

Senate Engrossed

state of emergency; tolling; permits

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# SENATE BILL 1258

AN ACT

AMENDING TITLE 26, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 26-321; RELATING TO EMERGENCY MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 26, chapter 2, article 1, Arizona Revised  
3 Statutes, is amended by adding section 26-321, to read:

4 26-321. State of emergency; tolling; permit, license,  
5 approval or other authorization; extension;  
6 requirements; exceptions; definition

7 A. A STATE OF EMERGENCY PROCLAMATION ISSUED BY THE GOVERNOR IN  
8 RESPONSE TO AN EVENT THAT CAUSES THIS STATE OR A COUNTY, CITY OR TOWN TO  
9 ALTER OR LIMIT ORDINARY GOVERNMENT OPERATIONS TOLLS THE PERIOD REMAINING  
10 TO EXERCISE THE RIGHTS UNDER ANY PERMIT, LICENSE, APPROVAL OR OTHER  
11 AUTHORIZATION NECESSARY FOR SUBDIVIDING LAND, DEVELOPING LAND,  
12 CONSTRUCTING BUILDINGS OR CONSTRUCTING, REPAIRING, REPLACING OR MODIFYING  
13 ANY IMPROVEMENT TO REAL PROPERTY ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL  
14 QUALITY OR A COUNTY, CITY OR TOWN.

15 B. THE TOLLING PERIOD PRESCRIBED BY SUBSECTION A OF THIS SECTION  
16 RUNS FROM THE DATE THE STATE OF EMERGENCY PROCLAMATION IS ISSUED UNTIL THE  
17 AUTHORITY THAT ISSUED THE PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION  
18 RETURNS TO THE ORDINARY GOVERNMENT OPERATIONS IN EFFECT BEFORE THE STATE  
19 OF EMERGENCY PROCLAMATION WAS ISSUED AND THE PERIOD REMAINING TO EXERCISE  
20 THE RIGHTS UNDER THE PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION IS  
21 EXTENDED FOR AN ADDITIONAL SIX MONTHS AFTER THE TOLLING PERIOD.

22 C. A PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION THAT IS  
23 EXTENDED BY THIS SECTION SHALL BE GOVERNED BY THE LAWS, ADMINISTRATIVE  
24 RULES, ORDINANCES AND OTHER LEGAL REQUIREMENTS THAT GOVERNED THE ACTIVITY  
25 OR CONDUCT AUTHORIZED BY THE PERMIT, LICENSE, APPROVAL OR OTHER  
26 AUTHORIZATION WHEN THE STATE OF EMERGENCY PROCLAMATION WAS ISSUED, UNLESS  
27 ANY PARTY OR THE ISSUING AUTHORITY DEMONSTRATES THAT OPERATING UNDER THOSE  
28 LAWS, ADMINISTRATIVE RULES, ORDINANCES OR OTHER LEGAL REQUIREMENTS WILL  
29 CREATE AN IMMEDIATE THREAT TO THE PUBLIC HEALTH OR SAFETY.

30 D. UNLESS OTHERWISE PROHIBITED DURING THE STATE OF EMERGENCY AND  
31 EXCEPT AS PROVIDED BY THIS SECTION, DURING THE TOLLED AND EXTENDED PERIOD,  
32 THIS STATE OR A COUNTY, CITY OR TOWN MAY NOT PROHIBIT OR IMPOSE ANY  
33 PENALTY OR FINE FOR ANY ACTIVITY IF THE ACTIVITY WAS ALLOWED UNDER THE  
34 PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION ISSUED BEFORE OR DURING  
35 THE STATE OF EMERGENCY.

36 E. IF A PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION FOR A  
37 PHASED DEVELOPMENT OR CONSTRUCTION PROJECT IS EXTENDED, THE COMMENCEMENT  
38 DATES OR COMPLETION DATES FOR ANY REQUIRED FUTURE WORK, PERMITS, LICENSES,  
39 APPROVALS OR OTHER AUTHORIZATIONS ARE EXTENDED SO THAT THOSE ACTIVITIES  
40 OCCUR IN THE SAME TIME FRAME RELATIVE TO THE PHASE AS ORIGINALLY  
41 PERMITTED, LICENSED, APPROVED OR OTHERWISE AUTHORIZED.

42 F. THIS SECTION DOES NOT APPLY TO:

43 1. A PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION FOR ACTIVITY  
44 LOCATED OUTSIDE THE AREA FOR WHICH THE STATE OF EMERGENCY APPLIES.

1           2. A PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION OF WHICH THE  
2 EXTENSION IS PROHIBITED OR OTHERWISE REGULATED BY FEDERAL LAW OR REQUIRES  
3 APPROVAL BY A FEDERAL AGENCY.

4           3. THE HOLDER OF A PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION  
5 THAT, BEFORE THE STATE OF EMERGENCY PROCLAMATION, IS DETERMINED BY THE  
6 AUTHORIZING AGENCY TO BE IN SIGNIFICANT NONCOMPLIANCE WITH THE CONDITIONS  
7 OF THE PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION THROUGH THE  
8 ISSUANCE OF A WARNING LETTER OR NOTICE OF VIOLATION, THE INITIATION OF  
9 FORMAL ENFORCEMENT OR AN EQUIVALENT ACTION.

10          4. A PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION THAT IS  
11 SUBJECT TO A COURT ORDER SPECIFYING AN EXPIRATION DATE THAT WOULD BE IN  
12 CONFLICT WITH AN EXTENSION PRESCRIBED BY THIS SECTION.

13          5. A TRANSACTION PRIVILEGE TAX LICENSE ISSUED BY THIS STATE OR A  
14 COUNTY, CITY OR TOWN.

15          6. A BUSINESS LICENSE ISSUED BY A COUNTY, CITY OR TOWN.

16          G. THIS SECTION DOES NOT:

17           1. RESTRICT THIS STATE OR A COUNTY, CITY OR TOWN FROM REQUIRING  
18 PROPERTY TO BE MAINTAINED AND SECURED IN A SAFE AND SANITARY CONDITION IN  
19 COMPLIANCE WITH APPLICABLE LAWS, ADMINISTRATIVE RULES, ORDINANCES OR OTHER  
20 LEGAL REQUIREMENTS.

21           2. PREVENT A COUNTY HEALTH DEPARTMENT FROM COLLECTING FEES FOR A  
22 PERMIT, LICENSE, APPROVAL OR OTHER AUTHORIZATION FOR PROGRAMS AND  
23 ACTIVITIES DELEGATED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND  
24 DEPARTMENT OF HEALTH SERVICES.

25           3. PREVENT THIS STATE OR A COUNTY, CITY OR TOWN FROM COLLECTING AN  
26 ANNUAL FEE REQUIRED TO MAINTAIN A PERMIT, LICENSE, APPROVAL OR OTHER  
27 AUTHORIZATION IN GOOD STANDING.

28          H. FOR THE PURPOSES OF THIS SECTION, "ORDINARY GOVERNMENT  
29 OPERATIONS" INCLUDES MAINTAINING HOURS OF OPERATION, ALLOWING PHYSICAL OR  
30 PUBLIC ACCESS TO GOVERNMENT BUILDINGS OR FACILITIES, VISITING AND  
31 INSPECTING BUSINESSES, PROCESSING APPLICATIONS, MAKING PERSONNEL AVAILABLE  
32 AND CONDUCTING GOVERNING BOARD MEETINGS.

33          Sec. 2. Emergency

34          This act is an emergency measure that is necessary to preserve the  
35 public peace, health or safety and is operative immediately as provided by  
36 law.