House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 205

HOUSE BILL 2174

AN ACT

AMENDING SECTION 26-343, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA EMERGENCY RESPONSE COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 26-343, Arizona Revised Statutes, is amended to read:

26-343. Arizona emergency response commission; advisory committee; powers and duties

A. The Arizona emergency response commission is established consisting of the director of the division, who shall serve as chairperson, and the directors, or their respective designees, of the department of environmental quality, the department of health services, the department of public safety and the department of transportation.

B. An advisory committee to the commission is established consisting of:

1. The state fire marshal.

2. The chief administrative officer, or the officer's designee, of the following agencies:

(a) Arizona department of agriculture.

(b) Corporation commission.

(c) Industrial commission OF ARIZONA.

(d) Radiation regulatory agency.

(e) State mine inspector.

3. Two representatives nominated by the Arizona fire chiefs association incorporated or its successor agency. One nominee shall represent a fire department serving a population of two hundred fifty thousand or more persons. One nominee shall represent a fire department or fire district serving a population of less than two hundred fifty thousand persons. The term of appointment is for two years.

C. The governor shall appoint four private sector representatives to the advisory committee to the commission after reviewing the recommendations provided by the commission. The governor shall appoint, or reappoint, two of the members each year from the private sector, to serve terms of two years. These members, to the extent practicable, shall have technical expertise in the emergency response field.

D. The members of the commission shall serve without compensation but are eligible for reimbursement for travel and other expenses as provided by law. The division and the department of environmental quality shall provide such professional, technical or administrative staff support as necessary to implement and perform the commission duties.

E. The commission shall meet as often as necessary and may organize itself into such support committees as necessary to implement this article and title III in this state. The full commission shall meet at least annually. The commission may adopt internal operating rules.

F. The commission shall administer this article and the rules adopted under this article. The commission shall administer title III in this state and may conduct whatever activities are necessary to implement this article and title III in this state. The commission is granted all the authority and responsibilities of a state emergency response commission for purposes of title III.

G. The commission may procure by contract the temporary or intermittent services of experts or consultants if such services are to be performed on a part-time or fee-for-services basis and do not involve the performance of administrative duties. The commission may also enter into agreements with the federal government, Indian tribes, other states and political subdivisions of this state for the purposes of this article. The commission may also accept on behalf of this state any reimbursement, grant or gift that may become available for purposes of this chapter. The commission shall deposit, pursuant to sections 35-146 and 35-147, any such monies in the emergency response fund.

H. The commission shall establish a program of financial grants to local governments funded through the division by appropriations to the emergency response fund. The grants shall be dedicated to and used for local compliance with this article. The commission shall include procedures for applying for the grants and qualifying criteria for awarding the grants.

I. The commission shall adopt and may modify, suspend or repeal rules pursuant to title 41, chapter 6. The rules may not be more stringent than title III and the federal regulations adopted under title III, except as specifically authorized in this article. These rules shall implement this chapter and title III in this state. The authority to adopt rules includes establishing:

1. Procedures for handling public information requests.

2. Procedures and implementing programs for chemical emergency planning and preparedness.

3. Community right-to-know program reporting requirements.

4. THROUGH DECEMBER 31, 2018, FEES TO IMPLEMENT THE COMMUNITY RIGHT-TO-KNOW PROGRAM. THE FEES SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE EMERGENCY RESPONSE FUND ESTABLISHED BY SECTION 26-352. THE GOVERNOR'S REGULATORY REVIEW COUNCIL MUST APPROVE RULES ADOPTED PURSUANT TO THIS PARAGRAPH.

~~4.~~ 5. Release reporting requirements.

J. Commissioners and advisory committee members shall ensure that mandatory hazardous materials training programs for on-scene command personnel that are developed, delivered or managed by their respective agencies, departments or divisions address notification procedures, coordination of services and comprehensive management for protection of the public health during and after a chemical or other toxic fire event. The training shall include notification and coordination with the emergency response unit of the department of environmental quality, the department of

public safety, the department of transportation, the radiation regulatory agency, the commission, local emergency planning committees, the department of health services, the division of emergency management, the national response center and the Arizona poison control system. Training shall also include orientation on the state emergency response and recovery plan concerning hazardous materials. Commissioners and advisory committee members shall encourage private companies that deliver similar training in Arizona to include the same curriculum in their programs.

APPROVED BY THE GOVERNOR JUNE 19, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2013.

Passed the House February 27, 2013

by the following vote: 44 Ayes,

15 Nays, 1 Not Voting

Speaker of the House

Cheryl Landa

Chief Clerk of the House

Passed the Senate May 9, 2013

by the following vote: 23 Ayes,

5 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of June, 2013

at 4:45 o'clock P M.

Mishaila Howard

Secretary to the Governor

Approved this 19th day of

June

at 11:29 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19th day of June, 2013

at 2:05 o'clock P M.

Secretary of State

H.B. 2174