Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 208

# HOUSE BILL 2274

AN ACT

PROVIDING FOR TRANSFERRING AND RENUMBERING; REPEALING TITLE 26, CHAPTER 1, ARTICLE 1.1, ARIZONA REVISED STATUTES; AMENDING SECTIONS 26-152 AND 26-153, ARIZONA REVISED STATUTES; REPEALING SECTION 26-183, ARIZONA REVISED STATUTES; AMENDING SECTIONS 26-231, 26-303 AND 26-305.01, ARIZONA REVISED STATUTES; REPEALING SECTION 26-305.02, ARIZONA REVISED STATUTES; AMENDING SECTION 26-306, ARIZONA REVISED STATUTES; REPEALING HEADING OF TITLE 26, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES; AMENDING SECTIONS 26-1067, 26-1135, 32-2216, 35-192 AND 41-1711, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3018.08, ARIZONA REVISED STATUTES; AMENDING SECTION 41-3022.20, ARIZONA REVISED STATUTES; REPEALING SECTION 43-619, ARIZONA REVISED STATUTES; AMENDING SECTIONS 49-104, 49-108 AND 49-110, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; AMENDING SECTIONS 49-927 AND 49-972, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Transfer and renumber

Section 26-113, Arizona Revised Statutes, is transferred and renumbered for placement in title 26, chapter 1, article 1, Arizona Revised Statutes, as section 26-104.

Sec. 2. Repeal

Title 26, chapter 1, article 1.1, Arizona Revised Statutes, is repealed.

Sec. 3. Section 26-152, Arizona Revised Statutes, is amended to read:

26-152. National guard fund; camp Navajo fund

A. The national guard fund is established consisting of monies appropriated to the national guard. THE ADJUTANT GENERAL SHALL ADMINISTER THE FUND. ON NOTICE FROM THE ADJUTANT GENERAL, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE NATIONAL GUARD AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

B. The fund may be drawn ~~upon~~ ON by the adjutant general, OR THE ADJUTANT GENERAL'S DESIGNEE, for any purpose commensurate with the purpose and mission of the national guard.

C. The amount of the national guard fund appropriated for capital outlay or improvements shall be exempt from the provisions of section 35-190 relating to lapsing appropriations.

D. ~~All proceeds from the rental or use of armories received by the general staff pursuant to the authority of section 26-115, subsection E~~ THE ADJUTANT GENERAL IS AUTHORIZED TO UTILIZE ANY NATIONAL GUARD FACILITY FOR COMMERCIAL PURPOSES. ALL PROCEEDS FROM COMMERCIAL ACTIVITIES shall be deposited, pursuant to sections 35-146 and 35-147, in a separate account in the national guard fund, and the monies are continuously appropriated to the department for the OPERATION, maintenance ~~of armories~~, SUPPORT AND CAPITAL IMPROVEMENTS OF ANY NATIONAL GUARD FACILITY. Monies in the account are exempt from the provisions of section 35-190 relating to lapsing of appropriations. ~~, except that any monies remaining in the account for one hundred eighty days after the end of the fiscal year in which they were received revert to the state general fund.~~

E. A camp Navajo fund is established for the operation, maintenance, capital improvements and personal services necessary for the national guard to operate a regional training site and storage facility at Bellemont. The fund consists of monies received from storage of commodities and services provided as approved by the adjutant general. The adjutant general shall administer the fund. On notice from the adjutant general, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund. Monies in the fund are continuously appropriated to the national guard and

are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

F. AFTER ALL BUDGETED OPERATIONAL, MAINTENANCE, SUPPORT AND CAPITAL IMPROVEMENT REQUIREMENTS ARE MET AT CAMP NAVAJO, THE ADJUTANT GENERAL MAY USE THE REMAINING MONIES IN THE CAMP NAVAJO FUND TO PROVIDE FOR THE OPERATION, MAINTENANCE, SUPPORT AND CAPITAL IMPROVEMENTS OF ANY NATIONAL GUARD FACILITY. FOR THE PURPOSES OF THIS SUBSECTION, "FACILITY" MEANS ALL PROPERTY UNDER THE CONTROL AND ADMINISTRATION OF THE ADJUTANT GENERAL.

Sec. 4. Section 26-153, Arizona Revised Statutes, is amended to read:

26-153. Morale, welfare and recreational fund; sources of monies; exemptions

A. ~~A~~ THE morale, welfare and recreational fund is established as a state fund for morale, welfare and recreational activities and support personnel for the national guard. Support personnel shall be employees of the fund and not of this state. The adjutant general shall administer the fund ~~pursuant to regulations of the general staff,~~ subject to approval of the governor. Monies shall be deposited, pursuant to sections 35-146 and 35-147, in the fund from the following sources:

1. Monies transferred by the director of the department of transportation pursuant to section 28-2415.

2. Monies deposited pursuant to section 26-102, subsection B, paragraph 8 or monies generated from recycling activities consistent with federal recycling policies.

