

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 307

HOUSE BILL 2592

AN ACT

AMENDING SECTION 35-192, ARIZONA REVISED STATUTES; RELATING TO THE STATE
EMERGENCY COUNCIL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 35-192, Arizona Revised Statutes, is amended to
3 read:
4 35-192. Authorization for declaration of disaster;
5 authorization for liabilities and expenses;
6 priorities and limitations; review and report of
7 expenditures
8 A. The governor may declare an emergency arising from such major
9 disasters as provided in this section and incur liabilities therefor,
10 regardless of whether or not the legislature is in session.
11 B. When the governor, or the director of the division of emergency
12 management in the department of emergency and military affairs pursuant to
13 section 26-303, subsection H, determines that a contingency or disaster so
14 justifies, and declares an emergency, specific liabilities and expenses
15 provided for in this section are authorized to be incurred against and to be
16 paid as claims against the state from unrestricted monies from the general
17 fund to mitigate and meet contingencies and emergencies arising from:
18 1. Invasions, hostile attacks, riots or insurrections.
19 2. Epidemics of disease or plagues of insects.
20 3. Floods or floodwaters.
21 4. Acts of God or any major disaster.
22 5. ~~Wild-land~~ WILDLAND fires, but only after all necessary
23 authorizations under section 37-623.02 are exhausted.
24 C. When authorized by the governor, specific liabilities and expenses
25 provided for in this section may be incurred against and may be paid as
26 claims against the state from unrestricted monies from the general fund to
27 meet contingencies and emergencies arising from incidents relating to
28 hazardous materials as defined in section 26-301 and search or rescue
29 operations conducted pursuant to section 11-251.02, section 11-441,
30 subsection C or section 26-306 subject to the limitations provided in section
31 35-192.01. WITHIN NINETY DAYS AFTER MONIES ARE AWARDED UNDER THIS SECTION,
32 THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS SHALL POST IN A PROMINENT
33 LOCATION ON THE DEPARTMENT'S OFFICIAL WEBSITE THE AMOUNT OF MONIES AWARDED
34 UNDER THIS SECTION, WHO RECEIVED THE MONIES AND HOW THE MONIES WERE SPENT.
35 D. Liabilities and expenses authorized under ~~the provisions of~~
36 subsection B of this section may be incurred for any of the emergencies or
37 contingencies prescribed in subsection B of this section in the following
38 order of priority:
39 1. Reimbursement for expenses incurred to combat a menace to the
40 health, lives or property of any considerable number of persons of the state,
41 or to property of the state or its political subdivisions.
42 2. Reimbursement for expenses incurred to repair damage to any
43 property of the state.
44 3. Reimbursement for expenses incurred to repair damage to any
45 property of the political subdivisions of the state.

1 4. Reimbursement for expenses incurred in search or rescue operations.

2 5. Reimbursement for expenses incurred in emergency or disaster
3 recovery activities or in matching federal disaster recovery programs.

4 6. Reimbursement for expenses for property loss mitigation measures or
5 to match federal property loss mitigation programs.

6 E. The auditor of the department of emergency and military affairs
7 shall review liabilities incurred and expenditures made under this section
8 and report to the state emergency council at ninety day intervals during the
9 emergency and conduct a final review of each emergency within ninety days
10 after the termination of the emergency. The state emergency council shall
11 make a written report not later than August 1 of each year to the legislature
12 of the actions of the state emergency council during the preceding fiscal
13 year, including an itemized statement of expenditures for each emergency
14 during the year. THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS SHALL POST
15 THE REPORT IN A PROMINENT LOCATION ON THE DEPARTMENT'S OFFICIAL WEBSITE.

16 F. All liabilities incurred under ~~the provisions of~~ this section shall
17 be subject to the following limitations:

18 1. No liability shall be incurred against the monies authorized
19 without the approval of the governor, or the adjutant general pursuant to
20 section 26-303, subsection H, for each contingency or emergency.

21 2. Incurring of liabilities in excess of two hundred thousand dollars
22 in any single disaster or emergency shall not be made without consent of a
23 majority of the members of the state emergency council.

24 3. The aggregate amount of all liabilities incurred under ~~the~~
25 ~~provisions of~~ this section shall not exceed four million dollars for any
26 fiscal year beginning July 1 through June 30. Monies authorized for
27 disasters and emergencies in prior fiscal years may be used in subsequent
28 fiscal years only for the disaster or emergency for which they were
29 authorized. Monies authorized for disasters and emergencies in prior fiscal
30 years, and expended in subsequent fiscal years for the disaster or emergency
31 for which they were authorized, apply toward the four million dollar
32 liability limit for the fiscal year in which they were authorized.

33 4. NOTWITHSTANDING THE LIMITATIONS IN PARAGRAPH 3 OF THIS SUBSECTION,
34 MONIES THAT WERE PREVIOUSLY OBLIGATED BUT NOT USED FOR A DECLARED EMERGENCY
35 OR DISASTER MAY BE REALLOCATED TO AN OUTSTANDING OBLIGATION FOR ANOTHER
36 DECLARED EMERGENCY OR DISASTER AND SHALL REMAIN AVAILABLE FOR EXPENDITURE FOR
37 THE OUTSTANDING OBLIGATION. THE REALLOCATION OF MONIES PURSUANT TO THIS
38 PARAGRAPH DOES NOT APPLY TOWARD THE FOUR MILLION DOLLAR LIABILITY LIMIT OF
39 THE FISCAL YEAR TO WHICH THE MONIES WERE REALLOCATED OR IN WHICH THE MONIES
40 ARE SPENT.

41 ~~4.~~ 5. An obligation of monies under ~~the provisions of~~ this section
42 may be made only when one or more of the following conditions exist:

43 (a) No appropriation or other authorization is available to meet the
44 contingency or emergency.

1 (b) An appropriation is insufficient to meet the contingency or
2 emergency.

3 (c) Federal monies available for such contingency or emergency require
4 the use of state or other public monies.

5 G. The director of the division of emergency management in the
6 department of emergency and military affairs shall develop rules for
7 administering the monies authorized for liabilities under this section,
8 subject to approval by the governor.

9 Sec. 2. Emergency

10 This act is an emergency measure that is necessary to preserve the
11 public peace, health or safety and is operative immediately as provided by
12 law.

APPROVED BY THE GOVERNOR MAY 7, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 8, 2012.

Passed the House March 5, 20 12

Passed the Senate April 18, 20 12

by the following vote: 53 Ayes,

by the following vote: 29 Ayes,

5 Nays, 2 Not Voting

0 Nays, 1 Not Voting

[Signature]

Speaker of the House

[Signature]

President of the Senate

With Emergency

[Signature]

Chief Clerk of the House

[Signature]

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

H.B. 2592

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 30, 2012,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature] w/Emergency

Speaker of the House

Cheryl Laube

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30th day of April, 2012,

at 4:30 o'clock P M.

[Signature]

Secretary to the Governor

Approved this 7th day of

May, 2012;

at 4:25 o'clock P M.

[Signature]
Governor of Arizona

H.B. 2592

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 8th day of May, 2012

at 8:25 o'clock A M.

[Signature]

Secretary of State