

Jen Plumb proposes the following substitute bill:

1 **Natural Disaster Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill amends provisions related to a natural disaster.

5 **Highlighted Provisions:**

6 This bill:

7 ▶ requires a county, city, or town emergency operations plan to designate at least one
8 emergency shelter in the county, city, or town, or a nearby county, city, or town, to
9 accommodate an individual and an individual's household pet during an emergency
10 subject to rules and guidelines established in the emergency operations plan;

11 ▶ clarifies that a county, city, or town has immunity regarding an emergency operations
12 plan; and

13 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 **AMENDS:**

20 **53-2a-1403**, as last amended by Laws of Utah 2024, Chapter 438

21 **63G-7-201**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

22 **REPEALS:**

23 **53-2a-1401**, as enacted by Laws of Utah 2021, Chapter 106

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

25 Section 1. Section **53-2a-1403** is amended to read:

26 **53-2a-1403 . Emergency operations plan.**

27 (1) As used in this section:

(a)(i) "Household pet" means a domesticated animal, such as a dog, cat, bird, rabbit, rodent, or turtle, that:

(A) is traditionally kept in the home as a pet rather than for commercial purposes;
and
(B) can be housed in temporary facilities.

(ii) "Household pet" does not include:

- (A) livestock or other farm animals;
- (B) a reptile that is not a turtle;
- (C) an amphibian;
- (D) a fish;
- (E) an insect;
- (F) an arachnid; or
- (G) an animal kept for racing purposes

(b) "Livestock" means the same as that term is defined in Section 11-46b-101.

(2) Each county shall create and maintain an emergency operations plan.

[(2)] (3) Each city and town shall:

(a) create and maintain an emergency operations plan; or

(b) adopt the emergency operations plan created by the county in which the city or town is located.

(4)(a) Subject to Subsections (4)(c) and (5), an emergency operations plan created and maintained in accordance with this section shall designate at least one shelter to be available to individuals who are within the area covered by the emergency operation plan that allows for the accommodation of an individual and the individual's household pet.

(b) A county, city, or town creating an emergency operations plan may, in collaboration with another nearby county, city, or town, designate the shelter described in Subsection (4)(a) to be located outside of the county, city, or town creating the emergency operations plan.

(c) An emergency operations plan may establish rules and guidelines regarding the appropriate housing, care, and other related issues of household pets within or at the shelter designated under Subsection (4)(a).

(5) A county, city, or town is not required to build a facility to comply with the requirements under Subsection (4)(a) to designate a shelter.

Section 2. Section **63G-7-201** is amended to read:

64 **63G-7-201 . Immunity of governmental entities and employees from suit.**

- 65 (1) Except as otherwise provided in this chapter, each governmental entity and each
66 employee of a governmental entity are immune from suit for any injury that results from
67 the exercise of a governmental function.
- 68 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a
69 governmental entity, its officers, and its employees are immune from suit:
70 (a) as provided in Section 78B-4-517; and
71 (b) for any injury or damage resulting from the implementation of or the failure to
72 implement measures to:
73 (i) control the causes of epidemic and communicable diseases and other conditions
74 significantly affecting the public health or necessary to protect the public health as
75 set out in Title 26A, Chapter 1, Local Health Departments;
76 (ii) investigate and control suspected bioterrorism and disease as set out in Sections
77 26B-7-316 through 26B-7-324;
78 (iii) respond to a national, state, or local emergency, a public health emergency as
79 defined in Section 26B-7-301, or a declaration by the President of the United
80 States or other federal official requesting public health related activities, including
81 the use, provision, operation, and management of:
82 (A) an emergency shelter;
83 (B) housing;
84 (C) a staging place; or
85 (D) a medical facility; and
86 (iv) adopt methods or measures, in accordance with Section 26B-1-202, for health
87 care providers, public health entities, and health care insurers to coordinate among
88 themselves to verify the identity of the individuals they serve.
- 89 (3)(a) A governmental entity, its officers, and its employees are immune from suit, and
90 immunity is not waived, for any injury if the injury arises out of or in connection
91 with, or results from:
92 (i) a latent dangerous or latent defective condition of:
93 (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge,
94 or viaduct; or
95 (B) another structure located on any of the items listed in this Subsection (3)(a)(i);
96 or
97 (ii) a latent dangerous or latent defective condition of any public building, structure,

dam, reservoir, or other public improvement.

(b)(i) As used in this Subsection (3)(b):

(A) "Contaminated land" means the same as that term is defined in Section 11-58-102.

(B) "Contamination" means the condition of land that results from the placement, disposal, or release of hazardous matter on, in, or under the land, including any seeping or escaping of the hazardous matter from the land.

(C) "Damage" means any property damage, personal injury, or other injury or any loss of any kind, however denominated.

(D) "Environmentally compliant" means, as applicable, obtaining a certificate of completion from the Department of Environmental Quality under Section 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter 8, Voluntary Cleanup Program, obtaining an administrative letter from the Department of Environmental Quality for a discrete phase of a voluntary cleanup that is conducted under a remedial action plan as defined in Section 11-58-605, or complying with the terms of an environmental covenant, as defined in Section 57-25-102, signed by an agency, as defined in Section 57-25-102, and duly recorded in the office of the recorder of the county in which the contaminated land is located.

