

## HB3005S01 compared with HB3005

~~{deleted text}~~ shows text that was in HB3005 but was deleted in HB3005S01.

inserted text shows text that was not in HB3005 but was inserted into HB3005S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

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#### 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;

~~{ } provides an exemption to the notice and consultation requirements if there is an imminent threat of loss of life;~~

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- ‡ ▶ prohibits the governor from suspending the enforcement or application of certain provisions; and
- ▶ allows the Legislature to terminate ~~{by joint resolution}~~ 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:

This bill provides a special effective date.

### Utah Code Sections Affected:

ENACTS:

**53-2a-215**, Utah Code Annotated 1953

**53-2a-216**, Utah Code Annotated 1953

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

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

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

(1) As used in this section:

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

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

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

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

~~{ (iii) a directive, recommendation, or another action by the governor encouraging statewide compliance;~~

‡ {iv}iii) an action by the governor to suspend or modify a statute as described in Subsection 53-2a-204(1)(j); or

{iv}iv) an action by the governor to suspend the enforcement of a statute as described

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in Subsection 53-2a-209(4).

(c) "Legislative pandemic response team" means:

(i) the speaker of the House of Representatives;

(ii) the president of the Senate;

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

(iv) the minority leader of the Senate.

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

(3) (a) ~~Except as provided in Subsection (4), and in~~ In accordance with Subsection (3)(b), the governor may not take an executive action in response to an epidemic or pandemic disease until the governor has:

(i) provided notice of the proposed action to the legislative pandemic response team ~~no later than~~ within 48 hours before the day on which the governor issues the executive action, but not less than 12 hours before the time that the governor issues the executive action, if reasonably practical; and

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

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

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

(i) the notice described in Subsection 53-2a-209(4)(a)(v); or

(ii) the report described in Section 53-2a-210.

~~{ (4) (a) The governor may take executive action in response to an epidemic or pandemic disease without complying with Subsection (3) only if the governor finds that:~~

~~(i) there is an imminent threat of loss of life; and~~

~~(ii) compliance with Subsection (3) would increase the threat of loss of life.~~

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~~(b) If the governor takes executive action in response to an epidemic or pandemic emergency without complying with the requirements of Subsection (3)(a), the governor shall provide in the executive action an explanation why the requirements of Subsection (3)(a) were not met.~~

† ~~(f5)4~~ This section supersedes any conflicting provisions of Utah law.

~~(f6)5~~ Notwithstanding any other provision of law, the governor may not suspend the application or enforcement of this section.

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

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

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

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

~~(b) a directive, recommendation, or another action by the governor during a state of emergency encouraging statewide compliance;~~

† ~~(fc)b~~ an action by the governor to suspend or modify a statute as described in Subsection 53-2a-204(1)(j);

~~(fd)c~~ an action by the governor to suspend the enforcement of a statute as described in Subsection 53-2a-209(4); or

~~(fe)d~~ an executive action as described in Section 53-2a-215.

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

Section 3. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.