

Senate Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 25

# **SENATE BILL 1178**

AN ACT

AMENDING SECTIONS 41-4254 AND 41-4258, ARIZONA REVISED STATUTES; REPEALING SECTION 41-4256, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 41, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 41-4256; RELATING TO HOMELAND SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 41-4254, Arizona Revised Statutes, is amended to  
3 read:

4 41-4254. Department duties

5 The department shall:

6 1. Formulate policies, plans and programs to enhance the ability of  
7 this state to prevent and respond to acts of terrorism and other critical  
8 hazards.

9 2. Develop a statewide homeland security strategy.

10 3. Request appropriations or grants of monies for homeland security  
11 purposes.

12 ~~4. Provide to the Arizona department of homeland security coordinating~~  
13 ~~council the list of appropriations or grants that are requested from the~~  
14 ~~federal government for homeland security purposes.~~

15 4. PROVIDE TO THE SENIOR ADVISORY COMMITTEE MEMBERS A SUMMARY OF THE  
16 AMOUNT OF FEDERAL HOMELAND SECURITY MONIES REQUESTED BY THIS STATE FOR EACH  
17 GRANT PROGRAM.

18 5. Receive all ~~monies appropriated or~~ AWARDS granted to this state by  
19 the federal government for homeland security purposes and ~~provide to the~~  
20 ~~Arizona department of homeland security coordinating council the amount of~~  
21 ~~these monies and the director's determination as to the allocation of these~~  
22 ~~monies to the various grantees~~ PROVIDE TO THE SENIOR ADVISORY COMMITTEE  
23 MEMBERS A LIST OF THE ALLOCATIONS OF FEDERAL HOMELAND SECURITY GRANTS TO THIS  
24 STATE ALONG WITH THE PROJECT TITLE AND THE AMOUNT OF EACH SUBGRANTEE AWARD.

25 6. Distribute monies to local jurisdictions and other organizations  
26 eligible under federal regulations based on criteria in the statewide  
27 homeland security strategy and federal grant guidelines.

28 7. Coordinate with other state and federal agencies to publish a guide  
29 for grantees that receive homeland security monies. The guide shall ensure  
30 that monies distributed by the department:

31 (a) Are coordinated across all levels of government.

32 (b) Avoid duplication of grant awards.

33 (c) Eliminate security gaps in every level of government.

34 8. Conduct preparedness training exercises to put state disaster plans  
35 into practice and identify shortcomings in the plans.

36 9. Assist in the development of regional response plans, including  
37 collaborative efforts with other states.

38 10. Partner with and involve the private sector in preparedness  
39 efforts.

40 Sec. 2. Repeal

41 Section 41-4256, Arizona Revised Statutes, is repealed.

1           Sec. 3. Title 41, chapter 41, article 1, Arizona Revised Statutes, is  
2 amended by adding a new section 41-4256, to read:

3           41-4256. Senior advisory committee; membership; duties

4           A. THE SENIOR ADVISORY COMMITTEE IS ESTABLISHED TO ENHANCE INTEGRATION  
5 OF DISCIPLINES INVOLVED IN HOMELAND SECURITY. IN ADDITION TO MEMBERSHIP  
6 REQUIRED OR PERMITTED BY FEDERAL HOMELAND SECURITY GRANT PROGRAM GUIDANCE,  
7 THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

8           1. TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE APPOINTED BY  
9 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND WHO ARE MEMBERS OF DIFFERENT  
10 POLITICAL PARTIES OR THE MEMBERS PROXIES.

11           2. TWO MEMBERS OF THE SENATE WHO ARE APPOINTED BY THE PRESIDENT OF THE  
12 SENATE AND WHO ARE MEMBERS OF DIFFERENT POLITICAL PARTIES OR THE MEMBERS  
13 PROXIES.

14           B. THE COMMITTEE SHALL OPERATE IN ACCORDANCE WITH FEDERAL HOMELAND  
15 SECURITY PROGRAM GRANT GUIDANCE.

16           C. MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE ELIGIBLE  
17 FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

18           Sec. 4. Section 41-4258, Arizona Revised Statutes, is amended to read:

19           41-4258. Arizona department of homeland security regional  
20 advisory councils; appointment; terms; duties

21           A. The Arizona department of homeland security regional advisory  
22 councils are established.

23           B. A total of five councils are established as follows:

24           1. The north region is composed of the jurisdictions contained in the  
25 Coconino, Navajo and Apache county boundaries. No more than ~~three~~ FOUR  
26 members of the council may be from any one county.

27           2. The east region is composed of the jurisdictions contained in the  
28 Graham, Greenlee, Gila and Pinal county boundaries. No more than three  
29 members of the council may be from any one county.

30           3. The south region is composed of the jurisdictions contained in the  
31 Pima, Santa Cruz, Cochise and Yuma county boundaries. No more than three  
32 members of the council may be from any one county.

33           4. The west region is composed of the jurisdictions contained in the  
34 Mohave, La Paz and Yavapai county boundaries. No more than ~~three~~ FOUR  
35 members of the council may be from any one county.

36           5. The central region is composed of the jurisdictions contained in  
37 the Maricopa county boundaries.

38           C. Each regional advisory council consists of ~~twelve~~ FOURTEEN members  
39 who serve for a term of ~~two~~ THREE years. ~~and who live~~ MEMBERS SHALL RESIDE  
40 or work in the region they represent, EXCEPT FOR THE REPRESENTATIVE FROM THE  
41 DEPARTMENT OF PUBLIC SAFETY. FOR THE PURPOSES OF LIMITING THE MEMBERSHIP IN  
42 A COUNTY, THE REPRESENTATIVE FROM THE DEPARTMENT OF PUBLIC SAFETY AND THE  
43 TRIBAL REPRESENTATIVE DO NOT COUNT TOWARD THE MEMBERSHIP LIMIT FROM A COUNTY.

