

1 **LOCAL HEALTH DEPARTMENT ORDER AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mark A. Strong**

5 Senate Sponsor: Kirk A. Cullimore

7 **LONG TITLE**

8 **General Description:**

9 This bill excludes state facilities and the capitol hill complex from the authority and
10 jurisdiction of a local health department pertaining to an order of constraint.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ excludes state facilities and the capitol hill complex from the authority and
14 jurisdiction of a local health department pertaining to an order of constraint;
- 15 ▶ prohibits a chief executive officer of a municipality from exercising emergency
16 powers in response to a pandemic or an epidemic;
- 17 ▶ prohibits a chief executive officer or a municipality or county from vetoing an
18 action by the relevant local legislative body to terminate an order of constraint or a
19 declaration of a local emergency;
- 20 ▶ enacts a provision indicating that the Disaster Response and Recovery Act preempts
21 and supersedes any law of a political subdivision of the state pertaining to disaster
22 and emergency response; and
- 23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **17-53-302**, as last amended by Laws of Utah 2011, Chapter 209

31 **26A-1-108**, as last amended by Laws of Utah 2018, Chapter 256

32 **26A-1-114**, as last amended by Laws of Utah 2021, Chapter 437

33 **53-2a-102**, as last amended by Laws of Utah 2021, Chapter 106

34 **53-2a-205**, as last amended by Laws of Utah 2021, Chapter 437

35 **53-2a-208**, as last amended by Laws of Utah 2021, Chapter 437

36 **53-2a-213**, as renumbered and amended by Laws of Utah 2013, Chapter 295

37

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

39 Section 1. Section **17-53-302** is amended to read:

40 **17-53-302. County executive duties.**

41 Each county executive shall:

42 (1) exercise supervisory control over all functions of the executive branch of county
43 government;

44 (2) direct and organize the management of the county in a manner consistent with state
45 law, county ordinance, and the county's optional plan of county government;

46 (3) carry out programs and policies established by the county legislative body;

47 (4) faithfully ensure compliance with all applicable laws and county ordinances;

48 (5) exercise supervisory and coordinating control over all departments of county
49 government;

50 (6) except as otherwise vested in the county legislative body by state law or by the
51 optional plan of county government, and subject to Section **17-53-317**, appoint, suspend, and
52 remove the directors of all county departments and all appointive officers of boards and
53 commissions;

54 (7) except as otherwise delegated by statute to another county officer, exercise
55 administrative and auditing control over all funds and assets, tangible and intangible, of the

56 county;

57 (8) except as otherwise delegated by statute to another county officer, supervise and
58 direct centralized budgeting, accounting, personnel management, purchasing, and other service
59 functions of the county;

60 (9) conduct planning studies and make recommendations to the county legislative body
61 relating to financial, administrative, procedural, and operational plans, programs, and
62 improvements in county government;

63 (10) maintain a continuing review of expenditures and of the effectiveness of
64 departmental budgetary controls;

65 (11) develop systems and procedures, not inconsistent with statute, for planning,
66 programming, budgeting, and accounting for all activities of the county;

67 (12) if the county executive is an elected county executive, exercise a power of veto
68 over ~~[ordinances enacted]~~ the legislative enactments by the county legislative body, ~~[including]~~
69 which are defined as county ordinances and budget appropriations, and include an item veto
70 upon budget appropriations, in the manner provided by the optional plan of county
71 government;

72 (13) review, negotiate, approve, and execute contracts for the county, unless otherwise
73 provided by statute;

74 (14) perform all other functions and duties required of the executive by state law,
75 county ordinance, and the optional plan of county government; and

76 (15) sign on behalf of the county all deeds that convey county property.

77 Section 2. Section **26A-1-108** is amended to read:

78 **26A-1-108. Jurisdiction and duties of local health departments -- Registration as**
79 **a limited purpose entity.**

80 (1) (a) ~~[A]~~ Except as provided in Subsection (1)(b), a local health department has
81 jurisdiction in all unincorporated and incorporated areas of the county or counties in which it
82 is established and shall enforce state health laws, Department of Health, Department of

83 Environmental Quality, and local health department rules, regulations, and standards within
84 those areas.

85 (b) Notwithstanding Subsection (1)(a), a local health department's jurisdiction or
86 authority to issue an order of constraint pursuant to a declared public health emergency does
87 not apply to any facility, property, or area owned or leased by the state, including the capitol
88 hill complex, as that term is defined in Section 63C-9-102.

