

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 268

HOUSE BILL 2339

AN ACT

AMENDING SECTION 41-1713, ARIZONA REVISED STATUTES; RELATING TO THE
DEPARTMENT OF PUBLIC SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1713, Arizona Revised Statutes, is amended to
3 read:

4 41-1713. Powers and duties of director; authentication of
5 records

6 A. The director of the department shall:

7 1. Be the administrative head of the department.

8 2. Subject to the merit system rules, appoint, suspend, demote,
9 promote or dismiss all other classified employees of the department upon the
10 recommendation of their respective division superintendent. The director
11 shall determine and furnish the law enforcement merit system council
12 established by section 41-1830.11 with a table of organization. The
13 superintendent of each division shall serve at the concurrent pleasure of the
14 director and the governor.

15 3. Make rules necessary for the operation of the department.

16 4. Annually submit a report of the work of the department to the
17 governor and the legislature, or more often if requested by the governor or
18 the legislature.

19 5. Appoint a deputy director with the approval of the governor.

20 6. Adopt an official seal ~~which shall contain~~ THAT CONTAINS the words
21 "department of public safety" encircling the seal of this state as part of
22 its design.

23 7. Investigate, on receipt, credible evidence that a licensee or
24 registrant has been arrested for, charged with or convicted of an offense
25 that would preclude the person from holding a license or registration
26 certificate issued pursuant to title 32, chapter 26.

27 8. Cooperate with the Arizona-Mexico commission in the governor's
28 office and with researchers at universities in this state to collect data and
29 conduct projects in the United States and Mexico on issues that are within
30 the scope of the department's duties and that relate to quality of life,
31 trade and economic development in this state in a manner that will help the
32 Arizona-Mexico commission to assess and enhance the economic competitiveness
33 of this state and of the Arizona-Mexico region.

34 9. Adopt and administer the breath, blood or other bodily substances
35 test rules pursuant to title 28, chapter 4.

36 10. Develop procedures to exchange information with the department of
37 transportation for any purpose related to sections 28-1324, 28-1325, 28-1326,
38 28-1462 and 28-3318.

39 11. Collaborate with the state forester in presentations to legislative
40 committees on issues associated with wildfire prevention, suppression and
41 emergency management as provided by section 37-622, subsection B.

42 B. The director may:

43 1. Issue commissions to officers of the department.

44 2. Request the cooperation of the utilities, communication media and
45 public and private agencies and any sheriff or other peace officer in any

1 county or municipality, within the limits of their respective jurisdictions
2 when necessary, to aid and assist in the performance of any duty imposed by
3 this chapter.

4 3. Cooperate with any public or private agency or person to receive or
5 give necessary assistance and may contract for such assistance subject to
6 legislative appropriation controls.

7 4. Utilize the advice of the board and cooperate with sheriffs, local
8 police and peace officers within the state for the prevention and discovery
9 of crimes, the apprehension of criminals and the promotion of public safety.

10 5. Acquire in the name of the state, either in fee or lesser estate or
11 interest, ~~any~~ ALL real or ANY personal property ~~which~~ THAT the director
12 considers necessary for the department's use, by purchase, donation,
13 dedication, exchange or other lawful means. All acquisitions of personal
14 property pursuant to this paragraph shall be made as prescribed in chapter 23
15 of this title unless otherwise provided by law.

16 6. Dispose of any property, real or personal, or any right, title or
17 interest ~~therein~~ IN THE PROPERTY, when the director determines that ~~such~~ THE
18 property is no longer needed or necessary for the department's use.
19 Disposition of personal property shall be as prescribed in chapter 23 of this
20 title. The real property shall be sold by public auction or competitive
21 bidding after notice published in a daily newspaper of general circulation,
22 not less than three times, two weeks ~~prior to~~ BEFORE the sale and subject to
23 the approval of the director of the department of administration. When real
24 property is sold, it shall not be sold for less than the appraised value as
25 established by a competent real estate appraiser. Any ~~funds~~ MONIES derived
26 from the disposal of real or personal property shall be deposited, PURSUANT
27 TO SECTIONS 35-146 AND 35-147, in the Arizona highway patrol fund as
28 authorized by section 41-1752, subsection B, paragraph 6.

29 7. Sell, lend or lease personal property directly to any state, county
30 or local law enforcement agency. ~~Such~~ Personal property may be sold or
31 leased at a predetermined price without competitive bidding. Any state,
32 county or local law enforcement agency receiving ~~such~~ PERSONAL property may
33 not resell or lease ~~such~~ THE property to any person or organization except
34 for educational purposes.

35 8. Dispose of surplus property by transferring ~~such~~ THE property to
36 the department of administration for disposition to another state budget unit
37 or political subdivision if ~~such~~ THE state budget unit or political
38 subdivision is not a law enforcement agency.

39 9. Lease or rent personal property directly to any state law
40 enforcement officer for the purpose of traffic safety, traffic control or
41 other law enforcement related activity.

42 10. Sell for one dollar, without public bidding, the department issued
43 handgun or shotgun to a department officer on duty related retirement
44 pursuant to title 38, chapter 5, article 4. Any ~~funds~~ MONIES derived from
45 the sale of the handgun or shotgun to the retiring department officer shall

1 be deposited, pursuant to sections 35-146 and 35-147, in the Arizona highway
2 patrol fund as authorized by section 41-1752, subsection B, paragraph 6.

3 11. Conduct state criminal history records checks for the purpose of
4 updating and verifying the status of current licensees or registrants who
5 have a license or certificate issued pursuant to title 32, chapter 26. The
6 director shall investigate, upon ON receipt, credible evidence that a
7 licensee or registrant has been arrested for, charged with or convicted of an
8 offense that would preclude the person from holding a registration
9 certificate issued pursuant to title 32, chapter 26.

10 12. Grant a maximum of two thousand eighty hours of industrial injury
11 leave to any sworn department employee who is injured in the course of the
12 employee's duty OR ANY CIVILIAN DEPARTMENT EMPLOYEE WHO IS INJURED IN THE
13 COURSE OF PERFORMING OR ASSISTING IN LAW ENFORCEMENT OR HAZARDOUS DUTIES and
14 whose work-related injury prevents the employee from performing the normal
15 duties of that employee's classification. This industrial injury leave is in
16 addition to any vacation or sick leave earned or granted to the employee and
17 does not affect the employee's eligibility for any other benefits, including
18 workers' compensation. On retirement or separation from the department ~~or on~~
19 ~~reclassification to civilian status~~, the employee forfeits any unused
20 industrial injury leave and is not eligible for payment pursuant to section
21 38-615. Subject to approval by the law enforcement merit system council, the
22 director shall adopt rules and procedures regarding industrial injury leave
23 hours granted pursuant to this paragraph.

24 C. The director and any employees of the department ~~which~~ THAT the
25 director designates in writing may use the seal adopted pursuant to
26 subsection A, paragraph 6 of this section to fully authenticate any
27 department records and copies of these records. These authenticated records
28 or authenticated copies of records shall be judicially noticed and shall be
29 received in evidence by the courts of this state without any further proof of
30 their authenticity.

APPROVED BY THE GOVERNOR MAY 9, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2006.