



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.C.R. 1003

executive orders; emergencies; reauthorization; termination

Purpose

Subject to voter approval, constitutionally requires the Governor to call a special session of the Legislature within 10 days of proclaiming a state of emergency. Outlines requirements for a special session relating to 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 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](#)).

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

Provisions

1. Requires the Governor, within 10 days after proclaiming a state of emergency, to call a special session to assemble the Legislature to determine whether to terminate or modify the state of emergency and the Governor's emergency powers and address matters relating to the state of emergency by enacting laws or issuing legislative orders that have the same authority as executive orders.
2. Requires the Legislature, during a special session relating to a state of emergency, to:
 - a) pay travel reimbursement and subsistence to each member of the Legislature who is physically present at the capitol for each day the Legislature meets and for the day before and after the Legislature meets; and
 - b) prescribe rules of procedure to administer the special session.
3. Allows the Legislature, during a special session relating to a state of 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 of the House of Representatives (Chief Clerk) or Secretary of the Senate;
 - b) recess for up to 60 days;
 - 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.
4. Allows the Governor to protest any action that issues a legislative order or terminates or modifies an executive order.
 5. Requires the Legislature, if the Governor protests a legislative order or the termination or modification of an executive order, to reconfirm the action by a vote of 60 percent of the members present when the original action was taken.
 6. 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.
 7. Requires a majority vote of the members of each house of the Legislature in order to pass a measure or issue a legislative order in a special session.
 8. Allows 60 percent 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.
 9. Asserts that if the Legislature does not act on an executive order, the executive order is considered to be continued.
 10. Prohibits the Legislature from adjourning the special session until the state of emergency is terminated.
 11. Prohibits the Governor, if the Legislature terminates a state of emergency, from proclaiming a new state of emergency arising out of the same conditions as the terminated state of emergency proclamation.
 12. Authorizes, constitutionally, the Governor to proclaim a state of emergency as statutorily outlined.
 13. Asserts, constitutionally, that a state of emergency may be terminated only by proclamation of the Governor or by concurrent resolution of the Legislature.
 14. Makes technical and conforming changes.
 15. Requires the Secretary of State to submit the proposition to the voters at the next general election.
 16. Becomes effective if approved by the voters and on proclamation of the Governor.

Amendments Adopted by the Government Committee

- Terminates a state of emergency proclaimed by the Governor and any emergency powers granted to the Governor during a state of emergency after 30 days, rather than 14 days, unless extended by the Governor.

Amendments Adopted by the House of Representatives

1. Removes the requirement that a state of emergency proclaimed by the Governor and any emergency powers granted to the Governor during a state of emergency terminate 30 days after the proclamation, unless extended by concurrent resolution of the Legislature.
2. Requires the Legislature, during a special session relating to a state of emergency, to determine whether to terminate or modify, rather than extend, the state of emergency and the Governor's emergency powers and address matters relating to the state of emergency by enacting laws or issuing legislative orders that have the same authority as executive orders.
3. Requires the Legislature, during a special session relating to a state of emergency, to:
 - a) pay travel reimbursement and subsistence to each member of the Legislature who is physically present at the capitol for each day the Legislature meets and for the day before and after the Legislature meets; and
 - b) prescribe rules of procedure to administer the special session.
4. Allows the Legislature, during a special session relating to a state of 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 up to 60 days;
 - 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 protest any action that issues a legislative order or terminates or modifies an executive order and requires a vote of 60 percent of the members present when the original action was taken by Legislature in order to reconfirm the action.
6. 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.
7. Requires a majority vote of the members of each house of the Legislature in order to pass a measure or issue a legislative order in a special session.
8. Allows 60 percent 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.
9. Asserts that if the Legislature does not act on an executive order, the executive order is considered to be continued.
10. Prohibits the Legislature from adjourning the special session until the state of emergency is terminated.

11. Asserts, constitutionally, that a state of emergency may be terminated only by proclamation of the Governor or by concurrent resolution of the Legislature.

12. Makes technical and conforming changes.

Senate Action

GOV	1/25/21	DPA	5-3-0
3 rd Read	2/10/21		16-14-0

House Action

GE	3/24/21	DP	7-6-0-0
3 rd Read	6/25/21		31-25-4

Prepared by Senate Research

June 25, 2021

MH/gs