

# HB0158S02 compared with HB0158

~~{Omitted text}~~ shows text that was in HB0158 but was omitted in HB0158S02

inserted text shows text that was not in HB0158 but was inserted into HB0158S02

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## State Sovereignty Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lisa Shepherd**

Senate Sponsor: Ronald M. Winterton

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### 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;

11 ▶ ~~{provides that, if an international organization: }~~

12 • provides that, if an international organization issues a rule, resolution, tax, policy, or mandate that purports to have the force and effect of law ~~{in this state}~~ , then the state, or a political subdivision of the state, may not implement or enforce the rule, resolution, tax, policy, or mandate; ~~{and~~

15 • ~~declares a state of emergency in this state or in a political subdivision of this state, then~~ prohibits the governor~~{,}~~ or the chief executive officer of a political subdivision~~{, may not declare}~~ from declaring a state of emergency exclusively in response to ~~{the}~~ an international organization's ~~{declaration}~~ proclamation declaring a state of emergency; and

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18       ▸ makes technical and conforming changes.

### 19 **Money Appropriated in this Bill:**

20       None

21       None

### 24 **AMENDS:**

25       **53-2a-203** , as last amended by Laws of Utah 2023, Chapter 16 , as last amended by Laws of Utah  
2023, Chapter 16

26       **53-2a-205** , as last amended by Laws of Utah 2022, Chapter 39 , as last amended by Laws of Utah  
2022, Chapter 39

27       **53-2a-206** , as last amended by Laws of Utah 2024, Chapter 381 , as last amended by Laws of Utah  
2024, Chapter 381

28       **53-2a-208** , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah  
2024, Chapter 438

29       **63G-16-201** , as enacted by Laws of Utah 2024, Chapter 11 , as enacted by Laws of Utah 2024,  
Chapter 11

### 30 **ENACTS:**

31       **63G-16-203** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

34       Section 1. Section **53-2a-203** is amended to read:

#### 35       **53-2a-203. Definitions.**

As used in this part:

37 (1) "Chief executive officer" means:

38 (a) for a municipality:

39 (i) the mayor for a municipality operating under all forms of municipal government except the council-  
manager form of government; or

41 (ii) the city manager for a municipality operating under the council-manager form of government;

43 (b) for a county:

44 (i) the chair of the county commission for a county operating under the county commission or expanded  
county commission form of government;

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- (ii) the county executive officer for a county operating under the county-executive council form of government; or
- 48 (iii) the county manager for a county operating under the council-manager form of government;
- 50 (c) for a special service district:
- 51 (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;
- 54 (ii) the chair of the administrative control board to which authority has been delegated as provided in Section 17D-1-301; or
- 56 (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
- 59 (d) for a special district:
- 60 (i) the chair of the board of trustees selected as provided in Section 17B-1-309; or
- 61 (ii) the general manager or other officer or employee to whom authority has been delegated by the board of trustees.
- 63 (2) "Executive action" means any of the following actions by the governor during a state of emergency:
- 65 (a) an order, a rule, or a regulation made by the governor as described in Section 53-2a-209;
- 67 (b) an action by the governor to suspend or modify a statute as described in Subsection 53-2a-204(1)(j);
- or
- 69 (c) an action by the governor to suspend the enforcement of a statute as described in Subsection 53-2a-209(4).
- 71 (3) "Exigent circumstances" means a significant change in circumstances following the 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 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 the state of emergency expired.
- 78 (4) "International organization" means the same as that term is defined in Section 63G-16-201.
- 80 [(4)] (5) "Legislative emergency response committee" means the Legislative Emergency Response Committee created in Section 53-2a-218.

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82 [(5)] (6) "Local emergency" means a condition in any municipality or county of the state which requires  
that emergency assistance be provided by the affected municipality or county or another political  
subdivision to save lives and protect property within its 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 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 -- Ordering of  
evacuations.**

94 (1)

(a) In order to protect life and property when a state of emergency or local emergency has been  
declared, subject to limitation by the Legislature as described in Subsection 53-2a-206(5), and  
subject to Section 53-2a-216, the chief executive officer of each political subdivision of the state is  
authorized to:

98 (i) ~~{carry out, in the chief executive officer's jurisdiction, the measures as may be ordered by the  
governor under this part{}}~~ implement the measures the governor orders under this part in the  
chief executive officer's jurisdiction; and

101 (ii) take any additional measures the chief executive officer may consider necessary, subject to the  
limitations and provisions of this part.

103 (b) The chief executive officer may not take an action that is inconsistent with any order, rule,  
regulation, or action of the governor.