3. Any other nonappropriated monies received by the national guard from state and federal revenue producing military activities relating to morale, welfare and recreation.

B. Monies in the fund are from nonappropriated sources, are not subject to legislative appropriation and are exempt from the provisions of section 35-190 relating to lapsing of appropriations. The adjutant general may establish bank accounts for monies withdrawn from the fund to administer the operations of the morale, welfare and recreational programs.

C. On notice from the adjutant general, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

D. Expenditures of monies in the fund are subject to ~~general staff regulations~~ RULES ADOPTED BY THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS and are exempt from the procurement code requirements of title 41, chapter 23.

Sec. 5. Repeal

Section 26-183, Arizona Revised Statutes, is repealed.

Sec. 6. Section 26-231, Arizona Revised Statutes, is amended to read:

26-231. Acquisition of property by national guard; surplus property of municipalities; acquisition by eminent domain; purchase; rent or lease; armory property fund

A. A county, city or town may sell, lease or otherwise grant to the state for national guard purposes surplus real or personal property owned by it. The determination of the governing body of the county, city or town that the property is surplus is final, and the property may be sold to the state for a consideration agreed ~~upon~~ ON between the governing body and the ~~general staff~~ ADJUTANT GENERAL OR THE ADJUTANT GENERAL'S DESIGNEE, or for a nominal consideration. The sale shall be conducted without formalities, advertisement for bids or consideration of bids by other persons.

B. The governor may exercise the power of eminent domain to obtain from individuals, corporations or municipalities lands appropriate for national guard purposes.

C. The national guard may purchase real property, buildings and appurtenances from any person, corporation or municipal corporation with ~~funds~~ MONIES appropriated for that purpose.

D. The national guard may lease or rent real property, buildings and appurtenances with ~~funds~~ MONIES appropriated for that purpose.

E. The national guard may sell surplus armory real property and deposit the proceeds in a state armory property fund established for that purpose. Monies in the fund are continuously appropriated to the national guard for the construction and capital improvement of national guard armories, subject to the approval of the joint committee on capital review. On notice from the adjutant general, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

Sec. 7. Section 26-303, Arizona Revised Statutes, is amended to read:

26-303. Emergency powers of governor; termination; authorization for adjutant general; limitation

A. During a state of war emergency, the governor may:

1. Suspend the provisions of any statute prescribing the procedure for conduct of state business, or the orders or rules of any state agency, if the governor determines and declares that strict compliance with the provisions of any such statute, order or rule would in any way prevent, hinder or delay mitigation of the effects of the emergency.

2. Commandeer and utilize any property, except for firearms or ammunition or firearms or ammunition components or personnel deemed necessary in carrying out the responsibilities vested in the office of the governor by this chapter as chief executive of the state and thereafter the state shall pay reasonable compensation therefor as follows:

(a) If property is taken for temporary use, the governor, within ten days after the taking, shall determine the amount of compensation to be paid therefor. If the property is returned in a damaged condition, the governor,

within ten days after its return, shall determine the amount of compensation to be paid for such damage.

(b) If the governor deems it necessary for the state to take title to property under this section, the governor shall then cause the owner of the property to be notified thereof in writing by registered mail, postage prepaid, and then cause a copy of the notice to be filed with the secretary of state.

(c) If the owner refuses to accept the amount of compensation fixed by the governor for the property referred to in subdivisions (a) and (b), the amount of compensation shall be determined by appropriate proceedings in the superior court in the county where the property was originally taken.

B. During a state of war emergency, the governor shall have complete authority over all agencies of the state government and shall exercise all police power vested in this state by the constitution and laws of this state in order to effectuate the purposes of this chapter.

C. The powers granted the governor by this chapter with respect to a state of war emergency shall terminate if the legislature is not in session and the governor, within twenty-four hours after the beginning of such state of war emergency, has not issued a call for an immediate special session of the legislature for the purpose of legislating on subjects relating to such state of war emergency.

D. The governor may proclaim a state of emergency which shall take effect immediately in an area affected or likely to be affected if the governor finds that circumstances described in section 26-301, paragraph 15 exist.

E. During a state of emergency:

1. The governor shall have complete authority over all agencies of the state government and the right to exercise, within the area designated, all police power vested in the state by the constitution and laws of this state in order to effectuate the purposes of this chapter.

