

REFERENCE TITLE: emergency; confiscation of firearms; prohibition

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HCR 2024

Introduced by
Representatives Pearce, Groe, Murphy, Senators Gray C, Gray L:
Representatives Anderson, Biggs, Crump, Senators Harper, Johnson

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO A PROHIBITION ON THE CONFISCATION OF FIREARMS DURING AN EMERGENCY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

7 AN ACT

8 AMENDING SECTION 26-303, ARIZONA REVISED STATUTES; RELATING TO
9 STATE EMERGENCIES.

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; limitation

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

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

22 2. Commandeer and utilize any property, **EXCEPT FOR**
23 **FIREARMS OR AMMUNITION OR FIREARMS, AMMUNITION COMPONENTS** or
24 personnel deemed necessary in carrying out the responsibilities
25 vested in the office of the governor by this chapter as chief
26 executive of the state and thereafter the state shall pay
27 reasonable compensation therefor as follows:

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

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

39 (c) If the owner refuses to accept the amount of
40 compensation fixed by the governor for the property referred to
41 in subdivisions (a) and (b) ~~of this paragraph~~, the amount of
42 compensation shall be determined by appropriate proceedings in
43 the superior court in the county where the property was
44 originally taken.

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

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

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

17 E. During a state of emergency:

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

23 2. The governor may direct all agencies of the state
24 government to utilize and employ state personnel, equipment and
25 facilities for the performance of any and all activities
26 designed to prevent or alleviate actual and threatened damage
27 due to the emergency. The governor may direct such agencies to
28 provide supplemental services and equipment to political
29 subdivisions to restore any services in order to provide for the
30 health and safety of the citizens of the affected area.

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

36 G. No provision of this chapter may limit, modify or
37 abridge the powers vested in the governor under the constitution
38 or statutes of this state.

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

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

1 2. Incur obligations of twenty thousand dollars or less
2 for each emergency or contingency payable pursuant to section
3 35-192 as though a state of emergency had been proclaimed under
4 subsection D of this section.

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

9 J. PURSUANT TO THE SECOND AMENDMENT OF THE UNITED STATES
10 CONSTITUTION AND ARTICLE II, SECTION 26 OF THE CONSTITUTION OF
11 ARIZONA AND NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION
12 OR ANY OTHER PROVISION OF LAW, THE EMERGENCY POWERS OF THE
13 GOVERNOR, THE ADJUTANT GENERAL OR ANY OTHER OFFICIAL OR PERSON
14 SHALL NOT BE CONSTRUED TO ALLOW THE IMPOSITION OF ADDITIONAL
15 RESTRICTIONS ON THE LAWFUL POSSESSION, TRANSFER, SALE,
16 TRANSPORT, CARRYING, STORAGE, DISPLAY OR USE OF FIREARMS,
17 AMMUNITION OR FIREARMS OR AMMUNITION COMPONENTS.

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