89 (2) (a) Each local health department shall register and maintain the local health
90 department's registration as a limited purpose entity, in accordance with Section 67-1a-15.

91 (b) A local health department that fails to comply with Subsection (2)(a) or Section
92 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

93 Section 3. Section 26A-1-114 is amended to read:

94 **26A-1-114. Powers and duties of departments.**

95 (1) Subject to Subsections (7) [~~and~~], (8), and (11), a local health department may:

96 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,
97 department rules, and local health department standards and regulations relating to public
98 health and sanitation, including the plumbing code administered by the Division of
99 Occupational and Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction
100 Code Administration Act, and under Title 26, Chapter 15a, Food Safety Manager Certification
101 Act, in all incorporated and unincorporated areas served by the local health department;

102 (b) establish, maintain, and enforce isolation and quarantine, and exercise physical
103 control over property and over individuals as the local health department finds necessary for
104 the protection of the public health;

105 (c) establish and maintain medical, environmental, occupational, and other laboratory
106 services considered necessary or proper for the protection of the public health;

107 (d) establish and operate reasonable health programs or measures not in conflict with
108 state law which:

109 (i) are necessary or desirable for the promotion or protection of the public health and

- 110 the control of disease; or
- 111 (ii) may be necessary to ameliorate the major risk factors associated with the major
112 causes of injury, sickness, death, and disability in the state;
- 113 (e) close theaters, schools, and other public places and prohibit gatherings of people
114 when necessary to protect the public health;
- 115 (f) abate nuisances or eliminate sources of filth and infectious and communicable
116 diseases affecting the public health and bill the owner or other person in charge of the premises
117 upon which this nuisance occurs for the cost of abatement;
- 118 (g) make necessary sanitary and health investigations and inspections on its own
119 initiative or in cooperation with the Department of Health or Environmental Quality, or both,
120 as to any matters affecting the public health;
- 121 (h) pursuant to county ordinance or interlocal agreement:
- 122 (i) establish and collect appropriate fees for the performance of services and operation
123 of authorized or required programs and duties;
- 124 (ii) accept, use, and administer all federal, state, or private donations or grants of funds,
125 property, services, or materials for public health purposes; and
- 126 (iii) make agreements not in conflict with state law which are conditional to receiving a
127 donation or grant;
- 128 (i) prepare, publish, and disseminate information necessary to inform and advise the
129 public concerning:
- 130 (i) the health and wellness of the population, specific hazards, and risk factors that may
131 adversely affect the health and wellness of the population; and
- 132 (ii) specific activities individuals and institutions can engage in to promote and protect
133 the health and wellness of the population;
- 134 (j) investigate the causes of morbidity and mortality;
- 135 (k) issue notices and orders necessary to carry out this part;
- 136 (l) conduct studies to identify injury problems, establish injury control systems,

137 develop standards for the correction and prevention of future occurrences, and provide public
138 information and instruction to special high risk groups;

139 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
140 within the jurisdiction of the boards;

141 (n) cooperate with the state health department, the Department of Corrections, the
142 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
143 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
144 convicted sexual offenders, and any victims of a sexual offense;

145 (o) investigate suspected bioterrorism and disease pursuant to Section 26-23b-108; and

146 (p) provide public health assistance in response to a national, state, or local emergency,
147 a public health emergency as defined in Section 26-23b-102, or a declaration by the President
148 of the United States or other federal official requesting public health-related activities.

149 (2) The local health department shall:

150 (a) establish programs or measures to promote and protect the health and general
151 wellness of the people within the boundaries of the local health department;

152 (b) investigate infectious and other diseases of public health importance and implement
153 measures to control the causes of epidemic and communicable diseases and other conditions
154 significantly affecting the public health which may include involuntary testing of alleged sexual
155 offenders for the HIV infection pursuant to Section 76-5-502 and voluntary testing of victims
156 of sexual offenses for HIV infection pursuant to Section 76-5-503;

157 (c) cooperate with the department in matters pertaining to the public health and in the
158 administration of state health laws; and

159 (d) coordinate implementation of environmental programs to maximize efficient use of
160 resources by developing with the Department of Environmental Quality a Comprehensive
161 Environmental Service Delivery Plan which:

162 (i) recognizes that the Department of Environmental Quality and local health
163 departments are the foundation for providing environmental health programs in the state;

164 (ii) delineates the responsibilities of the department and each local health department
165 for the efficient delivery of environmental programs using federal, state, and local authorities,
166 responsibilities, and resources;

167 (iii) provides for the delegation of authority and pass through of funding to local health
168 departments for environmental programs, to the extent allowed by applicable law, identified in
169 the plan, and requested by the local health department; and

170 (iv) is reviewed and updated annually.

