

EMERGENCY ORDER AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill modifies the Public Safety Code regarding the Emergency Management Act.

Highlighted Provisions:

This bill:

► makes technical corrections to the Emergency Management Act regarding notification that the governor is required to provide to the Legislature when the governor suspends the enforcement of a statute during a declared disaster.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-2a-209, as renumbered and amended by Laws of Utah 2013, Chapter 295

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

Section 1. Section **53-2a-209** is amended to read:

53-2a-209. Orders, rules, and regulations having force of law -- Filing requirements -- Suspension of state agency rules -- Suspension of enforcement of certain statutes during a state of emergency.



28 (1) All orders, rules, and regulations promulgated by the governor, a municipality, a
29 county, or other agency authorized by this part to make orders, rules, and regulations, not in
30 conflict with existing laws except as specifically provided [~~herein~~] in this section, shall have
31 the full force and effect of law during the state of emergency[, ~~when a copy of the order, rule,
32 or regulation is filed with:~~].

33 (2) A copy of the order, rule, or regulation promulgated under Subsection (1) shall be
34 filed as soon as practicable with:

35 (a) the Division of Administrative Rules, if issued by the governor or a state agency; or

36 (b) the office of the clerk of the municipality or county, if issued by the chief executive
37 officer of a municipality or county.

38 [~~(2)~~] (3) The governor may suspend the provisions of any order, rule, or regulation of
39 any state agency, if the strict compliance with the provisions of the order, rule, or regulation
40 would substantially prevent, hinder, or delay necessary action in coping with the emergency or
41 disaster.

42 [~~(3)~~] (4) (a) Except as provided in Subsection [~~(3)~~] (4)(b) and subject to Subsections
43 [~~(3)~~] (4)(c) and (d), the governor may by executive order suspend the enforcement of a statute
44 if:

45 (i) the governor declares a state of emergency in accordance with Section 53-2a-206;

46 (ii) the governor determines that suspending the enforcement of the statute is:

47 (A) directly related to the state of emergency described in Subsection [~~(3)~~] (4)(a)(i);

48 and

49 (B) necessary to address the state of emergency described in Subsection [~~(3)~~] (4)(a)(i);

50 (iii) the executive order:

51 (A) describes how the suspension of the enforcement of the statute is:

52 (I) directly related to the state of emergency described in Subsection [~~(3)~~] (4)(a)(i); and

53 (II) necessary to address the state of emergency described in Subsection [~~(3)~~] (4)(a)(i);

54 and

55 (B) provides the citation of the statute that is the subject of suspended enforcement;

56 (iv) the governor acts in good faith;

57 (v) the governor provides [~~written~~] notice of the suspension of the enforcement of the

58 statute to the speaker of the House of Representatives and the president of the Senate no later

59 than 24 hours after suspending the enforcement of the statute; and
60 (vi) the governor makes the report required by Section [~~53-2a-214~~] [53-2a-210](#).
61 (b) (i) Except as provided in Subsection [~~(3)~~] (4)(b)(ii), the governor may not suspend
62 the enforcement of a criminal penalty created in statute.
63 (ii) The governor may suspend the enforcement of a misdemeanor or infraction if:
64 (A) the misdemeanor or infraction relates to food, health, or transportation; and
65 (B) the requirements of Subsection [~~(3)~~] (4)(a) are met.
66 (c) A suspension described in this Subsection [~~(3)~~] (4) terminates no later than the date
67 the governor terminates the state of emergency in accordance with Section [53-2a-206](#) to which
68 the suspension relates.
69 (d) The governor:
70 (i) shall provide the notice required by Subsection [~~(3)~~] (4)(a)(v) using the best
71 available method under the circumstances as determined by the governor; [~~and~~]
72 (ii) may provide the notice required by Subsection [~~(3)~~] (4)(a)(v) in electronic
73 format[.]; and
74 (iii) shall provide the notice in written form, if practicable.
75 (e) If circumstances prevent the governor from providing notice to the speaker of the
76 House of Representatives or the president of the Senate, notice shall be provided in the best
77 available method to the presiding member of the respective body as is reasonable.

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Office of Legislative Research and General Counsel