105 (c) ~~{A chief executive officer of a municipality may not exercise powers under this chapter to respond  
to an epidemic or a pandemic.{}}~~ A chief executive officer may not exercise powers under this  
chapter in response to:

108 ~~{(f)}~~ (d) A chief executive officer may not exercise powers under this chapter exclusively in response to  
an international organization's {declaration or} proclamation {that} declaring a state of emergency  
{exists in this state or in a political subdivision of this state; or}.

110 ~~{(ii)}~~ {an epidemic or a pandemic, if the chief executive officer is the chief executive officer of a  
municipality.}

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- 112 (2) Subject to Section 53-2a-216, when a state of emergency or local emergency is declared, the  
authority of the chief executive officer includes:
- 114 (a) utilizing all available resources of the political subdivision as reasonably necessary to manage a state  
of emergency or local emergency;
- 116 (b) employing measures and giving direction to local officers and agencies which are reasonable and  
necessary for the purpose of securing compliance with the provisions of this part and with orders,  
rules, and regulations made under this part;
- 119 (c) if necessary for the preservation of life, issuing an order for the evacuation of all or part of the  
population from any stricken or threatened area within the political subdivision;
- 122 (d) recommending routes, modes of transportation, and destinations in relation to an evacuation;
- 124 (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages, explosives, and  
combustibles in relation to an evacuation, except that the chief executive officer may not restrict the  
lawful bearing of arms;
- 127 (f) controlling ingress and egress to and from a disaster area, controlling the movement of persons  
within a disaster area, and ordering the occupancy or evacuation of premises in a disaster area;
- 130 (g) clearing or removing debris or wreckage that may threaten public health, public safety, or private  
property from publicly or privately owned land or waters, except that where there is no immediate  
threat to public health or safety, the chief executive officer shall not exercise this authority in  
relation to privately owned land or waters unless:
- 135 (i) the owner authorizes the employees of designated local agencies to enter upon the private land or  
waters to perform any tasks necessary for the removal or clearance; and
- 138 (ii) the owner provides an unconditional authorization for removal of the debris or wreckage and agrees  
to indemnify the local and state government against any claim arising from the removal; and
- 141 (h) invoking the provisions of any mutual aid agreement entered into by the political subdivision.
- 143 (3)
- . (a) If the chief executive is unavailable to issue an order for evacuation under Subsection (2)(c),  
the chief law enforcement officer having jurisdiction for the area may issue an urgent order for  
evacuation, for a period not to exceed 36 hours, if the order is necessary for the preservation of life.
- 147 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement officer's order.
- 149 (4) Notice of an order or the ratification, modification, or revocation of an order issued under this  
section shall be:

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- 151 (a) given to the persons within the jurisdiction by the most effective and reasonable means available;  
and
- 153 (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 chief of  
military forces.**
- 157 (1)
- . (a) ~~[A state of emergency may be declared by executive order of the governor]~~ Subject to Subsection  
(1)(b), the governor may declare a state of emergency by executive order if the governor finds a  
disaster has occurred or the occurrence or threat of a disaster is imminent in any area of the state in  
which state government assistance is required to supplement the response and recovery efforts of the  
affected political subdivision or political subdivisions.
- 163 (b) The governor may not {base-} declare a {finding-described-in-} state of emergency under  
Subsection (1)(a) {on-} exclusively in response to an international organization's {declaration-or  
proclamation-that-} proclamation declaring a state of emergency {exists-in-this-state-or-in-a-political  
subdivision-of-this-state-}.
- 166 (2)
- . (a) Except as provided in Subsection (2)(b), a state of emergency described in Subsection [(+) (1)(a)]  
expires at the earlier of:
- 168 (i) the day on which the governor finds that the threat or danger has passed or the disaster reduced  
to the extent that emergency conditions no longer exist;
- 170 (ii) 30 days after the date on which the governor declared the state of emergency; or
- 171 (iii) the day on which the Legislature terminates the state of emergency by joint resolution.
- 173 (b)
- . (i) The Legislature may, by joint resolution, extend a state of emergency for a time period designated in  
the joint resolution.
- 175 (ii) If the Legislature extends a state of emergency in accordance with this subsection, the state of  
emergency expires on the date designated in the joint resolution.
- 178 (c) Except as provided in Subsection (3), if a state of emergency expires as described in Subsection (2),  
the governor may not declare a new state of emergency for the same disaster or occurrence as the  
expired state of emergency.

