



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

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

House: COM DP 9-0-0-1 | 3rd Read 60-0-0-0

SB 1258: state of emergency; tolling; permits

Sponsor: Senator Mesnard, LD 17

Transmitted to the Governor

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.
2. Stipulates the original expiration date of a permit, license, approval or other authorization that does not expire during the tolling and extension period is retained unless extended by the issuing authority.
 - a) Provides requirements for extending a permit, license, approval or other authorization.
3. Requires the issuing authority, upon returning to the ordinary government operations, to conspicuously post a statement on its website outlining the dates of the tolling and extension periods and the process for extending a permit, license, approval or other authorization.
4. 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

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☒ Emergency (40 votes)

☐ Fiscal Note

emergency was issued, unless it is demonstrated that the requirements create a public health or safety threat.

5. Specifies, during the tolled and extended period, an issuing authority 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.
6. 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.
7. Outlines circumstances in which the tolling period for certain authorized rights do not apply.
8. 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.
9. Defines *ordinary government operations* and *issuing authority*.