

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 229

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MARTIAL LAW; AMENDING SECTION 46-601, IDAHO CODE, TO PROHIBIT ADDITIONAL RESTRICTIONS ON THE LAWFUL POSSESSION, TRANSFER, SALE, TRANSPORT, STORAGE, DISPLAY OR USE OF FIREARMS OR AMMUNITION DURING A STATE OF EXTREME EMERGENCY AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 46-601, Idaho Code, be, and the same is hereby amended to read as follows:

46-601. AUTHORITY OF GOVERNOR. (a) The governor shall have the power in the event of a state of extreme emergency to order into the active service of the state, the national guard, or any part thereof, and the organized militia, or any part thereof, or both as he may deem proper.

"State of extreme emergency" means: (a) the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the state, or any part thereof, caused by an enemy attack or threatened attack; or (b) the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the state, or any part thereof, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, insurrection, breach of the peace, which conditions by reason of their magnitude are or are likely to be beyond the control of the services, personnel, equipment and facilities of any county, any city, or any city and county.

(b) During a period of a state of extreme emergency, the governor shall have complete authority over all agencies of the state government, including all separate boards and commissions, and the right to exercise within the area or regions wherein the state of extreme emergency exists all police power vested in the state by the constitution and the laws of the state of Idaho. In the exercise thereof he is authorized to promulgate, issue and enforce rules, regulations and orders which he considers necessary for the protection of life and property. Such rules, regulations and orders shall, whenever practicable, be prepared in advance of extreme emergency and the governor shall cause widespread publicity and notice to be given of such rules, regulations and orders. Rules, regulations and orders issued under the authority of this section and prepared in advance of a state of extreme emergency shall not become operative until the governor proclaims a state of extreme emergency. Such rules, regulations and orders shall be in writing and shall take effect upon their issuance. They shall be filed in the office of the secretary of state as soon as possible after their issuance. A copy of such rules, regulations and orders shall likewise be filed in the office of the county clerk of each county, any portion of which is included within the area wherein a state of extreme emergency has been proclaimed. Whenever the state of extreme emergency has been ended by either the expiration of the period for which it was proclaimed or the need for said state of extreme

1 emergency has ceased, the governor shall declare the period of the state of extreme emergency  
2 to be at an end.

3 (3) During the continuance of any proclaimed state of extreme emergency, insurrection  
4 or martial law, neither the governor nor any agency of any governmental entity or political  
5 subdivision of the state shall impose additional restrictions on the lawful possession, transfer,  
6 sale, transport, storage, display or use of firearms or ammunition.