



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, First Regular Session*

FACT SHEET FOR H.C.R. 2037

pandemic emergencies; special sessions

Purpose

Subject to voter approval, constitutionally allows the Legislature to call a special session to proclaim a state of emergency, enact laws and issue legislative orders during the special session. Requires the Governor to call a special session within 14 days of proclaiming a state of emergency. Outlines requirements for a special session called to proclaim a state of emergency.

Background

The Governor may declare a state of emergency if the Governor finds conditions of disaster or extreme peril to the safety of persons or property within the state caused by air pollution, fire, flood, epidemic, riot, earthquake or other causes that are likely to be beyond the control of any single county or municipality ([A.R.S. § 26-301](#)). During a state of emergency, the Governor has complete authority over all agencies of the state government and the right to exercise all police power vested in the state by the Arizona Constitution. Additionally, the Governor may direct all agencies to utilize and employ personnel, equipment and facilities for the performance of activities designed to prevent or alleviate actual or threatened damage due to the emergency. The Governor's state of emergency powers end when the state of emergency proclamation has been terminated by proclamation of the Governor or concurrent resolution of the Legislature ([A.R.S. § 26-303](#)).

The Governor may call a special session whenever advisable and must specify the subjects to be considered by the Legislature during the special session. Laws may not be enacted in a special session that do not relate to the subjects mentioned in the call of the special session ([Ariz. Const. art. 4, pt. 2, § 3](#)). The Legislature may petition the Governor to call a special session by presentation of a petition containing the signatures of two-thirds of the members of each house of the Legislature. Upon receipt of the petition, the Governor must promptly call a special session. The subjects to be considered during a special session petitioned by the Legislature may not be limited ([Ariz. Const. art. 4, pt. 2, § 1](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows the Legislature to call a special session to proclaim a state of emergency due to the occurrence of a public health emergency or a statewide emergency by filing a petition containing the signatures of a majority of each house of the Legislature with the Chief Clerk of the House of Representatives (Chief Clerk) and the Secretary of the Senate.

2. Requires the Legislature, during a special session called to proclaim a state of emergency, to address all matters related to the state of emergency by enacting laws or issuing legislative orders that have the same authority as executive orders.
3. Requires the Governor, if the Governor proclaims a state of emergency due to the occurrence of a public health emergency or statewide emergency and issues an executive order that restrains the actions of any person or entity, to call a special session within 14 days of the proclamation or executive order, whichever is earlier.
4. Allows the Legislature, during a state of emergency due to a public health emergency or statewide emergency, to:
  - a) meet quorum requirements and vote in person or remotely by electronic means if the member appearing remotely can hear the proceedings and communicate with the Chief Clerk or Secretary of the Senate;
  - b) recess for any period of time deemed necessary;
  - c) terminate, modify or continue any executive order relating to the state of emergency;
  - d) issue legislative orders that have the same authority as executive orders; and
  - e) terminate, modify or continue legislative orders.
5. Allows the Governor to object to any action that issues a legislative order or terminates or modifies an executive order by notifying the house of the Legislature in which the action originated.
6. Requires the Legislature, if the Governor objects to a legislative order or the termination or modification of an executive order, to reconsider and approve the action by a 60 percent vote of the members of each house of the Legislature in order to issue the legislative order or terminate or modify the executive order.
7. Requires the Legislature, during a state of emergency due to a public health emergency or statewide emergency, to pay travel reimbursement and subsistence to each member of the Legislature who is physically present at the capitol for:
  - a) each day the Legislature meets; and
  - b) the day before and after the Legislature meets.
8. Asserts that if the Legislature does not act on an executive order, the executive order is considered to be continued.
9. Requires the Chief Clerk and Secretary of the Senate to be satisfied that the security level of a vote using electronic means is adequate in order for remote voting to be used during a special session.
10. Requires a majority of the members of each house of the Legislature to pass a measure or issue a legislative order in a special session.
11. Allows a majority of the members of each house of the Legislature to petition the Chief Clerk and Secretary of the Senate to resume a special session before the end of a recess period.
12. Prohibits the Legislature from adjourning the special session until the state of emergency is terminated.

13. Requires each house of the Legislature to prescribe rules of procedure for special sessions called to proclaim a state of emergency.
14. Requires the Secretary of State to submit the proposition to the voters at the next general election.
15. Becomes effective if approved by the voters and on proclamation of the Governor.

House Action

APPROP	2/22/21	DPA	8-5-0-0
3 <sup>rd</sup> Read	3/4/21		31-28-1

Prepared by Senate Research

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MH/kja