

Senator Curtis S. Bramble proposes the following substitute bill:

PANDEMIC RESPONSE AND CONSULTATION ACT

2020 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill requires the governor to consult with certain legislative branch members in response to an epidemic or pandemic disease emergency.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ makes legislative findings;
- ▶ requires the governor to provide notice and consult with certain legislative branch officers before issuing a declaration of a state of emergency or making other executive orders or actions in response to an epidemic or pandemic disease;
- ▶ prohibits the governor from suspending the enforcement or application of certain provisions; and
- ▶ allows the Legislature to terminate certain executive actions during a state of emergency by joint resolution approved by two-thirds of all the members elected to each house.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 ENACTS:

29 [53-2a-215](#), Utah Code Annotated 1953

30 [53-2a-216](#), Utah Code Annotated 1953

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

33 Section 1. Section **53-2a-215** is enacted to read:

34 **53-2a-215. Requirements for an epidemic or pandemic disease emergency**
35 **response -- Notice -- Consultation.**

36 (1) As used in this section:

37 (a) "Epidemic or pandemic disease" means the same as that term is defined in Section
38 [26-23b-102](#).

39 (b) "Executive action" means an action in response to an epidemic or pandemic
40 disease, including:

41 (i) a declaration of a state of emergency as described in Section [53-2a-206](#);

42 (ii) an order, a rule, or a regulation made by the governor as described in Section
43 [53-2a-209](#);

44 (iii) an action by the governor to suspend or modify a statute as described in Subsection
45 [53-2a-204\(1\)\(j\)](#); or

46 (iv) an action by the governor to suspend the enforcement of a statute as described in
47 Subsection [53-2a-209\(4\)](#).

48 (c) "Legislative pandemic response team" means:

49 (i) the speaker of the House of Representatives;

50 (ii) the president of the Senate;

51 (iii) the minority leader of the House of Representatives; and

52 (iv) the minority leader of the Senate.

53 (2) The Legislature finds and acknowledges that existing and increasing threats of the
54 occurrence of an epidemic or pandemic disease emergency could greatly affect the health,
55 safety, and welfare of the people of this state, and subject to provisions of this section, the
56 Legislature recognizes the important role of the governor to respond to an epidemic or

57 pandemic disease emergency through executive action.

58 (3) (a) In accordance with Subsection (3)(b), the governor may not take an executive
59 action in response to an epidemic or pandemic disease until the governor has:

60 (i) provided notice of the proposed action to the legislative pandemic response team
61 within 48 hours before the day on which the governor issues the executive action, but not less
62 than 12 hours before the time that the governor issues the executive action, if reasonably
63 practical; and

64 (ii) consulted in good faith with the legislative pandemic response team regarding the
65 substance and effect of the proposed executive action to respond to an epidemic or pandemic
66 disease.

67 (b) Except for any conflicting provision in this section, the governor shall comply with
68 the requirements of this chapter to take an executive action.

69 (c) If the governor takes executive action in response to an epidemic or pandemic
70 disease as described in this Subsection (3), the governor is not required to provide:

71 (i) the notice described in Subsection [53-2a-209\(4\)\(a\)\(v\)](#); or

72 (ii) the report described in Section [53-2a-210](#).

73 (4) This section supersedes any conflicting provisions of Utah law.

74 (5) Notwithstanding any other provision of law, the governor may not suspend the
75 application or enforcement of this section.

76 Section 2. Section **53-2a-216** is enacted to read:

77 **53-2a-216. Termination of an executive action or directive.**

78 (1) The Legislature may at any time terminate by joint resolution approved by
79 two-thirds of all the members elected to each house:

80 (a) an order, a rule, or a regulation made by the governor as described in Section
81 [53-2a-209](#);

82 (b) an action by the governor to suspend or modify a statute as described in Subsection
83 [53-2a-204\(1\)\(j\)](#);

84 (c) an action by the governor to suspend the enforcement of a statute as described in
85 Subsection [53-2a-209\(4\)](#); or

86 (d) an executive action as described in Section [53-2a-215](#).

87 (2) Notwithstanding any other provision of law, the governor may not suspend the

88 application or enforcement of this section.

89 Section 3. **Effective date.**

90 If approved by two-thirds of all the members elected to each house, this bill takes effect

91 upon approval by the governor, or the day following the constitutional time limit of Utah

92 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

93 the date of veto override.