2. The governor may direct all agencies of the state government to utilize and employ state personnel, equipment and facilities for the performance of any and all activities designed to prevent or alleviate actual and threatened damage due to the emergency. The governor may direct such agencies to provide supplemental services and equipment to political subdivisions to restore any services in order to provide for the health and safety of the citizens of the affected area.

F. The powers granted the governor by this chapter with respect to a state of emergency shall terminate when the state of emergency has been terminated by proclamation of the governor or by concurrent resolution of the legislature declaring it at an end.

G. No provision of this chapter may limit, modify or abridge the powers vested in the governor under the constitution or statutes of this state.

H. If authorized by the governor, the adjutant general has the powers prescribed in this subsection. If, in the judgment of the adjutant general, circumstances described in section 26-301, paragraph 15 exist, the adjutant general may:

1. Exercise those powers pursuant to statute and gubernatorial authorization following the proclamation of a state of emergency under subsection D of this section.

2. Incur obligations of ~~twenty~~ ONE HUNDRED thousand dollars or less for each emergency or contingency payable pursuant to section 35-192 as though a state of emergency had been proclaimed under subsection D of this section.

I. The powers exercised by the adjutant general pursuant to subsection H of this section expire seventy-two hours after the adjutant general makes a determination under subsection H of this section.

J. Pursuant to the second amendment of the United States Constitution and article II, section 26, Constitution of Arizona, and notwithstanding any other law, the emergency powers of the governor, the adjutant general or any other official or person shall not be construed to allow the imposition of additional restrictions on the lawful possession, transfer, sale, transportation, carrying, storage, display or use of firearms or ammunition or firearms or ammunition components.

K. Nothing in this section shall be construed to prohibit the governor, the adjutant general or other officials responding to an emergency from ordering the reasonable movement of stores of ammunition out of the way of dangerous conditions.

Sec. 8. Section 26-305.01, Arizona Revised Statutes, is amended to read:

26-305.01. <u>Nuclear emergency plan; duties of division and director</u>

A. The division is designated the lead agency and has the overall and primary responsibility for development of a state plan for off-site response to an emergency caused by an accident at a commercial nuclear generating station.

B. The director shall develop the plan by appointing a coordinator and response group and working in consultation with designated representatives from the following:

1. Radiation regulatory agency.
2. Arizona department of agriculture.
3. Department of health services.
4. Department of public safety.
5. Department of transportation.
~~6. Division of military affairs within the department of emergency and military affairs.~~
~~7.~~ 6. Arizona commerce authority.
~~8.~~ 7. Arizona corporation commission.

~~9.~~ 8. Department of environmental quality.

~~10.~~ 9. Any other agencies or offices deemed necessary by the division of emergency management.

Sec. 9. Repeal

Section 26-305.02, Arizona Revised Statutes, is repealed.

Sec. 10. Section 26-306, Arizona Revised Statutes, is amended to read:

26-306. Powers and duties of the director of emergency management

A. The director ~~shall~~, subject to the approval of the adjutant general, SHALL:

1. Be the administrative head of the division.

2. Be the state director for emergency management.

3. Make rules necessary for the operation of the division.

4. Develop and test plans for meeting any condition constituting a state of emergency or state of war emergency, except those emergency plans specifically assigned by the governor to other state agencies. Such plans shall provide for the effective mobilization and management of personnel and equipment of the state.

5. During a state of war emergency, coordinate the emergency activities of all state agencies except the national guard.

6. During a state of emergency or a local emergency, coordinate the emergency activities of all state agencies and the national guard.

7. Coordinate the use of state personnel, equipment, services and facilities, including communication services, if requested by political subdivisions in support of emergency management activities.

8. Coordinate the use of personnel, equipment, services and facilities, including communication services, of one or more political subdivisions in support of any other political subdivision in meeting emergency needs, including search or rescue operations, on the request of the using political subdivision.

9. Develop, test and maintain a plan pursuant to section 26-305.01 for response by agencies of this state and its political subdivisions to an accident at a commercial nuclear generating station.

10. Every two years, submit a recommendation to the legislature in connection with the assessment prescribed by section 26-306.01 with supporting documentation and information.

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

12. Develop, implement and maintain a state hazardous materials emergency response and recovery plan as part of the hazardous materials emergency management program pursuant to section ~~26-305.02~~ 49-123.

13. Coordinate the development, implementation and maintenance of standardized curricula for hazardous materials training and education.

B. The director ~~may~~, subject to the approval of the adjutant general, MAY:

1. Propose, develop, negotiate and consummate contractual arrangements with the federal government, state agencies and political subdivisions for technical, administrative and financial support from the federal, state and local government in connection with the emergency management activities of the state.

2. Represent the state at conferences in the development and promotion of the emergency management capability of the state.

