

REFERENCE TITLE: pricing; abnormal market disruptions; emergencies

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## **HB 2297**

Introduced by  
Representatives Schapira, Ableser, Chabin, Senator Aguirre:  
Representatives Meza, Young Wright

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 22;  
RELATING TO ABNORMAL MARKET DISRUPTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 44, chapter 9, Arizona Revised Statutes, is amended  
3 by adding article 22, to read:

4 ARTICLE 22. ABNORMAL MARKET DISRUPTION

5 44-1378. Definition of abnormal market disruption

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ABNORMAL  
7 MARKET DISRUPTION" MEANS A SIGNIFICANT DISRUPTION TO THE PRODUCTION,  
8 DISTRIBUTION OR SALE OF A GOOD OR SERVICE ESSENTIAL TO THE HEALTH, SAFETY AND  
9 WELFARE OF THE PUBLIC, INCLUDING FOOD, WATER, FUEL, SHELTER, TRANSPORTATION  
10 AND MEDICAL SUPPLIES, IN A SPECIFIC GEOGRAPHIC AREA THAT IS CAUSED BY AN  
11 ACTIVATING EVENT SUCH AS A NATURAL OR MAN-MADE EMERGENCY OR DISASTER  
12 OCCURRING IN OR OUT OF THE SPECIFIC GEOGRAPHIC AREA AFFECTED.

13 44-1378.01. Executive declaration or finding; court  
14 determination; notice

15 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, THIS ARTICLE  
16 APPLIES IF ANY OF THE FOLLOWING OCCURS:

17 1. THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR OF THIS STATE  
18 DECLARES A STATE OF EMERGENCY.

19 2. THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR OF THIS STATE  
20 MAKES A FINDING OF AN ABNORMAL MARKET DISRUPTION.

21 3. A STATE COURT OF GENERAL JURISDICTION ON A PETITION BY THE ATTORNEY  
22 GENERAL, A COUNTY ATTORNEY OR A CITY OR TOWN ATTORNEY MAKES A FINDING OF AN  
23 ABNORMAL MARKET DISRUPTION WITHIN FORTY-EIGHT HOURS AFTER RECEIPT OF THE  
24 PETITION. THE COURT SHALL RULE ON THE PETITION WITHIN FORTY-EIGHT HOURS  
25 AFTER RECEIPT OF THE PETITION.

26 B. ON A DECLARATION OF A STATE OF EMERGENCY BY THE PRESIDENT OF THE  
27 UNITED STATES OR THE GOVERNOR OF THIS STATE OR ON A FINDING OF AN ABNORMAL  
28 MARKET DISRUPTION, THIS ARTICLE DOES NOT APPLY FOR MORE THAN TEN CONSECUTIVE  
29 DAYS. IF THE DECLARATION OR THE FINDING IS RENEWED, THIS ARTICLE IS  
30 APPLICABLE FOR AN ADDITIONAL TEN DAYS. THE DECLARATION OR THE FINDING MAY BE  
31 RENEWED ONLY TWO TIMES FOR THE PURPOSES OF APPLYING THIS ARTICLE. AFTER THE  
32 SECOND RENEWAL, A NEW STATE OF EMERGENCY OR A NEW FINDING OF AN ABNORMAL  
33 MARKET DISRUPTION MUST BE DECLARED IN ORDER FOR THIS ARTICLE TO APPLY. THE  
34 PRESIDENT OR GOVERNOR MAY DECLARE THE ABNORMAL MARKET DISRUPTION OVER AT ANY  
35 TIME, AND THIS DECLARATION ENDS THE APPLICATION OF THIS ARTICLE UNLESS THE  
36 FINDINGS WERE MADE BY A COURT PURSUANT TO THIS SECTION.

37 C. IF A FINDING OF AN ABNORMAL MARKET DISRUPTION IS MADE BY THE  
38 PRESIDENT OF THE UNITED STATES, THE GOVERNOR OF THIS STATE OR A COURT  
39 PURSUANT TO SUBSECTION A OF THIS SECTION, THE ATTORNEY GENERAL SHALL PUBLISH  
40 A NOTICE FOR FIVE DAYS IN THE NEWSPAPER OF LARGEST CIRCULATION IN THE  
41 SPECIFIC GEOGRAPHIC AREA AFFECTED. THE COSTS OF THE NOTICE SHALL BE PAID  
42 FROM MONIES IN THE CONSUMER EDUCATION REVOLVING FUND ESTABLISHED BY SECTION  
43 44-1378.08.





1           44-1378.08. Consumer education revolving fund  
2           THE CONSUMER EDUCATION REVOLVING FUND IS ESTABLISHED CONSISTING OF  
3 MONIES COLLECTED PURSUANT TO SECTION 44-1378.07. THE ATTORNEY GENERAL SHALL  
4 ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND  
5 ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF  
6 APPROPRIATIONS. THE MONIES SHALL BE USED TO PAY THE COSTS OF THE NOTICE  
7 PRESCRIBED BY SECTION 44-1378.01 AND FOR CONSUMER EDUCATION.