor may not declare a state of emergency under Subsection (1)(a)
161	exclusively in response to an international organization's proclamation declaring a
162	state of emergency.
163	(2)(a) Except as provided in Subsection (2)(b), a state of emergency described in
164	Subsection $[(1)]$ (1)(a) expires at the earlier of:

165	(i) the day on which the governor finds that the threat or danger has passed or the
166	disaster reduced to the extent that emergency conditions no longer exist;
167	(ii) 30 days after the date on which the governor declared the state of emergency; or
168	(iii) the day on which the Legislature terminates the state of emergency by joint
169	resolution.
170	(b)(i) The Legislature may, by joint resolution, extend a state of emergency for a time
171	period designated in the joint resolution.
172	(ii) If the Legislature extends a state of emergency in accordance with this
173	subsection, the state of emergency expires on the date designated in the joint
174	resolution.
175	(c) Except as provided in Subsection (3), if a state of emergency expires as described in
176	Subsection (2), the governor may not declare a new state of emergency for the same
177	disaster or occurrence as the expired state of emergency.
178	(3)(a) After a state of emergency expires in accordance with Subsection (2), and subject
179	to Subsection (4), the governor may declare a new state of emergency in response to
180	the same disaster or occurrence as the expired state of emergency, if the governor
181	finds that exigent circumstances exist.
182	(b) A state of emergency declared in accordance with Subsection (3)(a) expires in
183	accordance with Subsections (2)(a) and (b).
184	(c) After a state of emergency declared in accordance with Subsection (3)(a) expires, the
185	governor may not declare a new state of emergency in response to the same disaster
186	or occurrence as the expired state of emergency, regardless of whether exigent
187	circumstances exist.
188	(4)(a)(i) If the Legislature finds that emergency conditions warrant the extension of a
189	state of emergency beyond 30 days as described in Subsection (2)(b), the
190	Legislature may extend the state of emergency and specify which emergency
191	powers described in this part are necessary to respond to the emergency conditions
192	present at the time of the extension of the state of emergency.
193	(ii) Circumstances that may warrant the extension of a state of emergency with
194	limited emergency powers include:
195	(A) the imminent threat of the emergency has passed, but continued fiscal
196	response remains necessary; or
197	(B) emergency conditions warrant certain executive actions, but certain
198	emergency powers such as suspension of enforcement of statute are not

199	necessary.
200	(b) For any state of emergency extended by the Legislature beyond 30 days as described
201	in Subsection (2)(b), the Legislature may, by joint resolution:
202	(i) extend the state of emergency and maintain all of the emergency powers described
203	in this part; or
204	(ii) limit or restrict certain emergency powers of:
205	(A) the division as described in Section 53-2a-104;
206	(B) the governor as described in Section 53-2a-204;
207	(C) a chief executive officer of a political subdivision as described in Section
208	53-2a-205; or
209	(D) other executive emergency powers described in this chapter.
210	(c) If the Legislature limits emergency powers as described in Subsection (4)(b), the
211	Legislature shall:
212	(i) include in the joint resolution findings describing the nature and current conditions
213	of the emergency that warrant the continuation or limitation of certain emergency
214	powers; and
215	(ii) clearly enumerate and describe in the joint resolution which powers:
216	(A) are being limited or restricted; or
217	(B) shall remain in force.
218	(5) If the Legislature terminates a state of emergency by joint resolution, the governor shall
219	issue an executive order ending the state of emergency on receipt of the Legislature's
220	resolution.
221	(6) An executive order described in this section to declare a state of emergency shall state:
222	(a) the nature of the state of emergency;
223	(b) the area or areas threatened; and
224	(c) the conditions creating such an emergency or those conditions allowing termination
225	of the state of emergency.
226	(7) During the continuance of any state of emergency the governor is commander in chief
227	of the military forces of the state in accordance with Utah Constitution Article VII,
228	Section 4, and Title 39A, National Guard and Militia Act.
229	Section 4. Section 53-2a-208 is amended to read:
230	53-2a-208 . Local emergency Declarations Termination of a local emergency.
231	(1)(a) Except as provided in [Subsection] Subsections (1)(b) and (c), a chief executive
232	officer of a municipality or county may declare by proclamation a state of emergency

233	if the chief executive officer finds:
234	(i) a disaster has occurred or the occurrence or threat of a disaster is imminent in an
235	area of the municipality or county; and
236	(ii) the municipality or county requires additional assistance to supplement the
237	response and recovery efforts of the municipality or county.
238	(b) A chief executive officer may not declare a state of emergency under Subsection
239	(1)(a) exclusively in response to an international organization's proclamation
240	declaring a state of emergency.
241	[(b)] (c) A chief executive officer of a municipality may not declare by proclamation a
242	state of emergency in response to an epidemic or a pandemic.
243	(2) A declaration of a local emergency:
244	(a) constitutes an official recognition that a disaster situation exists within the affected
245	municipality or county;
246	(b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
247	from other political subdivisions or from the state or federal government;
248	(c) activates the response and recovery aspects of any and all applicable local disaster
249	emergency plans; and
250	(d) authorizes the furnishing of aid and assistance in relation to the proclamation.
251	(3) A local emergency proclamation issued under this section shall state:
252	(a) the nature of the local emergency;
253	(b) the area or areas that are affected or threatened; and
254	(c) the conditions which caused the emergency.
255	(4) The emergency declaration process within the state shall be as follows:
256	(a) a city or town, shall declare to the county;
257	(b) a county shall declare to the state;
258	(c) the state shall declare to the federal government; and
259	(d) a tribe, as defined in Section 23A-1-202, shall declare as determined under the
260	Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec.
261	5121 et seq.
262	(5) Nothing in this part affects:
263	(a) the governor's authority to declare a state of emergency under Section 53-2a-206; or
264	(b) the duties, requests, reimbursements, or other actions taken by a political subdivision
265	participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
266	Part 3, Statewide Mutual Aid Act.