3. Establish a disaster prevention council to plan for disaster prevention. The council shall consist of the members of the state emergency council and other members as determined by the director. The disaster prevention council shall coordinate the disaster prevention expertise of representatives of federal, state and local business and industry and promote partnerships to substantially reduce property loss from natural and technological disasters.

Sec. 11. Heading repeal

The article heading of title 26, chapter 2, article 3, Arizona Revised Statutes, is repealed.

Sec. 12. Transfer and renumber

Title 26, chapter 2, article 3, Arizona Revised Statutes, is transferred and renumbered for placement in title 49, chapter 1, Arizona Revised Statutes, as article 2. The following sections are transferred and renumbered for placement in title 49, chapter 1, article 2:

| Former Sections | New Sections |
|---|---|
| 26-341 | 49-121 |
| 26-342 | 49-122 |
| 26-343 | 49-123 |
| 26-344 | 49-124 |
| 26-345 | 49-125 |
| 26-346 | 49-126 |
| 26-347 | 49-127 |
| 26-348 | 49-128 |
| 26-349 | 49-129 |
| 26-350 | 49-130 |
| 26-351 | 49-131 |
| 26-352 | 49-132 |
| 26-353 | 49-133 |

Sec. 13. Section 26-1067, Arizona Revised Statutes, is amended to read:

26-1067. Court of military appeals; members; terms; compensation; duties; review; procedures

A. The Arizona court of military appeals is established and is located for administrative purposes only in the department of emergency and military affairs. The court shall consist of five judges appointed by the governor on

the recommendation of the adjutant general with the advice of the state judge advocate for a term of six years. Initial appointments shall be staggered. The term of office for all successor judges is six years, but any judge appointed to fill a vacancy occurring before the expiration of the term for which ~~his~~ THE JUDGE'S predecessor was appointed shall be appointed only for the unexpired term of ~~his~~ THE predecessor. Not more than three judges of the court may be appointed from the same political party. Judges may succeed themselves in office. A person is eligible for appointment to this court who, in addition to the requirements of article VI, section 22, Constitution of Arizona, has at least five years' experience as a judge advocate in the national guard or armed forces of the United States.

B. The governor shall designate one of the judges to act as chief judge. The chief judge has precedence and shall preside at any session ~~which he~~ THE JUDGE attends. The other judges have precedence and shall preside according to the seniority of their appointments. Judges whose commissions bear the same date have precedence according to seniority in age.

C. The court shall sit in panels of no less than three judges to be selected by the presiding judge.

D. Judges of the Arizona court of military appeals may be removed by the governor, on notice and hearing, for neglect of duty or malfeasance in office or for mental or physical disability but for no other cause.

E. The judges of the Arizona court of military appeals, while actually sitting in review of a matter placed under their jurisdiction by this chapter, and while traveling to and from such session, are eligible to receive compensation equal to that compensation prescribed for the judges of the Arizona court of appeals, as provided by law, together with the actual cost of meals, lodging and travel expense or the amount set by law if private transportation is utilized. Payment shall be made from monies appropriated to the national guard.

F. The Arizona court of military appeals has exclusive appellate and special action jurisdiction, in appeals filed by this state pursuant to section 26-1062, or on petition of an accused, to hear and review the record in all general and special court-martial cases and all summary court-martial cases in which a sentence of confinement has been adjudged.

G. The accused has thirty calendar days from the time of receipt of actual notice of the final action on ~~his~~ THE case by the convening authority under section 26-1060 to petition the Arizona court of military appeals for review. The court shall act on a petition within sixty calendar days after receipt. If the court fails or refuses to grant a petition for review, the final action of the convening authority is deemed approved. Notwithstanding any other provision of this chapter, if the court grants a hearing of an appeal, the court may grant a stay or defer service of the sentence of confinement or any other punishment until the court's final decision on the case.

H. The Arizona court of military appeals may act only with respect to the findings and sentence as finally approved and ordered executed by the convening authority.

I. If the Arizona court of military appeals sets aside the findings and sentence, it may ORDER A REHEARING, except if the setting aside is based on lack of sufficient evidence in the record to support the findings~~, order a rehearing~~. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed. After the Arizona court of military appeals has acted on the case, the record shall be returned to the state judge advocate who shall notify the convening authority of the court's decision. If further action is required, the state judge advocate shall instruct the convening authority to take action in accordance with that decision. If the court has ordered a rehearing, but the convening authority finds a rehearing impracticable, the state judge advocate may dismiss the charges.

J. Decisions of the Arizona court of military appeals are subject to review by the Arizona supreme court by a petition for review in accordance with the Arizona rules of criminal procedure and the rules of the supreme court of Arizona.

