



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

HB 2578: emergency executive powers; legislative oversight

Sponsor: Representative Blackman, LD 6

Committee on Government & Elections

Overview

Outlines the authorizations, requirements and duties relating to the Governor's issuance of a state of emergency.

History

The Governor is authorized by statute to proclaim a state of emergency which will take effect immediately in an area affected or likely to be affected if the Governor finds that circumstances outlined in statute exist. During a state of emergency, the Governor has complete authority over all agencies of the state government and may direct all agencies of the state government to use and employ state personnel, equipment and facilities to perform any activities designed to prevent or alleviate actual and threatened damage due to the emergency. The powers that are granted to the Governor with respect to a state of emergency are terminated when the state of emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end ([A.R.S. § 26-303](#)).

Provisions

1. Repeals statute relating to the emergency powers of the Governor. (Sec. 1)
2. Authorizes the Governor, beginning January 2, 2023, to issue an initial proclamation with respect to a state of emergency for a public health emergency for a period of no more than 30 days. (Sec. 2)
3. Allows the Governor to extend the state of emergency for no more than 120 days after which the state of emergency will terminate, but any extension is prohibited from being for a period of more than 30 days. (Sec. 2)
4. Asserts that the state of emergency may be extended, in whole or in part as many times as necessary not to exceed a period of more than 30 days, by the passage of a concurrent resolution of the Legislature. (Sec. 2)
5. Prohibits the Governor from proclaiming a new state of emergency based on the same conditions unless by passage of a concurrent resolution of the Legislature consenting to the new state of emergency. (Sec. 2)
6. Directs the Governor, upon extension of the state of emergency, to submit a written report to a joint committee of the health committees of the Senate and House of Representatives who must give a favorable or unfavorable review of the extension based on the briefing provided by the director of the Arizona Department of Health Services and a Governor's office representative after the first 60 days of a public health emergency. (Sec. 3)
7. Requires the joint committee to provide their recommendation to all members of the Legislature and the Governor and the outcome must be posted conspicuously on the Governor and Arizona Department of Health Service's public websites. (Sec. 3)

8. Declares that a state of emergency may not continue for more than 30 days unless renewed by the Governor who may renew for one additional 30-day period. (Sec. 3)
9. Instructs the President of the Senate and the Speaker of the House of Representatives to reconvene the Legislature, if out of session, into a special session without the Governor's consent to extend the state of emergency beyond 60 days for a period of 30 days during any additional 30-day state of emergency. (Sec. 3)
10. Stipulates that the Governor must request that the Legislature extend the state of emergency and outlines what must be included in the request. (Sec. 3)
11. States that the Governor must submit all subsequent extension requests to the Legislature before the expiration of the extension that is in effect and the extension measure must pass the Legislature by a two-thirds vote no later than five calendar days after receiving the request. (Sec. 3)
12. Asserts that the state of emergency is automatically extended for an additional 30-day period if the Legislature fails to consider the request within five calendar days and the Legislature must remain in special session without the consent of the Governor until the state of emergency has ended or the Legislature ends it by a two-thirds vote. (Sec. 3)
13. Authorizes the Legislature to limit or modify the emergency powers granted to the Governor by a two-thirds vote. (Sec. 3)
14. Specifies that the Legislature may not adjourn or sine die except by a two-thirds vote or the Governor ends the state of emergency if the Governor declares a state of emergency while the Legislature is in regular session. (Sec. 3)
15. Repeals statute relating to the authorization for declaration of disaster. (Sec. 3)
16. Makes technical and conforming changes. (Sec. 2, 4)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
--	--	---	--------------------------------------