

Statute Suspension and Modification Statute Suspension Requirements

1. Determination of a Need to Suspend Statute

The governor may declare a state of emergency by executive order if the governor finds a disaster has occurred or is imminent.¹ If a state of emergency is declared, the governor may suspend the enforcement of a statute if, acting in good faith, the governor determines that suspending the enforcement of the statute is directly related to and necessary for the emergency.²

2. Executive Order

In an executive order, the governor shall cite the statute and describe how suspending the statute is directly related to and necessary for the emergency.³

Limitations: The governor may not suspend criminal penalties unless the penalty is for a misdemeanor or infraction and relates to “food, health, or transportation.”⁴ In a state of emergency or local emergency, the governor may not create new restrictions on “the lawful possession, transfer, sale, transport, storage, display, or use of a firearm or ammunition.”⁵

3. Notice to Legislature

Within 24 hours after suspension, the governor shall provide notice to the speaker of the House of Representatives and the president of the Senate.⁶

Form of Notice: The governor shall send written notice “if practicable.” The governor may send electronic notice. “If circumstances prevent the governor from providing notice to the speaker of the House of Representatives or the president of the Senate, notice shall be provided in the best available method to the presiding member of the respective body as is reasonable.”⁷

4. Report

The governor and the Department of Public Safety shall make a report to the Legislative Management Committee on or before the sooner of (1) the day the governor calls the legislature into session or (2) “seven days after the date the governor declares the state of emergency.”⁸ The committee shall review and may recommend the governor continue, terminate, or amend the length of the suspension or may recommend the governor call a special session.⁹

5. Termination

The suspension “terminates no later than the date the governor terminates the state of emergency.”¹⁰

¹ U.C.A. § 53-2a-206.

² U.C.A. § 53-2a-209(4)(a)(ii) and (4)(a)(iv).

³ U.C.A. § 53-2a-209(4)(a)(iii).

⁴ U.C.A. § 53-2a-209(4)(b).

⁵ U.C.A. § 53-2a-214(2).

⁶ U.C.A. § 53-2a-209(4)(a)(v).

⁷ U.C.A. § 53-2a-209(4)(d)-(e).

⁸ U.C.A. § 53-2a-209(4)(a)(vi) and § 53-2a-210(1)-(2).

⁹ U.C.A. § 53-2a-210(3).

¹⁰ U.C.A. § 53-2a-209(4)(c).

Statute Modification Requirements

The governor may temporarily *modify* statute “if such action is essential to provide temporary housing” and if the governor (1) declares a state of emergency; (2) issues an executive order; and (3) follows the same requirements as the suspension of statute; and (4) does not restrict firearm or ammunition possession.¹¹

If the governor modifies a statute because it is essential for providing temporary housing, the governor and the Department of Public Safety shall make a report to the Legislative Management Committee.¹² The committee shall review and may recommend the governor continue, terminate, or amend the length of the modification or may recommend the governor call a special session.¹³

Order, Rule, or Regulation Suspension and Modification

Order, Rule, or Regulation Suspension Requirements

The governor may suspend a provision of an order, rule, or regulation of any agency “if the strict compliance with the provisions ... would substantially prevent, hinder, or delay necessary action in coping with the emergency or disaster.”¹⁴ While this sentence describes the conditions, it is unclear what process the governor is meant to follow to put the suspension into effect.

Administrative Rule Modification Requirements

The governor may temporarily *modify* an administrative rule “if such action is essential to provide temporary housing” and if the governor (1) declares a state of emergency; (2) issues an executive order; and (3) follows the same requirements as the suspension of statute; and (4) does not restrict firearm or ammunition possession in accordance.¹⁵

If the governor modifies an administrative rule because it is essential for providing temporary housing, the governor and the Department of Public Safety shall make a report to the Legislative Management Committee.¹⁶ The committee shall review and may recommend the governor continue, terminate, or amend the length of the modification or may recommend the governor call a special session.¹⁷

¹¹ U.C.A. § 53-2a-204(1)(j) and § 53-2a-214.

¹² U.C.A. § 53-2a-210(1)-(2).

¹³ U.C.A. § 53-2a-210(3).

¹⁴ U.C.A. § 53-2a-209(3).

¹⁵ U.C.A. § 53-2a-204(1)(j) and § 53-2a-214.

¹⁶ U.C.A. § 53-2a-210(1)-(2).

¹⁷ U.C.A. § 53-2a-210(3).