K. With monies appropriated to the national guard, the adjutant general may employ persons necessary to assist the Arizona court of military appeals in its duties.

L. The ADJUTANT general ~~staff~~ with the approval of the governor shall adopt rules necessary for the administration of the court. The accused has a right to appointed military counsel for ~~his~~ AN appeal.

Sec. 14. Section 26-1135, Arizona Revised Statutes, is amended to read:

26-1135. Courts of inquiry

A. Courts of inquiry may be convened to investigate any matter by any person authorized to convene a general court-martial or by any other person designated by the adjutant general for that purpose, whether or not the persons involved have requested such an inquiry.

B. A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

C. Any person who is subject to this chapter and whose conduct is subject to inquiry shall be designated as a party. Any person who is subject to this chapter ~~or employed by the division of military affairs~~ and who has a direct interest in the subject of inquiry may be designated as a party on request to the court. Any person designated as a party shall be given due notice and may be present, may be represented by counsel, may cross-examine witnesses and may introduce evidence.

D. Members of a court of inquiry may be challenged by a party but only for cause stated to the court.

E. The members, counsel, reporter and interpreters of courts of inquiry shall take an oath to faithfully perform their duties.

F. Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

G. Courts of inquiry shall make findings of fact but shall not express opinions or make recommendations unless required to do so by the convening authority.

H. Each court of inquiry shall keep a record of its findings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

Sec. 15. Section 32-2216, Arizona Revised Statutes, is amended to read:

32-2216. Issuance of temporary permits; emergency temporary permits; definition

A. The board may issue temporary permits to veterinary license applicants and to veterinarians licensed in other states who enter this state to provide voluntary services during a state of emergency as declared by the governor or the board of supervisors of the county in which the board of supervisors has declared a ~~state of~~ LOCAL emergency pursuant to section 26-311. Applicants for all temporary permits must be graduates of an American veterinary medical association accredited veterinary college or holders of a certificate from the educational commission for foreign veterinary graduates or from a program for the assessment of veterinary education at the time of application.

B. The temporary permit issued under this section entitles a veterinary license applicant to engage in the active practice of veterinary medicine in this state as an employee of a licensed veterinarian, the state or any county or municipality in this state. Such applicant shall be eligible for the next examination, if the applicant has not violated any provision of this chapter. Such applicant working under the direct and personal instruction, control or supervision of a licensed veterinarian and whose compensation is paid by such veterinarian may perform those acts of animal health care assigned by the veterinarian having responsibility for the care of the animal. The temporary permit described in this subsection expires twenty days after the examination. If the applicant fails for good and sufficient reason to take the examination, the board, by majority consent, may extend the permit until the next succeeding examination. Except as otherwise provided in this section, the holder of a temporary permit must be examined and satisfactorily pass the license examination next following the issuance of the permit and duly receive a license in order to continue active professional practice. The temporary permit may be extended only one time. For the purposes of this subsection, "direct and personal instruction,

control or supervision" means that a veterinarian licensed by the board is physically present and personally supervising a temporary permittee when the permittee is practicing acts of veterinary medicine except if the permittee is at a temporary site for the purpose of delivering services to large animals or if the permittee is administering emergency services not during regular office hours. In these cases, phone contact constitutes direct and personal instruction, control or supervision.

C. If an employer, for any reason, terminates the employment of the applicant, the employing veterinarian shall notify the board and the temporary permit described in subsection B of this section is immediately void.

D. An emergency temporary permit that is issued to an individual who is a veterinarian licensed in good standing in another state entitles the individual to provide voluntary veterinary care during a state of emergency OR LOCAL EMERGENCY for the sole purpose of assisting in care related to that emergency. The emergency temporary permit expires ninety days after the date of issuance or at the end of the state of emergency OR LOCAL EMERGENCY, whichever occurs first. An applicant for an emergency temporary permit shall submit a complete application, including information regarding veterinary licensure in any other state and verification that the statutes and rules pertaining to the board have been reviewed. The board shall verify whether the veterinarian is licensed in the state or states indicated and confirm the applicant's good standing. The applicant is not required to pass the state veterinary examination. A veterinarian who is issued an emergency temporary permit under this section shall practice in accordance with all laws and rules related to the practice of veterinary medicine in this state. The board may investigate any alleged violation by a holder of an emergency temporary permit and take disciplinary action as prescribed in this chapter. A veterinarian granted an emergency temporary permit under this section is a licensed, certified or authorized emergency responder pursuant to section ~~26-353~~ 49-133 and an emergency worker as defined in section 26-301.

