



ARIZONA HOUSE OF REPRESENTATIVES

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First Regular Session

Senate: COM DPA 9-0-0-0 | 3rd Read 30-0-0-0

House: COM DP 9-0-0-1

SB 1258: state of emergency; tolling; permits

Sponsor: Senator Mesnard, LD 17

Caucus & COW

Overview

An emergency measure that suspends the time-period remaining to exercise the rights under any permit, license, approval or other authorization necessary for development, construction or real property improvement during a state of emergency.

History

The Governor may proclaim a state of emergency, effective immediately, in an area affected or likely to be affected by disaster conditions or extreme peril to the safety of persons or property within Arizona caused by air pollution, fire, flood, storm, epidemic, riot, earthquake or other causes likely to be beyond the control of a single county, city or town. During a state of emergency, the Governor has complete authority over all state agencies and the right to exercise all police power vested in the state by the Arizona Constitution and state law. The Governor may direct agencies to utilize state personnel, equipment and facilities to perform all activities designed to prevent or alleviate actual and threatened damage due to the emergency (A.R.S. §§ [26-301](#) and [26-303](#)).

State agencies, counties, cities and towns may make, amend and rescind orders, rules and regulations necessary for emergency functions that are not inconsistent with the Governor's orders, rules and regulations ([A.R.S. § 26-307](#)).

Provisions

Tolling Certain Authorizations During A State of Emergency (Sec. 1)

1. Specifies the period remaining to exercise the rights under any permit, license, approval or other authorization is tolled in the event the Governor proclaims a state of emergency that causes the state or a county, city or town to alter or limit ordinary government operations.
 - a) Outlines the limitations of authorized rights.
 - b) Specifies the duration of the period tolled and extends the period remaining to exercise the authorized rights six months after the tolling period.
 - c) Defines *ordinary government operation*.
2. Requires any extended authorization to be governed by the laws, administrative rules, ordinances and other legal requirements that governed the authorization when the state of emergency was issued, unless it is demonstrated that the requirements create a public health or safety threat.
3. Specifies, during the tolled and extended period, a governmental entity may not prohibit or impose any penalty or fine for an activity that was permitted under an authorization issued before or during the state of emergency.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input checked="" type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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4. Specifies the commencement dates or completion dates for any required future work or other authorizations are extended so that those activities occur in the same time frame relative to the phase as originally permitted, licensed, approved or otherwise authorized.
5. Outlines circumstances in which the tolling period for certain authorized rights do not apply.
6. Specifies the tolling period for certain authorized rights does not:
 - a) Restrict a governmental entity from requiring property to be maintained and secured in a safe and sanitary condition for compliance with applicable laws;
 - b) Prevent a county health department from collecting fees for a permit, license, approval or other authorization for programs and activities delegated by the Environmental Quality and Health Services Departments; and
 - c) Prevent a governmental entity from collecting an annual fee required to maintain a permit, license, approval or other authorization in good standing.