

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

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, then the state, or a political subdivision of the state, may not implement or enforce the rule, resolution, tax, policy, or mandate; and
 - issues a proclamation declaring a state of emergency, 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 proclamation; 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

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

30 ENACTS:

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



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 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]~~ 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) a proclamation declaring a state of emergency that is issued by an international
109 organization; 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]~~ Subject
 158 to Subsection (1)(b), the governor may declare a state of emergency by executive
 159 order if the governor finds a disaster has occurred or the occurrence or threat of a
 160 disaster is imminent in any area of the state in which state government assistance is
 161 required to supplement the response and recovery efforts of the affected political
 162 subdivision or political subdivisions.

163 (b) The governor may not base a finding described in Subsection (1)(a) on a
 164 proclamation declaring a state of emergency that is issued by an international

- 165 organization.
- 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 time
174 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 a
192 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 [~~Subsection~~] Subsections (1)(b) and (c), a chief executive
235 officer of a municipality or county may declare by proclamation a state of emergency
236 if the chief 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 a proclamation declaring a state of
245 emergency that is issued by an international organization.

246 (2) A declaration of a local emergency:

247 (a) constitutes an official recognition that a disaster situation exists within the affected
248 municipality or county;

249 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
250 from other political subdivisions or from the state or federal government;

251 (c) activates the response and recovery aspects of any and all applicable local disaster
252 emergency plans; and

253 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

254 (3) A local emergency proclamation issued under this section shall state:

255 (a) the nature of the local emergency;

256 (b) the area or areas that are affected or threatened; and

257 (c) the conditions which caused the emergency.

258 (4) The emergency declaration process within the state shall be as follows:

259 (a) a city or town, shall declare to the county;

260 (b) a county shall declare to the state;

261 (c) the state shall declare to the federal government; and

262 (d) a tribe, as defined in Section 23A-1-202, shall declare as determined under the
263 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec.
264 5121 et seq.

265 (5) Nothing in this part affects:

266 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or

267 (b) the duties, requests, reimbursements, or other actions taken by a political subdivision
268 participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
269 Part 3, Statewide Mutual Aid Act.

270 (6)(a) Except as provided in Subsection (6)(b), a state of emergency described in
271 Subsection ~~[(1)]~~ (1)(a) expires the earlier of:

272 (i) the day on which the chief executive officer finds that:

273 (A) the threat or danger has passed;

274 (B) the disaster reduced to the extent that emergency conditions no longer exist; or

275 (C) the municipality or county no longer requires state government assistance to
276 supplement the response and recovery efforts of the municipality or county;

277 (ii) 30 days after the day on which the chief executive officer declares the state of
278 emergency; or

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

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

284 (B) The legislative body of a county may at any time terminate by majority vote a
285 state of emergency declared by the chief executive officer of the county.

286 (ii) The legislative body of a municipality or county may by majority vote extend a
287 state of emergency for a time period stated in the motion.

288 (iii) If the legislative body of a municipality or county extends a state of emergency
289 in accordance with this subsection, the state of emergency expires on the date
290 designated by the legislative body in the motion.

291 (iv) An action by a legislative body of a municipality or county to terminate a state of
292 emergency as described in this Subsection (6)(b) is not subject to veto by the
293 relevant chief executive officer.

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

298 (7)(a) After a state of emergency expires in accordance with Subsection (6), the chief
299 executive officer may declare a new state of emergency in response to the same
300 disaster or occurrence as the expired state of emergency, if the chief executive officer

301 finds that exigent circumstances exist.

302 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in
303 accordance with Subsections (6)(a) and (b).

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

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

309 **63G-16-201 . Definitions.**

310 As used in this part:

311 (1) "Board of education" means:

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

313 (b) the State Board of Education;

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

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

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

319 (3)(a) "Federal directive" means:

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

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

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

323 (iv) an order or action by:

324 (A) a federal agency; or

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

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

328 (4)(a) "Government officer" means:

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

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

333 (iii) an individual appointed to fill a vacancy in a position described in Subsection

334 (4)(a)(i) or (ii), when acting in the capacity of the position; or

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