

1 **JOINT RESOLUTION EXTENDING STATE OF EMERGENCY**
2 **DUE TO DROUGHT CONDITIONS**

3 2021 FIRST SPECIAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Keven J. Stratton**

6 Senate Sponsor: David P. Hinkins

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution extends a state of emergency due to drought conditions.

11 **Highlighted Provisions:**

12 This resolution:

- 13 ▶ extends, for a designated time period, a state of emergency declared by the governor
14 due to drought conditions; and
15 ▶ limits certain emergency powers related to the state of emergency.

16 **Special Clauses:**

17 None

19 *Be it resolved by the Legislature of the state of Utah:*

20 WHEREAS, the governor has recognized, and the facts demonstrate, that extreme
21 drought conditions exist in the state;

22 WHEREAS, these drought conditions are expected to persist, increasing and prolonging
23 the threat of wildfire across the state and adversely impacting agribusiness and livestock
24 production, and wildlife and natural habitats;

25 WHEREAS, the Legislature modified the procedures for declaring and extending a
26 state of emergency by passing S.B. 195 during the 2021 General Session, which took effect on
27 May 5, 2021;

28 WHEREAS, on May 13, 2021, the governor issued Executive Order 2021-13 declaring
29 a state of emergency due to drought conditions;

30 WHEREAS, Executive Order 2021-13 activated the state Emergency Operations Plan,
31 the state Drought Response Plan, and the state Drought Response Committee;

32 WHEREAS, Executive Order 2021-13 articulates the governor's intent to have the state
33 Drought Response Committee identify and recommend actions to meet needs caused by the
34 drought;

35 WHEREAS, the state Drought Response Plan calls for the Drought Response
36 Committee to make recommendations to the governor about how to meet unmet needs caused
37 by the drought and to assemble data needed to support a request by the governor for federal
38 drought assistance;

39 WHEREAS, under Subsection 53-2a-206(2)(b), the Legislature may extend, by joint
40 resolution and for a designated time period, a state of emergency declared by executive order of
41 the governor;

42 WHEREAS, under Subsection 53-2a-206(4)(b), the Legislature may limit or restrict the
43 governor's emergency powers for a state of emergency that is extended by a joint resolution;

44 WHEREAS, pursuant to Subsection 53-2a-204(4)(c), the Legislature finds that
45 emergency drought conditions in the state warrant certain executive actions, but that the
46 following emergency powers of the governor are not necessary to respond to the emergency
47 drought conditions present at the time of this joint resolution:

48 ▶ the emergency powers described in Subsections 53-2a-204(1)(c) through (f), (h),
49 (i), and (j); and

50 ▶ the emergency power described in Subsection 53-2a-209(4);

51 WHEREAS, the Legislature finds that the nature and current condition of the state of
52 emergency warrants the continuation of the governor's emergency powers except for those
53 emergency powers enumerated in the preceding paragraph;

54 WHEREAS, under Subsection 53-2a-206(4)(b), the Legislature may limit or restrict the
55 emergency powers of the Division of Emergency Management for a state of emergency that is
56 extended by a joint resolution;

57 WHEREAS, pursuant to Subsection 53-2a-206(4)(c), the Legislature finds that

58 emergency drought conditions in the state at the time of this joint resolution warrant the
59 limitation or restriction of the Division of Emergency Management's exercise of emergency
60 powers described in Section 53-2a-104;

61 WHEREAS, pursuant to Subsection 53-2a-206(4)(c), the Legislature finds that before
62 the Division of Emergency Management may exercise any emergency power described in
63 Section 53-2a-104 under the state of emergency due to drought conditions, the Division of
64 Emergency Management should obtain the governor's approval;

65 WHEREAS, under Subsection 53-2a-206(4)(b), the Legislature may limit or restrict the
66 emergency powers of a chief executive officer of a political subdivision for a state of
67 emergency that is extended by a joint resolution;

68 WHEREAS, pursuant to Subsection 53-2a-206(4)(c), the Legislature finds that
69 emergency drought conditions in the state at the time of this joint resolution warrant the
70 limitation or restriction of the emergency powers described in Section 53-2a-205 for a chief
71 executive officer of a local political subdivision;

72 WHEREAS, pursuant to Subsection 53-2a-206(4)(c), the Legislature finds that the chief
73 executive officer of a local political subdivision should not be authorized to exercise the
74 emergency powers described in Section 53-2a-205 under the state of emergency due to drought
75 conditions unless a local emergency for drought conditions is declared for that local political
76 subdivision under Section 53-2a-208; and

77 WHEREAS, nothing in the preceding paragraph affects a county legislative body's
78 powers under Section 17-8-7:

79 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
80 extends the state of emergency due to drought conditions, declared by Executive Order
81 2021-13, through October 31, 2021.

82 BE IT FURTHER RESOLVED that under the state of emergency due to drought
83 conditions, the governor may not exercise the emergency powers described in Subsections
84 53-2a-204(1)(c) through (f), (h), (i), and (j), and Subsection 53-2a-209(4).

85 BE IT FURTHER RESOLVED that, except for those powers enumerated in the

86 preceding paragraph, the emergency powers of the governor remain in force under the state of
87 emergency due to drought conditions.

88 BE IT FURTHER RESOLVED that under the state of emergency due to drought
89 conditions, the Division of Emergency Management must obtain the governor's approval before
90 exercising any emergency power described in Section 53-2a-104.

91 BE IT FURTHER RESOLVED that under the state of emergency due to drought
92 conditions, the chief executive officer of a local political subdivision may not exercise the
93 emergency powers described in Section 53-2a-205 unless the local political subdivision
94 declares a local emergency for drought conditions under Section 53-2a-208.

95 BE IT FURTHER RESOLVED that the preceding paragraph does not affect a county
96 legislative body's powers under Section 17-18-7.

97 BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor
98 Spencer J. Cox and the Division of Water Resources.