

REFERENCE TITLE: state of emergency declaration; termination

State of Arizona
Senate
Fifty-fifth Legislature
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2021

SCR 1001

Introduced by
Senator Ugenti-Rita

A CONCURRENT RESOLUTION

TERMINATING THE DECLARATION OF EMERGENCY ISSUED ON MARCH 11, 2020 DUE TO
THE COVID-19 OUTBREAK.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, Douglas A. Ducey, Governor of the State of Arizona, issued
2 a Declaration of Emergency related to COVID-19 on March 11, 2020; and

3 Whereas, under expanded authority exclusively allowable under a
4 Declaration of Emergency, Governor Ducey subsequently issued Executive
5 Order 2020-18 on March 30, 2020 and Executive Order 2020-33 on April 29,
6 2020, which implemented stay-at-home orders that have drastically
7 restricted and suppressed the individual freedoms and economic prosperity
8 of Arizonans; and

9 Whereas, under this expanded authority, Governor Ducey has subjected
10 individual citizens to criminal sanctions for noncompliance with the
11 stay-at-home orders; and

12 Whereas, pursuant to Constitution of Arizona, article II, sections 1
13 and 2, our state government was established to protect and maintain
14 individual rights and must frequently return to these principles to secure
15 these rights and the perpetuity of our free government; and

16 Whereas, in a memorandum dated April 27, 2020 to the United States
17 Assistant Attorney General for Civil Rights and all United States
18 Attorneys, United States Attorney General William Barr stated that "[i]f a
19 state or local ordinance crosses the line from an appropriate exercise of
20 authority to stop the spread of COVID-19 into an overbearing infringement
21 of constitutional and statutory protections, the Department of Justice may
22 have an obligation to address that overreach in federal court"; and

23 Whereas, the Arizona department of economic security has received
24 over 5,200,000 initial claims for unemployment insurance and has delivered
25 more than \$12 billion in benefits since March 28, 2020; and

26 Whereas, depletion of this state's account in the unemployment trust
27 fund that is established and maintained pursuant to section 904 of the
28 social security act will increase future payroll taxation on Arizona
29 businesses; and

30 Whereas, according to the University of Arizona Second Quarter 2020
31 Economic Forecast Update, government- and self-imposed social distancing
32 measures that drive job reductions of 10.2 to 23.4%, combined with reduced
33 taxable sales, income, wealth, housing activity, population growth and net
34 migration, will elevate the magnitude of the coming projected economic
35 downturn to be 50% greater than the 2008-2009 recession; and

36 Whereas, municipal economic development authorities estimate that 20
37 to 25% of their small businesses will not return after Arizona's economic
38 shutdown; and

39 Whereas, pursuant to Constitution of Arizona, article II,
40 section 13, "[n]o law shall be enacted granting to any citizen, class of
41 citizens, or corporation other than municipal, privileges or immunities
42 which, upon the same terms, shall not equally belong to all citizens or
43 corporations"; and

1 Whereas, under Executive Orders 2020-18 and 2020-33, Governor Ducey
2 has allowed certain types of businesses to operate while restricting
3 others, forcing compliance through significant fines and license
4 revocations; and

5 Whereas, pursuant to section 26-301, paragraph 15 and section
6 26-303, subsection D, Arizona Revised Statutes, the governor may proclaim
7 a state of emergency only for conditions of disaster or of extreme peril
8 to the safety of persons due to an epidemic that are or are likely to be
9 beyond the control of available services, personnel, equipment and
10 facilities; and

11 Whereas, throughout the duration of the stay-at-home orders
12 implemented by Executive Orders 2020-18 and 2020-33, Arizona hospitals
13 have consistently had more than 1,100 available ventilators and have
14 maintained an available bed capacity of over 3,800 total intensive care
15 unit, emergency department and inpatient beds; and

16 Whereas, prolonged isolation is detrimental to public health and
17 mental well-being, leading to increases in child abuse, domestic violence,
18 depression, substance abuse and other lingering societal costs requiring
19 difficult and lengthy paths to recovery; and

20 Whereas, pursuant to section 36-788, subsection A, Arizona Revised
21 Statutes, isolation or quarantine during a state of emergency is allowable
22 only if it "is the least restrictive means by which the public can be
23 protected from transmission of the disease, due to the nature of the
24 disease and available preventive measures, or refusal by an individual to
25 accept less restrictive measures to prevent disease transmission"; and

26 Whereas, Arizonans are personally responsible and have exceeded
27 expectations in slowing community spread through their own individual
28 behaviors and actions, accepting personal restrictions as a civic duty to
29 prevent disease transmission.

30 Therefore

31 Be it resolved by the Senate of the State of Arizona, the House of
32 Representatives concurring:

33 1. That pursuant to section 26-303, subsection F, Arizona Revised
34 Statutes, the Legislature declares that the Declaration of Emergency
35 issued by the Governor on March 11, 2020 due to the COVID-19 outbreak is
36 at an end and is terminated.

37 2. That the Secretary of State transmit a copy of this concurrent
38 resolution to the Governor of the State of Arizona.