



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, Second Regular Session*

FACT SHEET FOR S.B. 1009

state of emergency; executive powers

Purpose

Caps, beginning January 2, 2023, a Governor's initial state of emergency proclamation with respect to a public health emergency, at 30 days and allows the Governor to extend the state of emergency for up to 120 days in up to 30-day increments. Terminates a state of emergency proclamation by the Governor for a public health emergency after 120 days, unless extended by the Legislature. Allows the Legislature to extend the state of emergency as many times as necessary in up to 30-day increments.

Background

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'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](#)).

During a state of emergency or state of war emergency in which there is an occurrence or imminent threat of an illness or health condition caused by bioterrorism, epidemic or pandemic disease or a highly fatal infectious agent or biological toxin that poses a substantial risk of a significant number of human fatalities (public health emergency) the Department of Health Services (DHS) must coordinate all matters pertaining to the state response. During a public health emergency, DHS has primary jurisdiction, responsibility and authority for certain duties, including: 1) planning and executing the public health emergency assessment, mitigation, preparedness response and recover of the state; 2) coordinating the response among state, local and tribal authorities; and 3) coordinating recovery operations and mitigation initiatives ([A.R.S. § 36-787](#)).

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

Provisions

1. Caps, beginning January 2, 2023, a Governor's initial state of emergency proclamation with respect to a public health emergency at 30 days.

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2. Allows the Governor to extend a state of emergency with respect to a public health emergency for up to 120 days and prohibits any single extension from being for a period of more than 30 days.
3. Terminates a state of emergency proclaimed by the Governor for a public health emergency after 120 days, unless extended in whole or in part by concurrent resolution of the Legislature.
4. Allows the Legislature to extend the state of emergency as many times as necessary and prohibits any single extension from being for a period of more than 30 days.
5. Prohibits the Governor, on termination of a state of emergency with respect to a public health emergency, from proclaiming a new state of emergency based on the same conditions without the passage of a concurrent resolution of the Legislature consenting to the new state of emergency.
6. Requires the Governor, on the extension of a state of emergency, to submit a written report to a Joint Committee of the Health Committees of the Senate and House of Representatives, or their successor committees (Joint Committee).
7. Requires the Director of DHS and a representative of the Governor's Office, after the first 60 days of a public health emergency, to provide a briefing to the Joint Committee.
8. Requires the Joint Committee to give the extension of the public health emergency a favorable or unfavorable review.
9. Requires the Joint Committee to provide the Joint Committee's recommendation to all members of the Legislature and the Governor.
10. Requires the outcome of the Joint Committee's review to be conspicuously posted on the Governor's and DHS's public websites.
11. Makes technical and conforming changes.
12. Becomes effective on the general effective date.

Prepared by Senate Research

January 19, 2022

MH/slp