



## Legislature To Review Emergency Powers

### Legislature creates Ad Hoc Committee

Senate President Karen Fann and House Speaker Rusty Bowers announced creation of an Ad Hoc Committee to analyze emergency powers available to the executive branch, including the powers utilized by Governor Ducey for his executive orders that shut down businesses and postponed school opening dates.

Co-chaired by Senator Michelle Ugenti-Rita (LD23) and Representative Gail Griffin (LD14), the committee will research the history of state laws that grant emergency powers to the executive branch and study best practices from other states. This will specifically include **Title 26** (*Chapter 1*) and **Title 36** (*Chapter 1, Article 9*) in state statute (click for links). Title 26 authorizes members of the National Guard to take a leave of absence for the purpose of complying with executive orders from the state or United States. Title 36 authorizes the Governor to coordinate a public health emergency response among state and local authorities.

The committee will make recommendations regarding limits on the conditions under which the Governor can declare an emergency and the nexus and scope of executive orders issued in an emergency. President Fann stated: “Arizona has a long and successful history of information-based policymaking to harmonize statute with the will and experience of Arizona citizens.” Further, “this trying experience has provided us with new information. Our Ad Hoc Study Committee is a pertinent and imperative first step in its evaluation.” According to the National Conference of State Legislatures, at least 23 other states have introduced bills or resolutions that would limit governors’ emergency powers or spending.

It remains unclear when the committee will begin meeting.

## AZDHS issues COVID-19 update

Arizona Department of Health Services (AZDHS) officials reported 1,113 new COVID-19 cases and 17 additional deaths, the largest increase since mid-September when new antigen tests were added by AZDHS. In response to the recent surge, Governor Ducey. stated “while we are seeing some rising cases in terms of COVID-19, our positivity remains low, our hospital capacity remains large”. He emphasized “Arizonans have been phenomenal in terms of masking up, socially distancing, washing their hands.”

AZDHS figures show that 85% of inpatient beds and 82% of ICU beds were in use, which includes people being treated for COVID-19 and other patients. COVID-19 patients were using 8% of all inpatient beds and 10% of ICU beds. Overall, 25% of ventilators were in use. The state’s COVID-19 rate of spread (Rt) is above 1 at 1.14 (the average number of people a COVID-positive individual will infect). Of known test results from last week, AZDHS reported that 4% have come back positive. A positivity rate of 5% or less is considered a good indicator that the spread is being controlled.

For more information on free COVID-19 testing sites click [here](#).

## Governor Ducey expands funding for high quality education

Governor Ducey announced an additional \$500,000 to further expand efforts statewide to increase high quality education options.

The funding will be allocated through the Governor’s Emergency Education Relief (GEER) Fund and will be distributed by *A for Arizona* through its Expansion and Innovation Fund. According to the Governor’s office, the additional funding will support the creation of effective small learning models and community partnerships that target students and families in need. Since the COVID-19 pandemic began the demand for small learning communities has increased as parents shift toward individual and personalized learning models and smaller learning environments. The \$500,000 investment will support expanding access to these models for students in critical areas across the state.

The federal CARES Act granted \$69 million to the GEER Fund to mitigate the impact of COVID-19 for schools and students. In July, the Governor allocated most of the fund to support the Arizona Open For Learning Plan which granted:

- **\$6 million** to support the Arizona Teachers Academy.
- **\$40 million** to expand broadband in rural communities.
- **\$20 million** to provide extra support for high-need schools.
- **\$1 million** in microgrants to support innovative programs including A for Arizona.
- **\$1 million** to provide vehicles for the Arizona School For The Deaf And Blind.
- **\$700,000** for leadership development.
- **\$500,000** for tutoring from Teach For America.

To view the AZCares Flexibility and Funding For Schools and Families plan click [here](#).

### 9th Circuit Court of Appeals overturns District ruling

The 9th Circuit Court of Appeals overturned the decision by District Court Judge Steven Logan which extended the voter registration deadline until October 23rd.

Non-profit organizations *Mi Familia Vota* and *Arizona Coalition for Change* filed suit in September against Arizona Secretary of State (AZSOS) Katie Hobbs alleging that COVID-19 made it difficult to register new additional voters this election cycle. Judge Logan ruled that COVID-19 and travel restrictions put in place by Governor Ducey made it difficult for the plaintiffs and others to register more new voters and extended the voter registration deadline to October 23rd. Judge Logan wrote "a core tenet of democracy is to be ruled by a government that represents the population." He continued "due to COVID-19, a portion of the population is prevented from registering to vote, and thus the integrity of the election is undermined in a different way; that portion is going unrepresented. Extending the deadline would give more time for those voters to register and let their voices be heard through the democratic process." The Republican National Committee and Republican National Senatorial Committee appealed to the 9th Circuit arguing that the voter deadline is aligned with other important aspects of the process and should not be extended.

A three judge panel ruled that the District Court order was an abuse of discretion and held that the extension would only be through October 14. The panel explained that Arizona Secretary of State (AZSOS) Katie Hobbs showed the new deadline "has suddenly forced the county recorders in local election offices -- some with limited staffs of only two or three people in rural counties -- to process voter registrations while at the same time mailing and processing early ballots." The panel found that "when contemplating ordering last-minute changes to state election rules, the consideration [should be] that court orders affecting elections can themselves result in voter confusion and that risk increases as an election draws closer."

To read the District Court decision, click [here](#).

To read the 9th Circuit Court of Appeals decision, click [here](#).



## Arizona Update on the Issues



[Click here to find the AGA analysis of the 2020 House races](#)

[Click here to find the AGA analysis of the 2020 Senate races](#)

## Legislators' Birthdays



**Happy Birthday**  
**Speaker Rusty Bowers (R)**  
**Tuesday, Oct. 20th**

Representing LD25, Representative Bowers is the current Speaker of the House. A Mesa native, Bowers was first elected to the House in 1993 and served two terms as a state Senator until 2001. He returned to the Legislature in 2015. Bowers is a renowned artist in many mediums including, pencil, watercolors, and oils; he is also a remarkable sculptor of wood, clay, bronze and other materials. Many of his drawing, paintings, and sculptures are on display throughout the



**Happy Birthday**  
**Rep. Regina Cobb (R)**  
**Friday, October 30th**

Representing LD6, Representative Cobb is Chairman of the House Appropriations Committee. Born in San Diego, Cobb moved to Kingman in 1993 after she received her D.D.S. from Case Western Reserve University. A practicing dentist, Cobb was first elected to the House in 2015 and is running unopposed in the upcoming general election. In addition to her Chairmanship, Cobb is a member of the House Education and Ways and Means committees. This session, her top legislative

United States. To add on to his already impressive resume, Bowers is an accomplished instrumentalist and singer. To wish Speaker Bowers happy birthday: [rbowers@azleg.gov](mailto:rbowers@azleg.gov)

priority was HB2668 which was signed into law by the Governor. This legislation brings more resources into Arizona's healthcare system by increasing Arizona Health Care Cost Containment System (AHCCCS) provider rates for hospitals, doctors and more. To wish Representative Cobb happy birthday: [rcobb@azleg.gov](mailto:rcobb@azleg.gov)

## Arizona Governmental Affairs

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