

REFERENCE TITLE: automatic termination; state of emergency

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

# SCR 1014

Introduced by  
Senator Ugenti-Rita

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING  
TO EMERGENCY MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the legislature,  
4 the following measure, relating to emergency management, is enacted to  
5 become valid as a law if approved by the voters and on proclamation of the  
6 Governor:

7 AN ACT

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

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

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

13 26-303. Emergency powers of governor; termination;  
14 authorization for adjutant general;  
15 limitation

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

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

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

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

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

43 (c) If the owner refuses to accept the amount of  
44 compensation fixed by the governor for the property referred  
45 to in subdivisions (a) and (b) OF THIS PARAGRAPH, the amount  
46 of compensation shall be determined by appropriate proceedings

1 in the superior court in the county where the property was  
2 originally taken.

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

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

15 D. The governor may proclaim a state of emergency,  
16 which shall take effect immediately in an area affected or  
17 likely to be affected if the governor finds that circumstances  
18 described in section 26-301, paragraph 15 exist. ON  
19 TERMINATION OF A STATE OF EMERGENCY PURSUANT TO SUBSECTION F  
20 OF THIS SECTION, THE GOVERNOR MAY NOT PROCLAIM A NEW STATE OF  
21 EMERGENCY BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS AND  
22 CIRCUMSTANCES WITHOUT THE PASSAGE OF A CONCURRENT RESOLUTION  
23 BY THE LEGISLATURE CONSENTING TO THE NEW STATE OF EMERGENCY.  
24 IF THE GOVERNOR FAILS TO COMPLY WITH THE PROHIBITION IN THIS  
25 SUBSECTION, ANY CITIZEN MAY APPLY TO THE SUPERIOR COURT FOR A  
26 WRIT OF MANDAMUS TO COMPEL THE GOVERNOR TO COMPLY WITH THIS  
27 SUBSECTION.

28 E. During a state of emergency:

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

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

43 F. The powers granted TO the governor by this chapter  
44 with respect to a state of emergency shall terminate when the  
45 state of emergency has been terminated. THE STATE OF  
46 EMERGENCY TERMINATES EITHER:

1           1. TWENTY-ONE DAYS AFTER THE DATE ON WHICH THE STATE OF  
2 EMERGENCY IS PROCLAIMED, UNLESS OTHERWISE EXTENDED IN WHOLE OR  
3 IN PART BY PASSAGE OF A CONCURRENT RESOLUTION OF THE  
4 LEGISLATURE. THE LEGISLATURE MAY EXTEND THE STATE OF  
5 EMERGENCY AS MANY TIMES AS NECESSARY BY CONCURRENT RESOLUTION,  
6 BUT ANY EXTENSION MAY NOT BE FOR A PERIOD OF MORE THAN  
7 TWENTY-ONE DAYS.

8           2. EARLIER THAN THE TIME PERIODS PRESCRIBED IN  
9 PARAGRAPH 1 OF THIS SUBSECTION, by proclamation of the  
10 governor or by concurrent resolution of the legislature  
11 declaring it at an end.

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

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

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

22           2. Incur obligations of ~~one hundred thousand dollars~~  
23 \$100,000 or less for each emergency or contingency payable  
24 pursuant to section 35-192 as though a state of emergency had  
25 been proclaimed under subsection D of this section.

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

30           J. Pursuant to the second amendment of the United  
31 States Constitution and article II, section 26, Constitution  
32 of Arizona, and notwithstanding any other law, the emergency  
33 powers of the governor, the adjutant general or any other  
34 official or person ~~shall DO~~ not ~~be construed to~~ allow the  
35 imposition of additional restrictions on the lawful  
36 possession, transfer, sale, transportation, carrying, storage,  
37 display or use of firearms or ammunition or firearms or  
38 ammunition components.

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

44           2. The Secretary of State shall submit this proposition to the  
45 voters at the next general election as provided by article IV, part 1,  
46 section 1, Constitution of Arizona.