171 (3) The local health department has the following duties regarding public and private
172 schools within its boundaries:

173 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
174 persons attending public and private schools;

175 (b) exclude from school attendance any person, including teachers, who is suffering
176 from any communicable or infectious disease, whether acute or chronic, if the person is likely
177 to convey the disease to those in attendance; and

178 (c) (i) make regular inspections of the health-related condition of all school buildings
179 and premises;

180 (ii) report the inspections on forms furnished by the department to those responsible for
181 the condition and provide instructions for correction of any conditions that impair or endanger
182 the health or life of those attending the schools; and

183 (iii) provide a copy of the report to the department at the time the report is made.

184 (4) If those responsible for the health-related condition of the school buildings and
185 premises do not carry out any instructions for corrections provided in a report in Subsection
186 (3)(c), the local health board shall cause the conditions to be corrected at the expense of the
187 persons responsible.

188 (5) The local health department may exercise incidental authority as necessary to carry
189 out the provisions and purposes of this part.

190 (6) Nothing in this part may be construed to authorize a local health department to

191 enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon
192 monoxide detector in a residential dwelling against anyone other than the occupant of the
193 dwelling.

194 (7) (a) Except as provided in Subsection (7)(c), a local health department may not
195 declare a public health emergency or issue an order of constraint until the local health
196 department has provided notice of the proposed action to the chief executive officer of the
197 relevant county no later than 24 hours before the local health department issues the order or
198 declaration.

199 (b) The local health department:

200 (i) shall provide the notice required by Subsection (7)(a) using the best available
201 method under the circumstances as determined by the local health department;

202 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and

203 (iii) shall provide the notice in written form, if practicable.

204 (c) (i) Notwithstanding Subsection (7)(a), a local health department may declare a
205 public health emergency or issue an order of constraint without approval of the chief executive
206 officer of the relevant county if the passage of time necessary to obtain approval of the chief
207 executive officer of the relevant county as required in Subsection (7)(a) would substantially
208 increase the likelihood of loss of life due to an imminent threat.

209 (ii) If a local health department declares a public health emergency or issues an order
210 of constraint as described in Subsection (7)(c)(i), the local health department shall notify the
211 chief executive officer of the relevant county before issuing the order of constraint.

212 (iii) The chief executive officer of the relevant county may terminate a declaration of a
213 public health emergency or an order of constraint issued as described in Subsection (7)(c)(i)
214 within 72 hours of declaration of the public health emergency or issuance of the order of
215 constraint.

216 (d) (i) The relevant county governing body may at any time terminate a public health
217 emergency or an order of constraint issued by the local health department by majority vote of

218 the county governing body in response to a declared public health emergency.

219 (ii) A vote by the relevant county governing body to terminate a public health
220 emergency or an order of constraint as described in Subsection (7)(d)(i) is not subject to veto
221 by the relevant chief executive officer.

222 (8) (a) Except as provided in Subsection (8)(b), a public health emergency declared by
223 a local health department expires at the earliest of:

224 (i) the local health department or the chief executive officer of the relevant county
225 finding that the threat or danger has passed or the public health emergency reduced to the
226 extent that emergency conditions no longer exist;

227 (ii) 30 days after the date on which the local health department declared the public
228 health emergency; or

229 (iii) the day on which the public health emergency is terminated by majority vote of the
230 county governing body.

231 (b) (i) The relevant county legislative body, by majority vote, may extend a public
232 health emergency for a time period designated by the county legislative body.

233 (ii) If the county legislative body extends a public health emergency as described in
234 Subsection (8)(b)(i), the public health emergency expires on the date designated by the county
235 legislative body.

236 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a
237 local health department expires as described in Subsection (8)(a), the local health department
238 may not declare a public health emergency for the same illness or occurrence that precipitated
239 the previous public health emergency declaration.

