



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

FACT SHEET FOR H.C.R. 2039

governor; state of emergency

Purpose

Subject to voter approval, constitutionally terminates a Governor-proclaimed state of emergency and any emergency powers granted to the Governor during the state of emergency 30 days after the proclamation, unless extended by the Legislature. Exempts a state of war emergency from the 30-day termination and related requirements. Caps each extension of a state of emergency at 30 days.

Background

A *state of emergency* is the existence of conditions of disaster or of extreme peril to the safety of persons or property within Arizona caused by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake or other causes except those resulting in a state of war emergency. A *state of war emergency* is the condition whenever the United States is attacked or when the federal government warns Arizona that an attack is imminent ([A.R.S. § 26-301](#)).

The Governor may declare a state of emergency if the Governor finds that there exists 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 may issue an initial proclamation with respect to a state of emergency for a public health emergency for up to 30 days. The Governor may extend the state of emergency for a public health emergency 30 days at a time, up to a total of 120 days. The state of emergency for a public health emergency is terminated after 120 days unless the state of emergency is extended by a concurrent resolution of the Legislature. The Legislature may extend the state of emergency for a public health emergency as many times as necessary by concurrent resolution, up to 30 days at a time. If a state of emergency for a public health emergency is not extended as outlined by statute, the Governor may not proclaim a new state of emergency for a public health emergency based on the same conditions without a concurrent resolution of the Legislature consenting to the new state of emergency for a public health emergency ([A.R.S. § 26-303](#)).

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

Provisions

1. Allows the Governor to proclaim a state of emergency as provided by law.

2. Specifies that the Governor-proclaimed state of emergency and the emergency powers granted to the Governor terminates either:
  - a) 30 days after the date the state of emergency was proclaimed, unless the Legislature extends the state of emergency by concurrent resolution; or
  - b) before the 30-day period by proclamation of the Governor or by concurrent resolution of the Legislature declaring the state of emergency to end.
3. Exempts a state of war emergency from the 30-day termination and related requirements.
4. Requires, for a state of emergency that is not terminated before the 30-day period, the Governor to call a special session to assemble the Legislature by the 10th day after the state of emergency was proclaimed for the Legislature to determine whether to extend the state of emergency and the emergency powers granted to the Governor.
5. Allows the Legislature to extend a state of emergency and the emergency powers granted to the Governor during the state of emergency for up to 30 days at a time, as many times as necessary.
6. Prohibits, if the Legislature does not extend the state of emergency and the emergency powers granted to the Governor, the Governor from proclaiming a new state of emergency arising out of the same conditions for which the terminated state of emergency was proclaimed.
7. Makes technical changes.
8. Requires the Secretary of State to submit the proposition to the voters at the next general election.
9. Becomes effective if approved by the voters and on proclamation of the Governor.

House Action

GOV	2/15/23	DP	5-4-0-0
3 <sup>rd</sup> Read	3/1/23		31-28-1

Prepared by Senate Research  
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AN/slp