E. For the purposes of this section, "emergency temporary permit" means a temporary permit that is issued to a veterinarian licensed in another state who enters this state to provide voluntary services during a state of emergency as declared by the governor or ~~the~~ A LOCAL EMERGENCY DECLARED BY A county board of supervisors pursuant to section 26-311.

Sec. 16. Section 35-192, Arizona Revised Statutes, is amended to read:

35-192. <u>Authorization for declaration of disaster; authorization for liabilities and expenses; priorities and limitations; review and report of expenditures</u>

A. The governor may declare an emergency arising from ~~such~~ major disasters as provided in this section and incur liabilities therefor, regardless of whether or not the legislature is in session.

B. When the governor, or the director of the division of emergency management in the department of emergency and military affairs pursuant to section 26-303, subsection H, determines that a contingency or disaster so justifies, and declares an emergency, specific liabilities and expenses provided for in this section are authorized to be incurred against and to be paid as claims against the state from unrestricted monies from the general fund to mitigate and meet contingencies and emergencies arising from:

1. Invasions, hostile attacks, riots or insurrections.
2. Epidemics of disease or plagues of insects.
3. Floods or floodwaters.
4. Acts of God or any major disaster.
5. Wildland fires, but only after all necessary authorizations under section 37-623.02 are exhausted.

C. When authorized by the governor, specific liabilities and expenses provided for in this section may be incurred against and may be paid as claims against the state from unrestricted monies from the general fund to meet contingencies and emergencies arising from incidents relating to hazardous materials as defined in section 26-301 and search or rescue operations conducted pursuant to section 11-251.02, section 11-441, subsection C or section 26-306 subject to the limitations provided in section 35-192.01. Within ninety days after monies are awarded under this section, the department of emergency and military affairs shall post in a prominent location on the department's official website the amount of monies awarded under this section, who received the monies and how the monies were spent.

D. Liabilities and expenses authorized under subsection B of this section may be incurred for any of the emergencies or contingencies prescribed in subsection B of this section in the following order of priority:

1. Reimbursement for expenses incurred to combat a menace to the health, lives or property of any considerable number of persons of the state, or to property of the state or its political subdivisions.
2. Reimbursement for expenses incurred to repair damage to any property of the state.
3. Reimbursement for expenses incurred to repair damage to any property of the political subdivisions of the state.
4. Reimbursement for expenses incurred in search or rescue operations.
5. Reimbursement for expenses incurred in emergency or disaster recovery activities or in matching federal disaster recovery programs.
6. Reimbursement for expenses for property loss mitigation measures or to match federal property loss mitigation programs.

E. The auditor of the department of emergency and military affairs shall review liabilities incurred and expenditures made under this section and report to the state emergency council at ninety-day intervals during the emergency and conduct a final review of each emergency within ninety days after the termination of the emergency. The state emergency council shall

make a written report not later than ~~August~~ SEPTEMBER 1 of each year to the legislature of the actions of the state emergency council during the preceding fiscal year, including an itemized statement of expenditures for each emergency during the year. The department of emergency and military affairs shall post the report in a prominent location on the department's official website.

F. All liabilities incurred under this section shall be subject to the following limitations:

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

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

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

4. Notwithstanding the limitations in paragraph 3 of this subsection, monies that were previously obligated but not used for a declared emergency or disaster may be reallocated to an outstanding obligation for another declared emergency or disaster and shall remain available for expenditure for the outstanding obligation. The reallocation of monies pursuant to this paragraph does not apply toward the four million dollar liability limit of the fiscal year to which the monies were reallocated or in which the monies are spent.

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

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

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

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

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

Sec. 17. Section 41-1711, Arizona Revised Statutes, is amended to read:

41-1711. Department of public safety; purpose; location; qualifications of director; responsibilities

A. There shall be a department of public safety which is responsible for creating and coordinating services for use by local law enforcement agencies in protecting the public safety. The principal office and headquarters of the department shall be in Phoenix.

B. The department shall formulate plans with a view to establishing modern services for prevention of crime, apprehension of violators, training of law enforcement personnel, and the promotion of public safety. The department shall in no way preempt the authority and jurisdiction of established agencies of political subdivisions of the state.

C. The director shall be selected on the basis of training and experience with a minimum of five years' experience in the administration of law enforcement.

D. The director shall be appointed by the governor pursuant to section 38-211 to serve concurrently with the appointing governor and shall be subject to removal for cause, including but not limited to malfeasance, misfeasance and nonfeasance in office. The director shall receive annual compensation as determined pursuant to section 38-611.

E. The director shall be directly responsible to the governor for the conduct and the administration of the department. If the director is unable to act, the deputy director shall direct the activities of the department during the period in which the director is unable to act. If the director and deputy director are unable to act, the governor shall direct the activities of the department during the period in which the director and deputy director are unable to act.

