

**State Sovereignty Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lisa Shepherd**

Senate Sponsor: Ronald M. Winterton

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**LONG TITLE****General Description:**

This bill addresses state sovereignty.

**Highlighted Provisions:**

This bill:

- defines terms;
- declares that an international organization does not have any power, jurisdiction, or legal

authority in this state;

- 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

- declares a state of emergency in this state or in a political subdivision of this state, then the governor, or the chief executive officer of a political subdivision, may not declare a state of emergency in response to the international organization's declaration; and

- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**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

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

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

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

ENACTS:

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

32

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.**

36 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  
40 except the council-manager form of government; or

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

43 (b) for a county:

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

46 (ii) the county executive officer for a county operating under the county-executive  
47 council form of government; or

48 (iii) the county manager for a county operating under the council-manager form of  
49 government;

50 (c) for a special service district:

51 (i) the chief executive officer of the county or municipality that created the special  
52 service district if authority has not been delegated to an administrative control  
53 board as provided in Section 17D-1-301;

54 (ii) the chair of the administrative control board to which authority has been  
55 delegated as provided in Section 17D-1-301; or

56 (iii) the general manager or other officer or employee to whom authority has been  
57 delegated by the governing body of the special service district as provided in  
58 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  
62 delegated by the board of trustees.

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 63G-16-201.
- 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  
95 emergency has been declared, subject to limitation by the Legislature as described in  
96 Subsection 53-2a-206(5), and subject to Section 53-2a-216, the chief executive  
97 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~~

- 99           ~~ordered by the governor under this part]~~ implement the measures the governor  
100           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,  
102           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,  
104           rule, regulation, or action of the governor.
- 105           (c) ~~[A chief executive officer of a municipality may not exercise powers under this~~  
106           ~~chapter to respond to an epidemic or a pandemic.]~~ A chief executive officer may not  
107           exercise powers under this chapter in response to:
- 108           (i) an international organization's declaration or proclamation that a state of  
109           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  
111           officer of a municipality.
- 112           (2) Subject to Section 53-2a-216, when a state of emergency or local emergency is  
113           declared, the authority of the chief executive officer includes:
- 114           (a) utilizing all available resources of the political subdivision as reasonably necessary to  
115           manage a state of emergency or local emergency;
- 116           (b) employing measures and giving direction to local officers and agencies which are  
117           reasonable and necessary for the purpose of securing compliance with the provisions  
118           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  
120           part of the population from any stricken or threatened area within the political  
121           subdivision;
- 122           (d) recommending routes, modes of transportation, and destinations in relation to an  
123           evacuation;
- 124           (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages,  
125           explosives, and combustibles in relation to an evacuation, except that the chief  
126           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  
128           of persons within a disaster area, and ordering the occupancy or evacuation of  
129           premises in a disaster area;
- 130           (g) clearing or removing debris or wreckage that may threaten public health, public  
131           safety, or private property from publicly or privately owned land or waters, except  
132           that where there is no immediate threat to public health or safety, the chief executive

- 133 officer shall not exercise this authority in relation to privately owned land or waters  
 134 unless:
- 135 (i) the owner authorizes the employees of designated local agencies to enter upon the  
 136 private land or waters to perform any tasks necessary for the removal or clearance;  
 137 and
- 138 (ii) the owner provides an unconditional authorization for removal of the debris or  
 139 wreckage and agrees to indemnify the local and state government against any  
 140 claim arising from the removal; and
- 141 (h) invoking the provisions of any mutual aid agreement entered into by the political  
 142 subdivision.
- 143 (3)(a) If the chief executive is unavailable to issue an order for evacuation under  
 144 Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area  
 145 may issue an urgent order for evacuation, for a period not to exceed 36 hours, if the  
 146 order is necessary for the preservation of life.
- 147 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement  
 148 officer's order.
- 149 (4) Notice of an order or the ratification, modification, or revocation of an order issued  
 150 under this section shall be:
- 151 (a) given to the persons within the jurisdiction by the most effective and reasonable  
 152 means available; and
- 153 (b) filed in accordance with Subsection 53-2a-209(1).
- 154 Section 3. Section **53-2a-206** is amended to read:
- 155 **53-2a-206 . State of emergency -- Declaration -- Termination -- Commander in**  
 156 **chief of military forces.**
- 157 (1)(a) ~~[A state of emergency may be declared by executive order of the governor]~~  
 158 Subject to Subsection (1)(b), the governor may declare a state of emergency by  
 159 executive order if the governor finds a disaster has occurred or the occurrence or  
 160 threat of a disaster is imminent in any area of the state in which state government  
 161 assistance is required to supplement the response and recovery efforts of the affected  
 162 political subdivision or political subdivisions.
- 163 (b) The governor may not base a finding described in Subsection (1)(a) on an  
 164 international organization's declaration or proclamation that a state of emergency  
 165 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

- 167 Subsection [(1)] (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  
169 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  
172 resolution.
- 173 (b)(i) The Legislature may, by joint resolution, extend a state of emergency for a  
174 time period designated in the joint resolution.
- 175 (ii) If the Legislature extends a state of emergency in accordance with this  
176 subsection, the state of emergency expires on the date designated in the joint  
177 resolution.
- 178 (c) Except as provided in Subsection (3), if a state of emergency expires as described in  
179 Subsection (2), the governor may not declare a new state of emergency for the same  
180 disaster or occurrence as the expired state of emergency.
- 181 (3)(a) After a state of emergency expires in accordance with Subsection (2), and subject  
182 to Subsection (4), the governor may declare a new state of emergency in response to  
183 the same disaster or occurrence as the expired state of emergency, if the governor  
184 finds that exigent circumstances exist.
- 185 (b) A state of emergency declared in accordance with Subsection (3)(a) expires in  
186 accordance with Subsections (2)(a) and (b).
- 187 (c) After a state of emergency declared in accordance with Subsection (3)(a) expires, the  
188 governor may not declare a new state of emergency in response to the same disaster  
189 or occurrence as the expired state of emergency, regardless of whether exigent  
190 circumstances exist.
- 191 (4)(a)(i) If the Legislature finds that emergency conditions warrant the extension of  
192 a state of emergency beyond 30 days as described in Subsection (2)(b), the  
193 Legislature may extend the state of emergency and specify which emergency  
194 powers described in this part are necessary to respond to the emergency conditions  
195 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  
197 limited emergency powers include:
- 198 (A) the imminent threat of the emergency has passed, but continued fiscal  
199 response remains necessary; or  
200 (B) emergency conditions warrant certain executive actions, but certain

