

EXECUTIVE ORDER REVIEW PROCESS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Phil Lyman

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill addresses the review of certain presidential executive orders.

Highlighted Provisions:

This bill:

▶ requires the Constitutional Defense Council to review certain executive orders by the president of the United States;

▶ authorizes the attorney general or governor to seek to have the executive order declared an unconstitutional exercise of legislative authority by the president; and

▶ restricts the enforceability of certain executive orders.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63C-4a-204, Utah Code Annotated 1953

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

Section 1. Section **63C-4a-204** is enacted to read:

63C-4a-204. Review of presidential executive orders.



28 (1) The council shall review ~~H~~→ ~~an~~ **certain** ←~~H~~ executive ~~H~~→ ~~order~~ **orders** ←~~H~~ by
28a the president of the United States
29 that ~~H~~→ **is** **are** ←~~H~~ not affirmed by a vote of the United States Congress and signed into law as
29a prescribed
30 by the Constitution of the United States.

31 (2) Upon review, the council may recommend to the attorney general and the governor
32 that an executive order be further examined by the attorney general to determine:

33 (a) the constitutionality of the executive order; and

34 (b) whether the state should seek to have the executive order declared to be an
35 unconstitutional exercise of legislative authority by the president.

36 (3) Notwithstanding any other provision of law, no state agency, political subdivision,
37 elected or appointed state official or employee, or official or employee of a political
38 subdivision may implement a presidential executive order that is determined by the attorney
39 general to be unconstitutional under this section if the order relates to:

40 (a) a pandemic or other public health emergency;

41 (b) the regulation of natural resources;

42 (c) the regulation of the agricultural industry;

43 (d) the regulation of land use;

44 (e) the regulation of the financial sector through the imposition of environmental,
45 social, or governance standards; or

46 (f) the regulation of the constitutional right to keep and bear arms.