

Dear Representative/Senator,

It has been a little more than a week since the end of the last special session, and the state of emergency that was authorized by the legislature until August 20 has expired. We are now in a supposed state of emergency again. The Governor has produced several executive orders, and since Executive Order 2020-19, he has proceeded to *make laws* regarding the Phased Guidelines, Mask mandates, etc. And this is in spite of the fact that, as Rep. Perry stated clearly in the [discussion](#) regarding the emergency section of the code (Law Enforcement and criminal Justice August 18<sup>th</sup>):

01:29:55: "The Governor really can't create laws"

In addition, Sen. Anderegg [stated](#) in the address to the Political Subdivisions Committee on August 19th, that:

00:02:08 -- "It is entirely up to the Governor's office if they continue the state of emergency"

00:07:45 -- "We will probably see for the next several months, the governor calling a new state of emergency every 30 days or so"

However, Utah Code 53-2a-206 (3) states:

*(3) A state of emergency **may not continue for longer than 30 days** unless extended by joint resolution of the Legislature, which may also terminate a state of emergency by joint resolution at any time.*

These are my questions to you:

1. Do you know that there are mothers and families who are protesting in front of the Governor's residences **every single day and night for the past week**, regarding the emergency and the mask mandates? Have you realized that by staying silent, you are allowing their voice to go unheard? Do you think that such a constant protest would continue without serious valid grievances?
2. Since Executive Order 2020-19, the Governor has been *making laws*, against all statutes and the Utah constitution. How come there is no official word of protest from the legislature? Is this going to be the "new normal", where the executive reigns supreme and the legislature is along for the ride?
3. How has it been possible for the Governor to reinstate the state of emergency on August 20<sup>th</sup> after you allowed it to expire? Surely the intent of this law is to put a check on the Governor's capacity to extend the emergency, which he cannot do without legislative approval. How do you, as a member of the legislature, stay silent when your collective voice is trampled like this by the executive?
4. Calling it a "new" state of emergency by fiddling with a few numbers also doesn't hold water, since it is once again the COVID related declarations that are used as the reason for the emergency, so it is an extension. If it indeed were possible for the Governor to continue reissuing states of emergency in perpetuity, simply by calling each emergency a "new" one, then it completely nullifies 53-2a-209(3) and, in effect, removes legislative oversight over extensions. Will you allow this to happen? When this law is already on the books, shouldn't it be enforced first before adding new bills to restrict the power of the executive?

5. Would it not be a mockery of any reasonable government that the executive can seize emergency powers indefinitely, by simply stating every declaration as a “new” state of emergency? How can Sen. Anderegg’s statements about “emergency every 30 days or so” stand unchallenged by you?
6. How is it possible for Sen. Anderegg to claim “the votes were not sufficient” when there were no votes taken? Can we not expect transparency from our legislature? You do represent us, after all.
7. In spite of Sen. Anderegg’s unequivocal statement that the Governor does not need to extend the emergency in order to receive any substantial funds (<10 million), the executive [has still claimed](#) that it could lose hundreds of millions without an emergency. Who is lying here? What is stopping you, right now, from formally informing the executive and the public that you do not recognize the Governor’s state of emergency, since it was done contrary to Utah law, both as written and as intended?

Please let me know the answers to these questions, and take suitable action regarding the current unsustainable state of affairs. We will not stand by and watch as the foundations of our governance totter and collapse like this. After all, we would not want a repetition of what history teaches us about the Caesars’ dictatorships, which started out as “emergency” measures.

Regards,