

REFERENCE TITLE: essential businesses; firearms; ammunition; sales

**State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021**

SB 1382

**Introduced by
Senator Rogers**

AN ACT

**AMENDING SECTION 26-303, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY
MANAGEMENT.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 26-303, Arizona Revised Statutes, is amended to read:

26-303. Emergency powers of governor; termination; authorization for adjutant general; limitation

A. During a state of war emergency, the governor may:

1. Suspend the provisions of any statute prescribing the procedure for conduct of state business, or the orders or rules of any state agency, if the governor determines and **declares PROCLAIMS** that strict compliance with the provisions of any such statute, order or rule would in any way prevent, hinder or delay mitigation of the effects of the emergency.

2. Commandeer and **utilize USE** any property, except for firearms or ammunition or firearms or ammunition components, or personnel deemed necessary in carrying out the responsibilities vested in the office of the governor by this chapter as chief executive of **the THIS** state, and thereafter **the THIS** state shall pay reasonable compensation **therefor FOR THE PROPERTY** as follows:

(a) If property is taken for temporary use, the governor, within ten days after the taking, shall determine the amount of compensation to be paid **therefor FOR THE PROPERTY**. If the property is returned in a damaged condition, the governor, within ten days after its return, shall determine the amount of compensation to be paid for such damage.

(b) If the governor deems it necessary for **the THIS** state to take title to property under this section, the governor shall then cause the owner of the property to be notified thereof in writing by registered mail, postage prepaid, and then cause a copy of the notice to be filed with the secretary of state.

(c) If the owner refuses to accept the amount of compensation fixed by the governor for the property referred to in subdivisions (a) and (b) **OF THIS PARAGRAPH**, the amount of compensation shall be determined by appropriate proceedings in the superior court in the county where the property was originally taken.

B. During a state of war emergency, the governor shall have complete authority over all agencies of the state government and shall exercise all police power vested in this state by the constitution and laws of this state in order to effectuate the purposes of this chapter.

C. The powers granted **TO** the governor by this chapter with respect to a state of war emergency shall terminate if the legislature is not in session and the governor, within twenty-four hours after the beginning of such **A** state of war emergency, has not issued a call for an immediate special session of the legislature for the purpose of legislating on subjects relating to such **A** state of war emergency.

D. The governor may proclaim a state of emergency, which shall take effect immediately in an area affected or likely to be affected if the governor finds that circumstances described in section 26-301, paragraph 15 exist.

E. During a state of emergency:

1. The governor shall have complete authority over all agencies of the state government and the right to exercise, within the area designated, all police power vested in **the THIS** state by the constitution and laws of this state in order to effectuate the purposes of this chapter.

2. The governor may direct all agencies of the state government to **utilize USE** and employ state personnel, equipment and facilities **for-the-performance TO PERFORM** of any **and-all** activities designed to prevent or alleviate actual and threatened damage due to the emergency. The governor may direct such agencies to provide supplemental services and equipment to political subdivisions to restore any services in order to provide for the health and safety of the citizens of the affected area.

F. The powers granted the governor by this chapter with respect to a state of emergency shall terminate when the state of emergency has been terminated by proclamation of the governor or by concurrent resolution of the legislature declaring it at an end.

G. **No-provision-of** This chapter **may DOES NOT** limit, modify or abridge the powers vested in the governor under the constitution or statutes of this state.

H. If authorized by the governor, the adjutant general has the powers prescribed in this subsection. If, in the judgment of the adjutant general, circumstances described in section 26-301, paragraph 15 exist, the adjutant general may:

1. Exercise those powers pursuant to statute and gubernatorial authorization following the proclamation of a state of emergency under subsection D of this section.

2. Incur obligations of ~~one hundred thousand dollars~~ \$100,000 or less for each emergency or contingency payable pursuant to section 35-192 as though a state of emergency had been proclaimed under subsection D of this section.

I. The powers exercised by the adjutant general pursuant to subsection H of this section expire seventy-two hours after the adjutant general makes a determination under subsection H of this section.

J. Pursuant to the second amendment of the United States Constitution and article II, section 26, Constitution of Arizona, and notwithstanding any other law, the emergency powers of the governor, the adjutant general or any other official or person ~~shall DO not be construed to~~ allow the imposition of additional restrictions on the lawful possession, transfer, sale, transportation, carrying, storage, display or use of firearms or ammunition or firearms or ammunition components. **A STORE THAT SELLS FIREARMS OR AMMUNITION, OR FIREARMS OR AMMUNITION COMPONENTS, IS AN ESSENTIAL BUSINESS, AND THERE MAY NOT BE ANY RESTRICTIONS IMPOSED ON THE STORE'S NORMAL OPERATIONS.**

K. ~~Nothing in~~ This section ~~shall be construed to~~ **DOES NOT** prohibit the governor, the adjutant general or other officials responding to an emergency from ordering the reasonable movement of stores of ammunition out of the way of dangerous conditions.