F. The director shall prescribe procedures for use of department personnel, facilities, equipment, supplies and other resources in assisting search or rescue operations.

G. The director shall be responsible for the establishment, operation and maintenance of the statewide emergency medical services communication system prescribed by section 41-1835.

H. The director may purchase, lease, equip, staff and operate air ambulances, including ambulance helicopters, pursuant to section 41-1834.

I. To limit the expenditures of monies derived from the state highway fund established pursuant to article IX, section 14, Constitution of Arizona, to traffic safety and traffic law enforcement purposes, the department of public safety shall:

1. Maintain a strict account of all costs incurred by each function of the department. Such costs shall be determined and allocated between traffic safety or traffic law enforcement functions and all other departmental functions and shall include such costs as wages or salaries, materials or supplies and equipment or facility use.

2. Immediately following the determination of all such costs certify to the office of strategic planning and budgeting the full amount of all such costs relating to the various functions within the department.

J. The office of strategic planning and budgeting shall annually submit a separate report to the legislature compiled from the department's functional costs certification indicating the complete breakdown between those costs which are related to traffic safety or traffic law enforcement functions and the various other functions within the department. The director of the department of administration shall include within the director's annual report to the legislature a recommendation for a separate appropriation to reimburse the state highway fund from the state general fund for any expenditures from the state highway fund during the prior fiscal year in excess of the total of all costs related to traffic safety or traffic law enforcement functions of the department.

K. The director shall establish a special hazardous materials emergency response organizational unit within the department to function as the initial response element of the hazardous materials emergency management program pursuant to section ~~26-305.02~~ 49-123.

L. The department is designated as this state's recipient of federal victims of crime act grants.

Sec. 18. Repeal

Section 41-3018.08, Arizona Revised Statutes, is repealed.

Sec. 19. Section 41-3022.20, Arizona Revised Statutes, is amended to read:

41-3022.20. Department of environmental quality; termination July 1, 2022

A. The department of environmental quality terminates on July 1, 2022.

B. Title 49, chapter 1, ~~article~~ ARTICLES 1 ~~is~~ AND 2 ARE repealed on January 1, 2023.

Sec. 20. Repeal

Section 43-619, Arizona Revised Statutes, is repealed.

Sec. 21. Section 49-104, Arizona Revised Statutes, is amended to read:

49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.

2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.

3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.

4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.

5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.

6. Promote and coordinate the management of air resources to assure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.

7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.

8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.

9. Assure the preservation and enhancement of natural beauty and man-made scenic qualities.

10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.

11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. Beginning in 2014, the department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.

12. Prevent pollution through the regulation of the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.

13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.

14. Assist the department of health services in recruiting and training state, local and district health department personnel.

15. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.

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

17. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and no more stringent than the corresponding

federal law that addresses the same subject matter. This provision shall not be construed to adversely affect standards adopted by an Indian tribe under federal law.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.

2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.

3. Utilize any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.

4. Adopt procedural rules that are necessary to implement the authority granted under this title, but that are not inconsistent with other provisions of this title.

5. Contract with other agencies, including laboratories, in furthering any department program.

6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.

7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.

8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.

9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.

10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.

11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:

(a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.

(b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at such places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection H, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

(a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.

(b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.

(c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.

(d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules shall:

(a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

(b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes shall be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. After ~~the effective date of this amendment to this section~~ JULY 20, 2011, the department shall establish by rule a fee as a condition of licensure, including a maximum fee. As part of the rule making process, there must be public notice and comment and a review of the rule by the joint legislative budget committee. After September 30, 2013, the department shall not increase that fee by rule without specific statutory authority for the increase. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and ~~title 26, chapter 2, article 3~~ ARTICLE 2 OF THIS CHAPTER.

16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, article 8 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on:

(a) The direct and indirect costs of the department's relevant duties, including ~~employees~~ EMPLOYEE salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.

(b) The availability of other funds for the duties performed.

(c) The impact of the fees on the parties subject to the fees.

(d) The fees charged for similar duties performed by the department, other agencies and the private sector.

C. The department may:

1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203, except that state agencies are exempt from paying the fees. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.

2. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other

authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services. Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.

2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

Sec. 22. Section 49-108, Arizona Revised Statutes, is amended to read:

49-108. Hazardous materials emergency response operations

The director of environmental quality shall establish a hazardous materials emergency response and recovery organizational unit in the department to function as the scientific support, health, safety and environmental element of the hazardous materials emergency management program pursuant to section ~~26-305.02~~ 49-123. On request from the department of health services and at the direction of the director of environmental quality, the unit shall perform appropriate soil and water sampling for toxic and other harmful effects on the public health and the environment in areas that have been affected by a chemical or other toxic fire.