- 201 emergency powers such as suspension of enforcement of statute are not  
202 necessary.
- 203 (b) For any state of emergency extended by the Legislature beyond 30 days as described  
204 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  
206 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  
211 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  
214 Legislature shall:
- 215 (i) include in the joint resolution findings describing the nature and current conditions  
216 of the emergency that warrant the continuation or limitation of certain emergency  
217 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  
222 issue an executive order ending the state of emergency on receipt of the Legislature's  
223 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  
228 of the state of emergency.
- 229 (7) During the continuance of any state of emergency the governor is commander in chief  
230 of the military forces of the state in accordance with Utah Constitution Article VII,  
231 Section 4, and Title 39A, National Guard and Militia Act.
- 232 Section 4. Section **53-2a-208** is amended to read:
- 233 **53-2a-208 . Local emergency -- Declarations -- Termination of a local emergency.**
- 234 (1)(a) Except as provided in Subsections (1)(b) and (c), a chief executive officer of a

- 235 municipality or county may declare by proclamation a state of emergency if the chief  
236 executive officer finds:
- 237 (i) a disaster has occurred or the occurrence or threat of a disaster is imminent in an  
238 area of the municipality or county; and
- 239 (ii) the municipality or county requires additional assistance to supplement the  
240 response and recovery efforts of the municipality or county.
- 241 (b) A chief executive officer of a municipality may not declare by proclamation a state  
242 of emergency in response to an epidemic or a pandemic.
- 243 (c) A chief executive officer of a municipality or county may not declare by  
244 proclamation a state of emergency in response to an international organization's  
245 declaration or proclamation that a state of emergency exists in this state or in a  
246 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  
249 municipality or county;
- 250 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance  
251 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  
253 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  
264 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec.  
265 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



269 participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,  
270 Part 3, Statewide Mutual Aid Act.

271 (6)(a) Except as provided in Subsection (6)(b), a state of emergency described in  
272 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

276 (C) the municipality or county no longer requires state government assistance to  
277 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  
279 emergency; or

280 (iii) the day on which the legislative body of the municipality or county terminates  
281 the state of emergency by majority vote.

282 (b)(i)(A) The legislative body of a municipality may at any time terminate by  
283 majority vote a state of emergency declared by the chief executive officer of  
284 the municipality.

285 (B) The legislative body of a county may at any time terminate by majority vote a  
286 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  
288 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  
290 in accordance with this subsection, the state of emergency expires on the date  
291 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  
293 emergency as described in this Subsection (6)(b) is not subject to veto by the  
294 relevant chief executive officer.

295 (c) Except as provided in Subsection (7), after a state of emergency expires in  
296 accordance with this Subsection (6), the chief executive officer may not declare a  
297 new state of emergency in response to the same disaster or occurrence as the expired  
298 state of emergency.

299 (7)(a) After a state of emergency expires in accordance with Subsection (6), the chief  
300 executive officer may declare a new state of emergency in response to the same  
301 disaster or occurrence as the expired state of emergency, if the chief executive officer  
302 finds that exigent circumstances exist.

- 303 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in  
304 accordance with Subsections (6)(a) and (b).
- 305 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires, the  
306 chief executive officer may not declare a new state of emergency in response to the  
307 same disaster or occurrence as the expired state of emergency, regardless of whether  
308 exigent circumstances exist.

309 Section 5. Section **63G-16-201** is amended to read:

310 **63G-16-201 . Definitions.**

311 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,  
318 office, bureau, or other administrative unit of the executive branch of the United States  
319 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  
328 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  
331 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  
333 member of a board of education;
  - 334 (iii) an individual appointed to fill a vacancy in a position described in Subsection  
335 (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

- 337 government, local government, or a board of education, when acting in the  
 338 capacity of the individual's appointment or employment.
- 339 (b) "Government officer" does not include a member or employee of the legislative  
 340 branch of state government.
- 341 (5) "International directive" means a rule, resolution, tax, policy, or mandate issued by an  
 342 international organization that purports to have the force and effect of law in this state or  
 343 in a local government.
- 344 (6) "International organization" means the United Nations, the World Economic Forum, or  
 345 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  
 349 - Special Districts;
- 350 (c) a special service district governed by Title 17D, Chapter 1, Special Service District  
 351 Act;
- 352 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local  
 353 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  
 357 13, Interlocal Cooperation Act.
- 358 (8) "State agency" means a department, commission, board, council, agency, institution,  
 359 officer, corporation, fund, division, office, committee, authority, laboratory, library, unit,  
 360 bureau, panel, or any other administrative unit of the state.

361 Section 6. Section **63G-16-203** is enacted to read:

362 **63G-16-203 . International organizations -- Authority prohibited.**

- 363 (1) An international organization does not have any power, jurisdiction, or legal authority in  
 364 this state.
- 365 (2) The state, a state agency, or local government may not implement or enforce an  
 366 international directive.

367 Section 7. **Effective Date.**

368 This bill takes effect on May 7, 2025.