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267	(6)(a) Except as provided in Subsection (6)(b), a state of emergency described in
268	Subsection $[(1)]$ (1)(a) expires the earlier of:
269	(i) the day on which the chief executive officer finds that:
270	(A) the threat or danger has passed;
271	(B) the disaster reduced to the extent that emergency conditions no longer exist; or
272	(C) the municipality or county no longer requires state government assistance to
273	supplement the response and recovery efforts of the municipality or county;
274	(ii) 30 days after the day on which the chief executive officer declares the state of
275	emergency; or
276	(iii) the day on which the legislative body of the municipality or county terminates
277	the state of emergency by majority vote.
278	(b)(i)(A) The legislative body of a municipality may at any time terminate by
279	majority vote a state of emergency declared by the chief executive officer of
280	the municipality.
281	(B) The legislative body of a county may at any time terminate by majority vote a
282	state of emergency declared by the chief executive officer of the county.
283	(ii) The legislative body of a municipality or county may by majority vote extend a
284	state of emergency for a time period stated in the motion.
285	(iii) If the legislative body of a municipality or county extends a state of emergency
286	in accordance with this subsection, the state of emergency expires on the date
287	designated by the legislative body in the motion.
288	(iv) An action by a legislative body of a municipality or county to terminate a state of
289	emergency as described in this Subsection (6)(b) is not subject to veto by the
290	relevant chief executive officer.
291	(c) Except as provided in Subsection (7), after a state of emergency expires in
292	accordance with this Subsection (6), the chief executive officer may not declare a
293	new state of emergency in response to the same disaster or occurrence as the expired
294	state of emergency.
295	(7)(a) After a state of emergency expires in accordance with Subsection (6), the chief
296	executive officer may declare a new state of emergency in response to the same
297	disaster or occurrence as the expired state of emergency, if the chief executive officer
298	finds that exigent circumstances exist.
299	(b) A state of emergency declared in accordance with Subsection (7)(a) expires in
300	accordance with Subsections (6)(a) and (b).

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301	(c) After a state of emergency declared in accordance with Subsection (7)(a) expires, the
302	chief executive officer may not declare a new state of emergency in response to the
303	same disaster or occurrence as the expired state of emergency, regardless of whether
304	exigent circumstances exist.
305	Section 5. Section 63G-16-201 is amended to read:
306	63G-16-201 . Definitions.
307	As used in this part:
308	(1) "Board of education" means:
309	(a) a local school board described in Title 53G, Chapter 4, School Districts;
310	(b) the State Board of Education;
311	(c) the State Charter School Board created under Section 53G-5-201; or
312	(d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.
313	(2) "Federal agency" means a department, agency, authority, commission, council, board,
314	office, bureau, or other administrative unit of the executive branch of the United States
315	government.
316	(3)(a) "Federal directive" means:
317	(i) a statute passed by the United States Congress;
318	(ii) an executive order by the president of the United States;
319	(iii) a rule or regulation adopted by a federal agency; or
320	(iv) an order or action by:
321	(A) a federal agency; or
322	(B) an employee or official appointed by the president of the United States.
323	(b) "Federal directive" does not include any order by the federal government calling the
324	Utah National Guard into the service of the United States.
325	(4)(a) "Government officer" means:
326	(i) an individual elected to a position in state or local government, when acting in the
327	capacity of the state or local government position;
328	(ii) an individual elected to a board of education, when acting in the capacity of a
329	member of a board of education;
330	(iii) an individual appointed to fill a vacancy in a position described in Subsection
331	(4)(a)(i) or (ii), when acting in the capacity of the position; or
332	(iv) an individual appointed to or employed in a full-time position by state
333	government, local government, or a board of education, when acting in the
334	capacity of the individual's appointment or employment.

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335	(b) "Government officer" does not include a member or employee of the legislative
336	branch of state government.
337	(5) "International directive" means a rule, resolution, tax, policy, or mandate issued by an
338	international organization that purports to have the force and effect of law.
339	(6) "International organization" means the United Nations, the World Economic Forum, or
340	the World Health Organization.
341	[(5)] (7) "Local government" means:
342	(a) a county, city, [town, or metro township] or town;
343	(b) a special district governed by Title 17B, Limited Purpose Local Government Entities
344	- Special Districts;
345	(c) a special service district governed by Title 17D, Chapter 1, Special Service District
346	Act;
347	(d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
348	Government Entities - Community Reinvestment Agency Act;
349	(e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
350	(f) a redevelopment agency; or
351	(g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
352	13, Interlocal Cooperation Act.
353	(8) "State agency" means a department, commission, board, council, agency, institution,
354	officer, corporation, fund, division, office, committee, authority, laboratory, library, unit,
355	bureau, panel, or any other administrative unit of the state.
356	Section 6. Section 63G-16-203 is enacted to read:
357	63G-16-203 . International organizations Authority prohibited.
358	(1) An international organization does not have any power, jurisdiction, or legal authority in
359	this state.
360	(2) The state, a state agency, or local government may not implement or enforce an
361	international directive.
362	Section 7. Effective Date.
363	This bill takes effect on May 7, 2025.