

REFERENCE TITLE: pandemic emergencies; special sessions

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HCR 2032

Introduced by
Representative Kavanagh

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXVII, CONSTITUTION OF ARIZONA, BY ADDING SECTION 3; RELATING TO THE REGULATION OF HEALTH, SAFETY AND WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Article XXVII, Constitution of Arizona, is proposed to be
4 amended by adding section 3 as follows if approved by the voters and on
5 proclamation of the Governor:

6 3. Public health and statewide emergencies; state of
7 emergency; special sessions of the legislature;
8 executive and legislative orders; rules of
9 procedure

10 SECTION 3. A. THE LEGISLATURE MAY CALL A SPECIAL
11 SESSION OF THE LEGISLATURE TO PROCLAIM A STATE OF EMERGENCY
12 DUE TO THE OCCURRENCE OF A PUBLIC HEALTH EMERGENCY OR A
13 STATEWIDE EMERGENCY BY PRESENTING TO THE CHIEF CLERK OF THE
14 HOUSE OF REPRESENTATIVES AND THE SECRETARY OF THE SENATE A
15 PETITION THAT CONTAINS THE SIGNATURES OF A MAJORITY OF THE
16 MEMBERS OF EACH HOUSE AND CALLS A SPECIAL SESSION TO ASSEMBLE
17 ON A SPECIFIC DATE. DURING A SPECIAL SESSION OF THE
18 LEGISLATURE CALLED PURSUANT TO THIS SUBSECTION, THE
19 LEGISLATURE SHALL PROCLAIM A STATE OF EMERGENCY DUE TO THE
20 OCCURRENCE OF A PUBLIC HEALTH EMERGENCY OR A STATEWIDE
21 EMERGENCY AND ADDRESS MATTERS RELATED TO THE STATE OF
22 EMERGENCY BY ENACTING LAWS OR ISSUING LEGISLATIVE ORDERS THAT
23 HAVE THE SAME AUTHORITY AS EXECUTIVE ORDERS.

24 B. IF THE GOVERNOR PROCLAIMS A STATE OF EMERGENCY DUE
25 TO THE OCCURRENCE OF A PUBLIC HEALTH EMERGENCY OR A STATEWIDE
26 EMERGENCY AND ISSUES AN EXECUTIVE ORDER THAT RESTRAINS THE
27 ACTIONS OF ANY PERSON OR ENTITY IN THIS STATE, THE GOVERNOR
28 SHALL CALL A SPECIAL SESSION OF THE LEGISLATURE ON OR BEFORE
29 THE FOURTEENTH DAY AFTER THE GOVERNOR PROCLAIMS THE STATE OF
30 EMERGENCY OR ISSUES THE EXECUTIVE ORDER, WHICHEVER IS EARLIER,
31 TO ADDRESS MATTERS RELATING TO THE STATE OF EMERGENCY AND THE
32 EXECUTIVE ORDER.

33 C. DURING A SPECIAL SESSION OF THE LEGISLATURE CALLED
34 PURSUANT TO THIS SECTION, THE LEGISLATURE:

35 1. SHALL PAY EACH MEMBER OF THE LEGISLATURE WHO IS
36 PHYSICALLY PRESENT AT THE CAPITOL TRAVEL REIMBURSEMENT AND
37 SUBSISTENCE AS PROVIDED BY LAW ONLY FOR THE DAYS THE
38 LEGISLATURE MEETS AND FOR THE DAY BEFORE AND AFTER THE
39 LEGISLATURE MEETS.

40 2. MAY:

41 (a) MEET QUORUM REQUIREMENTS AND VOTE IN-PERSON OR
42 REMOTELY BY ELECTRONIC MEANS IF THE MEMBERS APPEARING REMOTELY
43 CAN HEAR THE PROCEEDINGS AND COMMUNICATE WITH THE CHIEF CLERK
44 OF THE HOUSE OF REPRESENTATIVES OR THE SECRETARY OF THE
45 SENATE, AS APPLICABLE, AND THE CHIEF CLERK OF THE HOUSE OF

1 REPRESENTATIVES AND THE SECRETARY OF THE SENATE ARE SATISFIED
2 THAT THE SECURITY LEVEL OF THE VOTE IS ADEQUATE. IF QUORUM
3 REQUIREMENTS ARE MET, A MAJORITY VOTE OF THE MEMBERS OF EACH
4 HOUSE IS REQUIRED TO PASS A MEASURE OR ISSUE A LEGISLATIVE
5 ORDER.

6 (b) RECESS FOR ANY PERIOD OF TIME DEEMED NECESSARY,
7 EXCEPT THAT IF A MAJORITY OF THE MEMBERS OF EACH HOUSE
8 PETITION THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES AND
9 THE SECRETARY OF THE SENATE, THE LEGISLATURE SHALL RESUME
10 BEFORE THE END OF THE RECESS PERIOD AT THE DATE SPECIFIED IN
11 THE PETITION.

12 (c) TERMINATE, MODIFY OR CONTINUE ANY EXECUTIVE ORDER
13 RELATING TO THE STATE OF EMERGENCY DUE TO THE OCCURRENCE OF A
14 PUBLIC HEALTH EMERGENCY OR A STATEWIDE EMERGENCY. IF THE
15 LEGISLATURE DOES NOT ACT ON AN EXECUTIVE ORDER, THE EXECUTIVE
16 ORDER IS CONSIDERED TO BE CONTINUED.

17 (d) ISSUE LEGISLATIVE ORDERS THAT HAVE THE SAME
18 AUTHORITY AS EXECUTIVE ORDERS AND TERMINATE, MODIFY OR
19 CONTINUE THOSE LEGISLATIVE ORDERS.

20 3. MAY NOT ADJOURN THE SPECIAL SESSION UNTIL THE STATE
21 OF EMERGENCY DUE TO THE OCCURRENCE OF A PUBLIC HEALTH
22 EMERGENCY OR A STATEWIDE EMERGENCY THAT CAUSED THE SPECIAL
23 SESSION IS TERMINATED.

24 D. THE GOVERNOR MAY OBJECT TO ANY ACTION THAT ISSUES A
25 LEGISLATIVE ORDER OR TERMINATES OR MODIFIES AN EXECUTIVE ORDER
26 BY NOTIFYING THE HOUSE IN WHICH THE ACTION ORIGINATED. IF THE
27 GOVERNOR OBJECTS TO A LEGISLATIVE ORDER OR THE TERMINATION OR
28 MODIFICATION OF AN EXECUTIVE ORDER, THE LEGISLATURE MUST
29 RECONSIDER AND APPROVE THE ACTION BY A ROLL CALL VOTE OF
30 SIXTY-PERCENT OF THE MEMBERS OF EACH HOUSE IN ORDER TO ISSUE
31 THE LEGISLATIVE ORDER OR TERMINATE OR MODIFY AN EXECUTIVE
32 ORDER NOTWITHSTANDING THE GOVERNOR'S OBJECTIONS.

33 E. EACH HOUSE SHALL PRESCRIBE RULES OF PROCEDURE TO
34 ADMINISTER THIS SECTION.

35 2. The Secretary of State shall submit this proposition to the
36 voters at the next general election as provided by article XXI,
37 Constitution of Arizona.