240 (d) (i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local
241 health department finds that exigent circumstances exist, after providing notice to the county
242 legislative body, the department may declare a new public health emergency for the same
243 illness or occurrence that precipitated a previous public health emergency declaration.

244 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires in

245 accordance with Subsection (8)(a) or (b).

246 (e) For a public health emergency declared by a local health department under this
247 chapter or under Title 26, Chapter 23b, Detection of Public Health Emergencies Act, the
248 Legislature may terminate by joint resolution a public health emergency that was declared
249 based on exigent circumstances or that has been in effect for more than 30 days.

250 (f) If the Legislature or county legislative body terminates a public health emergency
251 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local health
252 department may not declare a new public health emergency for the same illness, occurrence, or
253 exigent circumstances.

254 (9) (a) During a public health emergency declared under this chapter or under Title 26,
255 Chapter 23b, Detection of Public Health Emergencies Act:

256 (i) except as provided in Subsection (9)(b), a local health department may not issue an
257 order of constraint without approval of the chief executive officer of the relevant county;

258 (ii) the Legislature may at any time terminate by joint resolution an order of constraint
259 issued by a local health department in response to a declared public health emergency that has
260 been in effect for more than 30 days; and

261 (iii) a county governing body may at any time terminate by majority vote of the
262 governing body an order of constraint issued by a local health department in response to a
263 declared public health emergency.

264 (b) (i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an
265 order of constraint without approval of the chief executive officer of the relevant county if the
266 passage of time necessary to obtain approval of the chief executive officer of the relevant
267 county as required in Subsection (9)(a)(i) would substantially increase the likelihood of loss of
268 life due to an imminent threat.

269 (ii) If a local health department issues an order of constraint as described in Subsection
270 (9)(b), the local health department shall notify the chief executive officer of the relevant county
271 before issuing the order of constraint.

272 (iii) The chief executive officer of the relevant county may terminate an order of
273 constraint issued as described in Subsection (9)(b) within 72 hours of issuance of the order of
274 constraint.

275 (c) (i) For a local health department that serves more than one county, the approval
276 described in Subsection (9)(a)(i) is required for the chief executive officer for which the order
277 of constraint is applicable.

278 (ii) For a local health department that serves more than one county, a county governing
279 body may only terminate an order of constraint as described in Subsection (9)(a)(iii) for the
280 county served by the county governing body.

281 (10) (a) During a public health emergency declared as described in this title:

282 (i) the department or a local health department may not impose an order of constraint
283 on a religious gathering that is more restrictive than an order of constraint that applies to any
284 other relevantly similar gathering; and

285 (ii) an individual, while acting or purporting to act within the course and scope of the
286 individual's official department or local health department capacity, may not:

287 (A) prevent a religious gathering that is held in a manner consistent with any order of
288 constraint issued pursuant to this title; or

289 (B) impose a penalty for a previous religious gathering that was held in a manner
290 consistent with any order of constraint issued pursuant to this title.

291 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
292 prevent the violation of this Subsection (10).

293 (c) During a public health emergency declared as described in this title, the department
294 or a local health department shall not issue a public health order or impose or implement a
295 regulation that substantially burdens an individual's exercise of religion unless the department
296 or local health department demonstrates that the application of the burden to the individual:

297 (i) is in furtherance of a compelling government interest; and

298 (ii) is the least restrictive means of furthering that compelling government interest.

299 (d) Notwithstanding Subsections (8)(a) and (c), the department or a local health
300 department shall allow reasonable accommodations for an individual to perform or participate
301 in a religious practice or rite.

302 (11) An order of constraint issued by a local health department pursuant to a declared
303 public health emergency does not apply to a facility, property, or area owned or leased by the
304 state, including the capitol hill complex, as that term is defined in Section [63C-9-102](#).

305 Section 4. Section **53-2a-102** is amended to read:

306 **53-2a-102. Definitions.**

307 As used in this chapter:

308 (1) "Alerting authority" means a political subdivision that has received access to send
309 alerts through the Integrated Public Alert and Warning System.

310 (2) "Attack" means a nuclear, cyber, conventional, biological, act of terrorism, or
311 chemical warfare action against the United States of America or this state.

312 (3) "Commissioner" means the commissioner of the Department of Public Safety or the
313 commissioner's designee.

314 (4) "Director" means the division director appointed under Section [53-2a-103](#) or the
315 director's designee.

