

**PROPOSITION 135
[HCR 2039 - 2023]**

governor; emergency; powers

ANALYSIS BY LEGISLATIVE COUNCIL

Legislative Council Staff Draft

1 Current law allows the Governor to declare a state of emergency if the Governor finds
2 that a disaster or other extreme peril threatens the safety of the people or property of this state.
3 During a state of emergency, the Governor:

4 1. Has complete authority over all state agencies and has the right to exercise, within the
5 designated area, all police power vested in this state by law.

6 2. May direct all state agencies to use and employ state personnel, equipment and
7 facilities to perform activities designed to prevent or alleviate actual or threatened damage
8 caused by the emergency. The Governor may also direct state agencies to provide services and
9 equipment to counties and municipalities in this state to restore any services for the health and
10 safety of the citizens of the affected area.

11 Proposition 135 would amend the Arizona Constitution to specify that the emergency
12 powers granted to the Governor during the state of emergency (except for powers related to a
13 state of war emergency or an emergency arising from a flood or fire) terminate 30 days after the
14 date the state of emergency is proclaimed, unless the Legislature extends the Governor's
15 emergency powers by enacting a concurrent resolution. If the Legislature extends the Governor's
16 emergency powers, the Legislature would be allowed to alter or limit the powers by concurrent
17 resolution. If the Legislature does not extend the Governor's emergency powers, the Governor
18 would be prohibited from proclaiming a new state of emergency arising out of the same
19 conditions for which the initial state of emergency was proclaimed.

20 Proposition 135 also would require the Governor to call a special session to assemble the
21 Legislature if at least one-third of the members of each house sign a petition requesting a special
22 session for the purpose of terminating or altering the Governor's emergency powers. At the
23 special session, only the emergency powers granted to the Governor may be considered. The
24 Governor's emergency powers would terminate if the Legislature enacts a concurrent resolution
25 ending the emergency powers of the Governor, in which case the Governor would be prohibited
26 from proclaiming a new state of emergency arising out of the same conditions for which the
27 initial state of emergency was proclaimed. (The Governor's emergency powers would also
28 terminate if the Governor issued a proclamation terminating the state of emergency).