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- 181 (3)
- . (a) After a state of emergency expires in accordance with Subsection (2), and subject to Subsection (4), the governor may declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency, if the governor finds that exigent circumstances exist.
- 185 (b) A state of emergency declared in accordance with Subsection (3)(a) expires in accordance with Subsections (2)(a) and (b).
- 187 (c) After a state of emergency declared in accordance with Subsection (3)(a) expires, the governor may not declare a new state of emergency in response to the same disaster or occurrence as the expired state of emergency, regardless of whether exigent circumstances exist.
- 191 (4)
- . (a)
- . (i) If the Legislature finds that emergency conditions warrant the extension of a state of emergency beyond 30 days as described in Subsection (2)(b), the Legislature may extend the state of emergency and specify which emergency powers described in this part are necessary to respond to the emergency conditions present at the time of the extension of the state of emergency.
- 196 (ii) Circumstances that may warrant the extension of a state of emergency with limited emergency powers include:
- 198 (A) the imminent threat of the emergency has passed, but continued fiscal response remains necessary;
- or
- 200 (B) emergency conditions warrant certain executive actions, but certain emergency powers such as suspension of enforcement of statute are not necessary.
- 203 (b) For any state of emergency extended by the Legislature beyond 30 days as described in Subsection (2)(b), the Legislature may, by joint resolution:
- 205 (i) extend the state of emergency and maintain all of the emergency powers described in this part; or
- 207 (ii) limit or restrict certain emergency powers of:
- 208 (A) the division as described in Section 53-2a-104;
- 209 (B) the governor as described in Section 53-2a-204;
- 210 (C) a chief executive officer of a political subdivision as described in Section 53-2a-205; or
- 212 (D) other executive emergency powers described in this chapter.
- 213 (c) If the Legislature limits emergency powers as described in Subsection (4)(b), the Legislature shall:
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- (i) include in the joint resolution findings describing the nature and current conditions of the emergency that warrant the continuation or limitation of certain emergency powers; and
- 218 (ii) clearly enumerate and describe in the joint resolution which powers:
- 219 (A) are being limited or restricted; or
- 220 (B) shall remain in force.
- 221 (5) If the Legislature terminates a state of emergency by joint resolution, the governor shall issue an executive order ending the state of emergency on receipt of the Legislature's resolution.
- 224 (6) An executive order described in this section to declare a state of emergency shall state:
- 225 (a) the nature of the state of emergency;
- 226 (b) the area or areas threatened; and
- 227 (c) the conditions creating such an emergency or those conditions allowing termination of the state of emergency.
- 229 (7) During the continuance of any state of emergency the governor is commander in chief of the military forces of the state in accordance with Utah Constitution Article VII, 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.**
- 234 (1)
- . (a) Except as provided in Subsection ~~{s}~~ Subsections (1)(b) and (c), a chief executive officer of a municipality or county may declare by proclamation a state of emergency if the chief executive officer finds:
- 237 (i) a disaster has occurred or the occurrence or threat of a disaster is imminent in an area of the municipality or county; and
- 239 (ii) the municipality or county requires additional assistance to supplement the response and recovery efforts of the municipality or county.
- 238 (b) A chief executive officer may not declare a state of emergency under Subsection (1)(a) exclusively in response to an international organization's proclamation declaring a state of emergency.
- 241 ~~(b)~~ (c) A chief executive officer of a municipality may not declare by proclamation a state of emergency in response to an epidemic or a pandemic.
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~~{(e) A chief executive officer of a municipality or county may not declare by proclamation a state of emergency in response to an international organization's declaration or proclamation that a state of emergency exists in this state or in a political subdivision of this state.}~~

- 247 (2) A declaration of a local emergency:
- 248 (a) constitutes an official recognition that a disaster situation exists within the affected municipality or county;
- 250 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance from other political subdivisions or from the state or federal government;
- 252 (c) activates the response and recovery aspects of any and all applicable local disaster emergency plans; and
- 254 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.
- 255 (3) A local emergency proclamation issued under this section shall state:
- 256 (a) the nature of the local emergency;
- 257 (b) the area or areas that are affected or threatened; and
- 258 (c) the conditions which caused the emergency.
- 259 (4) The emergency declaration process within the state shall be as follows:
- 260 (a) a city or town, shall declare to the county;
- 261 (b) a county shall declare to the state;
- 262 (c) the state shall declare to the federal government; and
- 263 (d) a tribe, as defined in Section 23A-1-202, shall declare as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.
- 266 (5) Nothing in this part affects:
- 267 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or
- 268 (b) the duties, requests, reimbursements, or other actions taken by a political subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.
- 271 (6)
- . (a) Except as provided in Subsection (6)(b), a state of emergency described in Subsection ~~[(1)]~~ (1)(a) expires the earlier of:
- 273 (i) the day on which the chief executive officer finds that:
- 274 (A) the threat or danger has passed;
- 275 (B) the disaster reduced to the extent that emergency conditions no longer exist; or