316 (5) "Disaster" means an event that:

317 (a) causes, or threatens to cause, loss of life, human suffering, public or private
318 property damage, or economic or social disruption resulting from attack, internal disturbance,
319 natural phenomena, or technological hazard; and

320 (b) requires resources that are beyond the scope of local agencies in routine responses
321 to emergencies and accidents and may be of a magnitude or involve unusual circumstances that
322 require response by government, not-for-profit, or private entities.

323 (6) "Division" means the Division of Emergency Management created in Section
324 [53-2a-103](#).

325 (7) "Emergency manager" means an individual designated as the emergency manager

326 for a political subdivision as described in Section [53-2a-1402](#).

327 (8) "Energy" includes the energy resources defined in this chapter.

328 (9) "Expenses" means actual labor costs of government and volunteer personnel, and
329 materials.

330 (10) "Hazardous materials emergency" means a sudden and unexpected release of any
331 substance that because of its quantity, concentration, or physical, chemical, or infectious
332 characteristics presents a direct and immediate threat to public safety or the environment and
333 requires immediate action to mitigate the threat.

334 (11) "Internal disturbance" means a riot, prison break, terrorism, or strike.

335 (12) "IPAWS" means the Integrated Public Alert and Warning System administered by
336 the Federal Emergency Management Agency.

337 (13) "Municipality" means the same as that term is defined in Section [10-1-104](#).

338 (14) "Natural phenomena" means any earthquake, tornado, storm, flood, landslide,
339 avalanche, forest or range fire, or drought~~[, or epidemic]~~.

340 (15) "Officer" means a person who is elected or appointed to an office or position
341 within a political subdivision.

342 (16) "Political subdivision" means the same as that term is defined in Section
343 [11-61-102](#).

344 (17) "State of emergency" means a condition in any part of this state that requires state
345 government emergency assistance to supplement the local efforts of the affected political
346 subdivision to save lives and to protect property, public health, welfare, or safety in the event
347 of a disaster, or to avoid or reduce the threat of a disaster.

348 (18) "Technological hazard" means any hazardous materials accident, mine accident,
349 train derailment, air crash, radiation incident, pollution, structural fire, or explosion.

350 (19) "Terrorism" means activities or the threat of activities that:

351 (a) involve acts dangerous to human life;

352 (b) are a violation of the criminal laws of the United States or of this state; and

353 (c) to a reasonable person, would appear to be intended to:

354 (i) intimidate or coerce a civilian population;

355 (ii) influence the policy of a government by intimidation or coercion; or

356 (iii) affect the conduct of a government by mass destruction, assassination, or
357 kidnapping.

358 (20) "Urban search and rescue" means the location, extrication, and initial medical
359 stabilization of victims trapped in a confined space as the result of a structural collapse,
360 transportation accident, mining accident, or collapsed trench.

361 Section 5. Section 53-2a-205 is amended to read:

362 **53-2a-205. Authority of chief executive officers of political subdivisions --**

363 **Ordering of evacuations.**

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

368 (i) carry out, in the chief executive officer's jurisdiction, the measures as may be
369 ordered by the governor under this part; and

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

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

374 (c) A chief executive officer of a municipality may not exercise powers under this
375 chapter to respond to an epidemic or a pandemic.

376 (2) Subject to Section 53-2a-216, when a state of emergency or local emergency is
377 declared, the authority of the chief executive officer includes:

378 (a) utilizing all available resources of the political subdivision as reasonably necessary
379 to manage a state of emergency or local emergency;

380 (b) employing measures and giving direction to local officers and agencies which are
381 reasonable and necessary for the purpose of securing compliance with the provisions of this
382 part and with orders, rules, and regulations made under this part;

383 (c) if necessary for the preservation of life, issuing an order for the evacuation of all or
384 part of the population from any stricken or threatened area within the political subdivision;

385 (d) recommending routes, modes of transportation, and destinations in relation to an
386 evacuation;

387 (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages,
388 explosives, and combustibles in relation to an evacuation, except that the chief executive
389 officer may not restrict the lawful bearing of arms;

390 (f) controlling ingress and egress to and from a disaster area, controlling the movement
391 of persons within a disaster area, and ordering the occupancy or evacuation of premises in a
392 disaster area;

393 (g) clearing or removing debris or wreckage that may threaten public health, public
394 safety, or private property from publicly or privately owned land or waters, except that where
395 there is no immediate threat to public health or safety, the chief executive officer shall not
396 exercise this authority in relation to privately owned land or waters unless:

397 (i) the owner authorizes the employees of designated local agencies to enter upon the
398 private land or waters to perform any tasks necessary for the removal or clearance; and

399 (ii) the owner provides an unconditional authorization for removal of the debris or
400 wreckage and agrees to indemnify the local and state government against any claim arising
401 from the removal; and

402 (h) invoking the provisions of any mutual aid agreement entered into by the political
403 subdivision.

