



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: GOV DP 5-3-0-0 | 3rd Read 16-14-0-0

House: GE DP 7-6-0-0

SB 1084: state of emergency; automatic termination

Sponsor: Senator Ugenti-Rita, LD 23

Caucus & COW

Overview

Prohibits the Governor from proclaiming a new state of emergency based on the same conditions without a concurrent resolution of the Legislature being passed that consents to it.

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. Stipulates that on termination of a state of emergency, the Governor may not proclaim a new state of emergency based on the same conditions without the passage of a concurrent resolution by the Legislature consenting to the new state of emergency. (Sec. 1)
2. Allows any citizen, if the Governor does not comply with the prohibition, to apply to the superior court for a writ of mandamus to compel the Governor to comply with this legislation. (Sec. 1)
3. Specifies that a state of emergency terminates either:
 - a) 90 days following the date on which the state of emergency is proclaimed, unless otherwise extended by passage of a concurrent resolution of the Legislature; or
 - i. Authorizes the Legislature to extend the state of emergency as many times as necessary by concurrent resolution, but any extension may not exceed 90 days.
 - b) Earlier than the time periods prescribed above. (Sec. 1)
4. Makes technical and conforming changes. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note