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- 276 (C) the municipality or county no longer requires state government assistance to supplement the  
response and recovery efforts of the municipality or county;
- 278 (ii) 30 days after the day on which the chief executive officer declares the state of emergency; or
- 280 (iii) the day on which the legislative body of the municipality or county terminates the state of  
emergency by majority vote.
- 282 (b)
- . (i)
- . (A) The legislative body of a municipality may at any time terminate by majority vote a state of  
emergency declared by the chief executive officer of the municipality.
- 285 (B) The legislative body of a county may at any time terminate by majority vote a state of  
emergency declared by the chief executive officer of the county.
- 287 (ii) The legislative body of a municipality or county may by majority vote extend a state of emergency  
for a time period stated in the motion.
- 289 (iii) If the legislative body of a municipality or county extends a state of emergency in accordance with  
this subsection, the state of emergency expires on the date designated by the legislative body in the  
motion.
- 292 (iv) An action by a legislative body of a municipality or county to terminate a state of emergency as  
described in this Subsection (6)(b) is not subject to veto by the relevant chief executive officer.
- 295 (c) Except as provided in Subsection (7), after a state of emergency expires in accordance with this  
Subsection (6), the chief executive officer may not declare a new state of emergency in response to  
the same disaster or occurrence as the expired state of emergency.
- 299 (7)
- . (a) After a state of emergency expires in accordance with Subsection (6), the chief executive officer  
may declare a new state of emergency in response to the same disaster or occurrence as the expired  
state of emergency, if the chief executive officer finds that exigent circumstances exist.
- 303 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in accordance with  
Subsections (6)(a) and (b).
- 305 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires, the chief  
executive officer may not declare a new state of emergency in response to the same disaster or  
occurrence as the expired state of emergency, regardless of whether exigent circumstances exist.
- 305 Section 5. Section **63G-16-201** is amended to read:

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306           **63G-16-201. Definitions.**

As used in this part:

312 (1) "Board of education" means:

313 (a) a local school board described in Title 53G, Chapter 4, School Districts;

314 (b) the State Board of Education;

315 (c) the State Charter School Board created under Section 53G-5-201; or

316 (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.

317 (2) "Federal agency" means a department, agency, authority, commission, council, board, office,  
bureau, or other administrative unit of the executive branch of the United States government.

320 (3)

. (a) "Federal directive" means:

321 (i) a statute passed by the United States Congress;

322 (ii) an executive order by the president of the United States;

323 (iii) a rule or regulation adopted by a federal agency; or

324 (iv) an order or action by:

325 (A) a federal agency; or

326 (B) an employee or official appointed by the president of the United States.

327 (b) "Federal directive" does not include any order by the federal government calling the Utah National  
Guard into the service of the United States.

329 (4)

. (a) "Government officer" means:

330 (i) an individual elected to a position in state or local government, when acting in the capacity of  
the state or local government position;

332 (ii) an individual elected to a board of education, when acting in the capacity of a member of a  
board of education;

334 (iii) an individual appointed to fill a vacancy in a position described in Subsection (4)(a)(i) or (ii),  
when acting in the capacity of the position; or

336 (iv) an individual appointed to or employed in a full-time position by state government,  
local government, or a board of education, when acting in the capacity of the individual's  
appointment or employment.

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(b) "Government officer" does not include a member or employee of the legislative branch of state government.

341 (5) "International directive" means a rule, resolution, tax, policy, or mandate issued by an international organization that purports to have the force and effect of law {in this state or in a local government}

.

344 (6) "International organization" means the United Nations, the World Economic Forum, or the World Health Organization.

346 [(5)] (7) "Local government" means:

347 (a) a county, city, [~~town, or metro township~~] or town;

348 (b) a special district governed by Title 17B, Limited Purpose Local Government Entities - Special Districts;

350 (c) a special service district governed by Title 17D, Chapter 1, Special Service District Act;

352 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act;

354 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;

355 (f) a redevelopment agency; or

356 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter 13, Interlocal Cooperation Act.

358 (8) "State agency" means a department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or any other administrative unit of the state.

356 Section 6. Section 6 is enacted to read:

357 **63G-16-203. International organizations -- Authority prohibited.**

363 (1) An international organization does not have any power, jurisdiction, or legal authority in this state.

365 (2) The state, a state agency, or local government may not implement or enforce an international directive.

362 Section 7. **Effective date.**

This bill takes effect on May 7, 2025.

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