404 (3) (a) If the chief executive is unavailable to issue an order for evacuation under
405 Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue
406 an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for

407 the preservation of life.

408 (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement
409 officer's order.

410 (4) Notice of an order or the ratification, modification, or revocation of an order issued
411 under this section shall be:

412 (a) given to the persons within the jurisdiction by the most effective and reasonable
413 means available; and

414 (b) filed in accordance with Subsection 53-2a-209(1).

415 Section 6. Section 53-2a-208 is amended to read:

416 **53-2a-208. Local emergency -- Declarations -- Termination of a local emergency.**

417 (1) (a) ~~[A]~~ Except as provided in Subsection (1)(b), a chief executive officer of a
418 municipality or county may declare by proclamation a state of emergency if the chief executive
419 officer finds:

420 ~~[(a)]~~ (i) a disaster has occurred or the occurrence or threat of a disaster is imminent in
421 an area of the municipality or county; and

422 ~~[(b)]~~ (ii) the municipality or county requires additional assistance to supplement the
423 response and recovery efforts of the municipality or county.

424 (b) A chief executive officer of a municipality may not declare by proclamation a state
425 of emergency in response to an epidemic or a pandemic.

426 (2) A declaration of a local emergency:

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

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

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

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

- 434 (3) A local emergency proclamation issued under this section shall state:
 - 435 (a) the nature of the local emergency;
 - 436 (b) the area or areas that are affected or threatened; and
 - 437 (c) the conditions which caused the emergency.
- 438 (4) The emergency declaration process within the state shall be as follows:
 - 439 (a) a city, town, or metro township shall declare to the county;
 - 440 (b) a county shall declare to the state;
 - 441 (c) the state shall declare to the federal government; and
 - 442 (d) a tribe, as defined in Section 23-13-12.5, shall declare as determined under the
 - 443 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.
- 444 (5) Nothing in this part affects:
 - 445 (a) the governor's authority to declare a state of emergency under Section 53-2a-206; or
 - 446 (b) the duties, requests, reimbursements, or other actions taken by a political
 - 447 subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a,
 - 448 Part 3, Statewide Mutual Aid Act.
- 449 (6) (a) Except as provided in Subsection (6)(b), a state of emergency described in
- 450 Subsection (1) expires the earlier of:
 - 451 (i) the day on which the chief executive officer finds that:
 - 452 (A) the threat or danger has passed;
 - 453 (B) the disaster reduced to the extent that emergency conditions no longer exist; or
 - 454 (C) the municipality or county no longer requires state government assistance to
 - 455 supplement the response and recovery efforts of the municipality or county;
 - 456 (ii) 30 days after the day on which the chief executive officer declares the state of
 - 457 emergency; or
 - 458 (iii) the day on which the legislative body of the municipality or county terminates the
 - 459 state of emergency by majority vote.
- 460 (b) (i) (A) The legislative body of a municipality may at any time terminate by majority

461 vote a state of emergency declared by the chief executive officer of the municipality.

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

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

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

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

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

475 (7) (a) After a state of emergency expires in accordance with Subsection [~~(2)~~] (6), the
476 chief executive officer may declare a new state of emergency in response to the same disaster
477 or occurrence as the expired state of emergency, if the chief executive officer finds that exigent
478 circumstances exist.

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

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

485 Section 7. Section **53-2a-213** is amended to read:

486 **53-2a-213. Authority additional to other emergency authority.**

487 (1) The special disaster emergency authority vested in the governor and political

488 subdivisions of the state pursuant to this part shall be in addition to, and not in lieu of, any
489 other emergency authority otherwise constitutionally or statutorily vested in the governor and
490 political subdivisions of the state.

491 (2) The provisions of this chapter supersede and preempt any provision of law of a
492 political subdivision of the state pertaining to disaster and emergency response.