

Senator Evan J. Vickers proposes the following substitute bill:

PANDEMIC AND EMERGENCY RESPONSE 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 notify 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 to 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 requirement if there is an imminent threat of serious injury, loss of life, or harm to property;
- ▶ 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 under certain circumstances.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 ENACTS:

30 [53-2a-215](#), Utah Code Annotated 1953

31 [53-2a-216](#), Utah Code Annotated 1953



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

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

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

37 (1) As used in this section:

38 (a) "Epidemic or pandemic disease" means the same as that term is defined in Section
39 [26-23b-102](#).

40 (b) "Executive action" means any of the following actions in response to an epidemic
41 or pandemic disease:

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

43 (ii) an order, a rule, or a regulation made by the governor as described in Section
44 [53-2a-209](#);

45 (iii) an action by the governor to suspend or modify a statute as described in Subsection
46 [53-2a-204\(1\)\(j\)](#); or

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

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

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

51 (ii) the president of the Senate;

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

53 (iv) the minority leader of the Senate.

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

57 Legislature recognizes the important role of the governor to respond to an epidemic or
58 pandemic disease emergency through executive action.

59 (3) (a) (i) Except as provided in Subsection (4), and in accordance with Subsection
60 (3)(b), the governor may not take an executive action in response to an epidemic or pandemic
61 disease until the governor has provided notice of the proposed action to the legislative
62 pandemic response team no later than 24 hours before the governor issues the executive action.

63 (ii) The governor:

64 (A) shall provide the notice required by Subsection (3)(a)(i) using the best available
65 method under the circumstances as determined by the governor;

66 (B) may provide the notice required by Subsection (3)(a)(i) in electronic format; and

67 (C) shall provide the notice in written form, if practicable.

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

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

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

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

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

76 (i) there is an imminent threat of serious bodily injury, loss of life, or substantial harm
77 to property; and

78 (ii) compliance with Subsection (3) would increase the threat of serious bodily injury,
79 loss of life, or substantial harm to property.

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

84 (5) This section supersedes any conflicting provisions of Utah law.

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

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

88 **53-2a-216. Termination of an executive action or directive.**

89 (1) The Legislature may at any time terminate by joint resolution:

90 (a) an order, a rule, or a regulation made by the governor as described in Section

91 53-2a-209;

92 (b) an action by the governor to suspend the enforcement of a statute as described in

93 Subsection 53-2a-209(4); or

94 (c) an executive action as described in Section 53-2a-215.

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

96 application or enforcement of this section.

97 **Section 3. Effective date.**

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

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

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

101 the date of veto override.