1 D. The governor shall appoint each member of a regional advisory  
2 council. ~~The Arizona department of homeland security coordinating council~~  
3 ~~shall recommend persons to be considered by the governor for appointment,~~  
4 ~~except that the representatives of the legislature on the coordinating~~  
5 ~~council shall recommend the persons to be considered for appointment as the~~  
6 ~~two at-large members.~~ The membership of the councils consists of:

- 7 1. A representative of a fire service from an urban or suburban area
- 8 in the region.
- 9 2. A representative of a fire service from a rural area in the region.
- 10 3. A police chief.
- 11 4. A county sheriff OR THE SHERIFF'S PROXY.
- 12 5. A tribal representative.
- 13 6. An emergency manager.
- 14 7. A mayor OR THE MAYOR'S PROXY.
- 15 8. A county supervisor OR THE SUPERVISOR'S PROXY.
- 16 9. ~~Two~~ FOUR at-large members.
- 17 10. A representative from the department of public safety.
- 18 11. A public health representative.

19 E. A MEMBER MUST HAVE A BACKGROUND IN OR EXPERIENCE WITH DISASTER  
20 RESPONSE OR LAW ENFORCEMENT ISSUES.

21 F. SUBJECT TO APPROVAL BY THE DIRECTOR, ONLY THOSE MEMBERS LISTED IN  
22 SUBSECTION D, PARAGRAPHS 4, 7 AND 8 MAY BE REPRESENTED ON THE COUNCIL BY A  
23 PERSON DESIGNATED BY THAT MEMBER TO SERVE AS THAT MEMBER'S PROXY. THE PROXY  
24 MUST HAVE A BACKGROUND IN OR EXPERIENCE WITH DISASTER RESPONSE OR LAW  
25 ENFORCEMENT ISSUES. ON OR BEFORE JULY 1 OF EACH YEAR, THE MEMBER SHALL  
26 SUBMIT A BIOGRAPHICAL SKETCH OF THE PROXY'S EXPERIENCE AND QUALIFICATIONS FOR  
27 SERVICE ON THE COUNCIL TO THE ARIZONA DEPARTMENT OF HOMELAND SECURITY.

28 ~~E.~~ G. At the first meeting held after July 1 of each year, each  
29 regional advisory council shall elect a chairperson and vice-chairperson.

30 ~~F.~~ H. Each regional advisory council shall meet on the call of the  
31 chairperson but at least ~~quarterly~~ FOUR TIMES ANNUALLY. No actions may be  
32 taken without a quorum present.

33 I. IT IS THE DUTY OF EACH REGIONAL ADVISORY COUNCIL MEMBER TO MAINTAIN  
34 COMMUNICATION WITH AND REPRESENT OTHER OFFICES AND ORGANIZATIONS WITHIN THE  
35 MEMBERS PROFESSIONAL DISCIPLINE IN THE REGION.

36 ~~G.~~ J. IN COORDINATION WITH THE DEPARTMENT, the regional advisory  
37 council shall:

- 38 1. Develop, implement and maintain regional homeland security
- 39 strategies.
- 40 2. Support and assist in implementation of Arizona's comprehensive
- 41 statewide risk assessment.
- 42 3. Support and assist an integrated regional approach to homeland
- 43 security in this state.
- 44 4. Establish baseline prevention and response capabilities through
- 45 anchor cities consistent with state and regional plans.

1           5. Collaborate with other regional councils and organizations to  
2 ensure successful integration of homeland security programs and initiatives.

3           6. Develop a list of requests RECOMMENDATIONS for state homeland  
4 security grant program monies and forward these requests RECOMMENDATIONS to  
5 the director. ~~Before forwarding these requests to the director, the regional~~  
6 ~~advisory council shall present the requests to the Arizona department of~~  
7 ~~homeland security coordinating council.~~

8           7. Recommend allocation of state homeland security grant program  
9 monies to eligible jurisdictions and other organizations based on regional,  
10 state and federal criteria.

11          H- K. Members are not eligible to receive compensation but are  
12 eligible for reimbursement of expenses pursuant to title 38, chapter 4,  
13 article 2.

14          Sec. 5. Terms of existing Arizona department of homeland  
15 security regional advisory councils

16          A. Notwithstanding section 41-4258, Arizona Revised Statutes, as  
17 amended by this act, beginning July 1, 2009 members of the homeland security  
18 regional advisory councils shall serve staggered three-year terms with the  
19 terms of five members expiring July 1, 2010, five terms expiring July 1, 2011  
20 and four terms expiring July 1, 2012. Members are eligible for  
21 reappointment.

22          B. Elected officials shall serve on the council in their capacity as  
23 elected officials. If an elected official is no longer in office that  
24 position on the regional advisory council shall be considered vacant and a  
25 new appointment shall be made.

APPROVED BY THE GOVERNOR JULY 9, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 9, 2009.

Passed the House June 26, 2009,

by the following vote: 50 Ayes,

0 Nays, 10 Not Voting

[Signature]  
Speaker of the House  
Pro Tempore  
Norman L. Fyooce  
Chief Clerk of the House

Passed the Senate June 18, 2009,

by the following vote: 27 Ayes,

3 Nays, 3 Not Voting

[Signature]  
President of the Senate  
Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
15<sup>th</sup> day of July, 2009,

at 8:53 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 9<sup>th</sup> day of  
July, 2009,

at 3:22 o'clock P M.  
[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 9 day of July, 2009,

at 4:15 o'clock P M.  
[Signature]  
Secretary of State

S.B. 1178