(E) "Government owner" means a governmental entity, including an independent entity, as defined in Section 63E-1-102, that acquires an ownership interest in land that was contaminated land before the governmental entity or independent entity acquired an ownership interest in the land.

(F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302, [-] hazardous substances, as defined in Section 19-6-302, or landfill material, as defined in Section 11-58-102.

(G) "Remediation" means the same as that term is defined in Section 11-58-102.

(ii)(A) A government owner and the government owner's officers and employees are immune from suit, and immunity is not waived, for any claim for damage that arises out of or in connection with, or results from, contamination of contaminated land.

(B) A government owner's ownership of contaminated land may not be the basis of a claim against the government owner for damage that arises out of or in connection with, or results from, contamination of contaminated land.

(iii) Subsection (3)(b)(ii) does not limit or affect:

(A) the liability of a person that placed, disposed of, or released hazardous matter on, in, or under the land; or

(B) a worker compensation claim of an employee of an entity that conducts work on or related to contaminated land.

(iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's remediation of contaminated land if the government owner is environmentally compliant.

(4) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment, if the injury arises out of or in connection with, or results from:

(a) the exercise or performance, or the failure to exercise or perform, a discretionary function, whether or not the discretion is abused;

(b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery, false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation of civil rights;

(c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization;

- (d) a failure to make an inspection or making an inadequate or negligent inspection;
- (e) the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;

(f) a misrepresentation by an employee whether[-or not] the misrepresentation is negligent or intentional;

(g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

(h) the collection or assessment of taxes;

- (i) an activity of the Utah National Guard;
- (j) the incarceration of a person in a state prison, county or city jail, or other place of

legal commitment;

(k) a natural condition on publicly owned or controlled land;

(1) a condition existing in connection with an abandoned mine or mining operation;

the Division of Forestry, Fire, and State Lands;

- (n) the operation or existence of a trail that is along a water facility, as defined in Section 73-1-8, stream, or river, regardless of ownership or operation of the water facility, stream, or river, if:
 - (i) the trail is designated under a general plan adopted by a municipality under Section 10-20-401 or by a county under Section 17-79-401;
 - (ii) the trail right-of-way or the right-of-way where the trail is located is open to public use as evidenced by a written agreement between:
 - (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail is located; and
 - (B) the municipality or county where the trail is located; and
 - (iii) the written agreement:
 - (A) contains a plan for operation and maintenance of the trail; and
 - (B) provides that an owner or operator of the trail right-of-way or of the right-of-way where the trail is located has, at a minimum, the same level of immunity from suit as the governmental entity in connection with or resulting from the use of the trail;
 - (o) research or implementation of cloud management or seeding for the clearing of fog;
 - (p) the management of flood waters, earthquakes, or natural disasters;
 - (q) the construction, repair, or operation of flood or storm systems;
 - (r) the operation of an emergency vehicle, while being driven in accordance with the requirements of Section 41-6a-212;
 - (s) the activity of:
 - (i) providing emergency medical assistance;
 - (ii) fighting fire;
 - (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
 - (iv) an emergency evacuation;
 - (v) transporting or removing an injured person to a place where emergency medical assistance can be rendered or where the person can be transported by a licensed ambulance service; or
 - (vi) intervening during a dam emergency;
 - (t) the exercise or performance, or the failure to exercise or perform, any function in accordance with Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;

- 200 (u) an unauthorized access to government records, data, or electronic information
201 systems by any person or entity;
202 (v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of
203 a public or private road;
204 (w) a communication between employees of one or more law enforcement agencies
205 related to the employment, disciplinary history, character, professional competence,
206 or physical or mental health of a peace officer, or a former, current, or prospective
207 employee of a law enforcement agency, including any communication made in
208 accordance with Section 53-14-103;[~~or~~]
209 (x) providing or failing to provide information under Section 53-27-102 or Subsection
210 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5)[.] ;or
211 (y) an emergency operations plan described in Section 53-2a-1403;
212 (5) The following are immune from suit, and immunity is not waived for an action or
213 failure to act within the scope of duties or employment, if the injury arises out of, in
214 connection with, or results from the implementation of Section 17E-7-401 to the extent
215 it addresses evaluating and classifying high risk wildland urban interface property,
216 Section 31A-22-1310, or Title 65A, Chapter 8, Part 4, Wildland Urban Interface
217 Property:
218 (a) the Division of Forestry, Fire, and State Lands;
219 (b) an officer, employee, or consultant of the Division of Forestry, Fire, and State Lands;
220 (c) a county;
221 (d) a wildland urban interface coordinator, as defined in Section 65A-8-401;
222 (e) the Insurance Department; or
223 (f) an officer, employee, or consultant of the Insurance Department.

224 **Section 3. Repealer.**

225 This bill repeals:

226 **Section 53-2a-1401, Title.**

227 **Section 4. Effective Date.**

228 This bill takes effect on May 6, 2026.