



DiCARLO

Conservative

FOR

AZ SENATE LD 22

dicarloforazsenate.com

May, 2020

Van DiCarlo concerned by Government overreach during COVID 19

The Governor of Arizona determined and declared a state of emergency relating to the COVID 19 virus on March 11, 2020. With his declaration, the office of Governor enjoys additional and far reaching authorities and powers which are provided for in the Arizona Constitution and Arizona Revised Statutes. A state of emergency is defined by ARS 26-301-15 and the Governor's authority to declare a state of emergency in ARS 26-303-D.

While there are few limitations on the Governor's authority to act while directly dealing with the specific nature of the emergency, there is no known provisions that unilaterally provide the Governor with the authority to act outside the scope of mitigating the effects of the emergency. In addition, the authority of the Governor is limited to authority and control over state agencies, state assets, and political subdivisions within the state. The Governor has no known authority to suspend or nullify, even on a temporary basis, any provision of the United States Constitution or the Arizona Constitution including the Bill of Rights. In order to make clear the limits of the Governor's authority under the declaration of an emergency or under the declaration of a war emergency I propose the following amendment be added to ARS 26-303.

Add to the end of the statute

Van DiCarlo is a conservative candidate for the Arizona Senate in the 22nd Legislative District.

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L. Nothing in this section shall be construed to grant the Governor authority to suspend, limit, modify, cancel, any constitutionally guaranteed right(s) of any individual(s), including the Bill of Rights, or to interfere with any privately contracted obligation or any remedy at law for redress for violation of any contractual agreement. In addition, nothing in this section shall be construed to grant the Governor the authority to interfere with interstate and intrastate commerce.

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