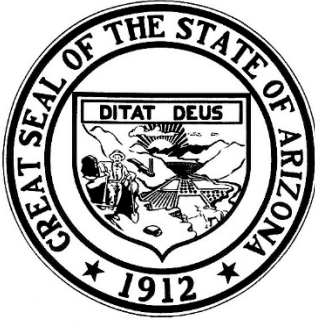




Bill Number: S.B. 1819

Ugenti-Rita Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Caps, beginning January 2, 2023, a Governor's initial state of emergency proclamation with respect to a public health emergency at 30 days.
2. Allows the Governor to extend a state of emergency with respect to a public health emergency for up to 120 days and prohibits any single extension from being for a period of more than 30 days.
3. Terminates a state of emergency proclaimed by the Governor for a public health emergency after 120 days, unless extended in whole or in part by concurrent resolution of the Legislature.
4. Allows the Legislature to extend the state of emergency as many times as necessary and prohibits any single extension from being for a period of more than 30 days.
5. Prohibits the Governor, on termination of a state of emergency with respect to a public health emergency, from proclaiming a new state of emergency based on the same conditions without the passage of a concurrent resolution of the Legislature consenting to the new state of emergency.
6. Requires the Governor, on the extension of a state of emergency, to submit a written report to a Joint Committee of the Health Committees of the Senate and House of Representatives, or their successor committees (Joint Committee).
7. Requires the Director of the Department of Health Services (DHS) and a representative of the Governor's Office, after the first 60 days of a public health emergency, to provide a briefing to the Joint Committee.
8. Requires the Joint Committee to give the extension of the public health emergency a favorable or unfavorable review.

Amendment explanation prepared by Mike Hans

6/22/21

- 9. Requires the Joint Committee to provide the Joint Committee's recommendation to all members of the Legislature and the Governor.**
- 10. Requires the outcome of the Joint Committee's review to be conspicuously posted on the Governor's and DHS's public websites.**
- 11. Makes technical and conforming changes.**

UGENTI-RITA FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1819
(Reference to printed bill)

1 Page 3, between lines 33 and 34, insert:

2 "Sec. 3. Section 26-302, Arizona Revised Statutes, is amended to
3 read:

4 26-302. General powers of governor

5 The governor may delegate any of the powers vested in the office of
6 the governor under this chapter to the adjutant general who may further
7 delegate the powers to the director of emergency management except the
8 powers enumerated in section 26-303, subsections A through ~~I~~ I.

9 Sec. 4. Section 26-303, Arizona Revised Statutes, is amended to
10 read:

11 26-303. Emergency powers of governor: termination:
12 authorization for adjutant general: limitation:
13 extension; report

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

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

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

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

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

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

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

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

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

30 E. During a state of emergency:

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

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

12 F. EXCEPT AS PROVIDED IN SUBSECTION G OF THIS SECTION, the powers
13 granted TO the governor by this chapter with respect to a state of
14 emergency shall terminate when the state of emergency has been terminated
15 by proclamation of the governor or by concurrent resolution of the
16 legislature declaring it at an end.

17 G. BEGINNING JANUARY 2, 2023, THE GOVERNOR MAY ISSUE AN INITIAL
18 PROCLAMATION WITH RESPECT TO A STATE OF EMERGENCY FOR A PUBLIC HEALTH
19 EMERGENCY AS DESCRIBED IN SECTION 36-787 FOR A PERIOD OF NOT MORE THAN
20 THIRTY DAYS. THE GOVERNOR MAY EXTEND THE STATE OF EMERGENCY FOR NOT MORE
21 THAN ONE HUNDRED TWENTY DAYS, BUT ANY EXTENSION MAY NOT BE FOR A PERIOD OF
22 MORE THAN THIRTY DAYS. THE STATE OF EMERGENCY SHALL TERMINATE AFTER ONE
23 HUNDRED TWENTY DAYS, UNLESS THE STATE OF EMERGENCY IS EXTENDED, IN WHOLE OR
24 IN PART, BY PASSAGE OF A CONCURRENT RESOLUTION OF THE LEGISLATURE. THE
25 LEGISLATURE MAY EXTEND THE STATE OF EMERGENCY AS MANY TIMES AS NECESSARY BY
26 CONCURRENT RESOLUTION, BUT ANY EXTENSION MAY NOT BE FOR A PERIOD OF MORE
27 THAN THIRTY DAYS. IF A STATE OF EMERGENCY FOR A PUBLIC HEALTH EMERGENCY IS
28 NOT EXTENDED PURSUANT TO THIS SUBSECTION, THE GOVERNOR MAY NOT PROCLAIM A
29 NEW STATE OF EMERGENCY BASED ON THE SAME CONDITIONS WITHOUT THE PASSAGE OF
30 A CONCURRENT RESOLUTION BY THE LEGISLATURE CONSENTING TO THE NEW STATE OF
31 EMERGENCY.

1 H. ON THE EXTENSION OF A STATE OF EMERGENCY FOR A PUBLIC HEALTH
2 EMERGENCY PURSUANT TO SUBSECTION G OF THIS SECTION, THE GOVERNOR SHALL
3 SUBMIT A WRITTEN REPORT TO A JOINT COMMITTEE OF THE HEALTH COMMITTEES OF
4 THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.
5 AFTER THE FIRST SIXTY DAYS OF A PUBLIC HEALTH EMERGENCY, THE DIRECTOR OF
6 THE DEPARTMENT OF HEALTH SERVICES AND A REPRESENTATIVE OF THE GOVERNOR'S
7 OFFICE SHALL PROVIDE A BRIEFING TO THE JOINT COMMITTEE, AND THE JOINT
8 COMMITTEE SHALL GIVE THE EXTENSION OF THE PUBLIC HEALTH EMERGENCY A
9 FAVORABLE OR UNFAVORABLE REVIEW. THE JOINT COMMITTEE SHALL PROVIDE THE
10 JOINT COMMITTEE'S RECOMMENDATION TO ALL MEMBERS OF THE LEGISLATURE AND THE
11 GOVERNOR. THE OUTCOME OF THE JOINT COMMITTEE'S REVIEW SHALL BE
12 CONSPICUOUSLY POSTED ON THE GOVERNOR'S AND THE DEPARTMENT OF HEALTH
13 SERVICE'S PUBLIC WEBSITES.

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

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

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

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

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

1 ~~†~~ L. Pursuant to the second amendment of the United States
2 Constitution and article II, section 26, Constitution of Arizona, and
3 notwithstanding any other law, the emergency powers of the governor, the
4 adjutant general or any other official or person ~~shall~~ DO not ~~be construed~~
5 to allow the imposition of additional restrictions on the lawful
6 possession, transfer, sale, transportation, carrying, storage, display or
7 use of firearms or ammunition or firearms or ammunition components.

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

12 Renumber to conform

13 Page 4, line 3, strike "H" insert "J"

14 Page 5, line 16, strike "H" insert "J"

15 Amend title to conform

MICHELLE UGENTI-RITA

1819FloorUGENTI-RITA2

06/22/2021

06:47 PM

C: MH