Sec. 23. Section 49-110, Arizona Revised Statutes, is amended to read:

49-110. Compliance order; hearing; judicial review; enforcement

A. If the director has reasonable cause to believe that a person is in violation of section 49-109, ARTICLE 2 OF THIS CHAPTER OR A RULE ADOPTED PURSUANT TO ARTICLE 2 OF THIS CHAPTER, the director may issue an order requiring compliance immediately or within a specified time period.

B. A compliance order shall state with reasonable specificity the nature of the violation, a time for compliance, if applicable, and the right to a hearing.

C. A compliance order shall be transmitted to the alleged violator by certified mail, return receipt requested, or by hand delivery.

D. A compliance order becomes final and enforceable in the superior court unless within thirty days after the receipt of the order the alleged violator requests a hearing before an administrative law judge. If a hearing is requested, the order does not become final until the administrative law

judge has issued a final decision on the appeal. Except as provided in section 41-1092.08, subsection H, any final agency order issued pursuant to this section is subject to judicial review pursuant to title 12, chapter 7, article 6.

E. If a violator fails to comply with a compliance order issued pursuant to subsection A of this section, the director may issue an order assessing a civil penalty of not more than one thousand dollars for each day of continued noncompliance with the order, not to exceed twenty-five thousand dollars.

Sec. 24. Title 49, chapter 1, Arizona Revised Statutes, is amended by adding article 2, to read:

ARTICLE 2. COMMUNITY RIGHT-TO-KNOW ACT AND HAZARDOUS MATERIALS EMERGENCY RESPONSE

Sec. 25. Section 49-123, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

49-123. Hazardous materials emergency management program; Arizona emergency response commission; emergency planning and community right-to-know

~~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.~~

A. THE DEPARTMENT IS DESIGNATED THE LEAD AGENCY FOR DEVELOPING AND IMPLEMENTING A STATE HAZARDOUS MATERIALS EMERGENCY MANAGEMENT PROGRAM.

B. THE DIRECTOR SHALL APPOINT A COORDINATOR TO WORK IN CONSULTATION WITH THE ARIZONA EMERGENCY RESPONSE COMMISSION IN THE DEVELOPMENT AND IMPLEMENTATION OF THE HAZARDOUS MATERIALS EMERGENCY MANAGEMENT PROGRAM.

C. THE ARIZONA EMERGENCY RESPONSE COMMISSION IS ESTABLISHED CONSISTING OF REPRESENTATIVES FROM THE FOLLOWING AGENCIES AND DEPARTMENTS:

1. THE DIVISION OF EMERGENCY MANAGEMENT.
2. THE DEPARTMENT OF HEALTH SERVICES.
3. THE DEPARTMENT OF PUBLIC SAFETY.
4. THE DEPARTMENT OF TRANSPORTATION.
5. THE ARIZONA DEPARTMENT OF AGRICULTURE.
6. THE CORPORATION COMMISSION.
7. THE INDUSTRIAL COMMISSION OF ARIZONA.
8. THE OFFICE OF STATE FIRE MARSHAL.
9. THE OFFICE OF STATE MINE INSPECTOR.
10. THE RADIATION REGULATORY AGENCY.
11. TWO REPRESENTATIVES NOMINATED BY THE ARIZONA FIRE CHIEFS ASSOCIATION OR ITS SUCCESSOR ORGANIZATION, ONE OF WHOM REPRESENTS A FIRE DEPARTMENT OR A FIRE DISTRICT SERVING A POPULATION OF LESS THAN TWO HUNDRED FIFTY THOUSAND PERSONS.
12. OTHER AGENCIES OR OFFICES DEEMED NECESSARY BY THE DIRECTOR.

D. THIS ARTICLE DOES NOT CHANGE OR ALTER THE EXISTING REGULATORY AUTHORITY OR PROVISIONS OF LAW RELATING TO THE AGENCIES AND DEPARTMENTS LISTED IN SUBSECTION C OF THIS SECTION.

E. THE DEPARTMENT IS DESIGNATED AS THE LEAD AGENCY FOR IMPLEMENTING TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986 (P.L. 99-499). THE DIRECTOR SHALL ADMINISTER ANY MONIES RECEIVED UNDER SUBSECTION G OF THIS SECTION.

F. The ~~commission~~ DEPARTMENT shall administer this article and the rules adopted under this article. The ~~commission~~ DEPARTMENT 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~~ DEPARTMENT is granted all the authority and responsibilities of a state emergency response commission for purposes of title III.

G. The ~~commission~~ DEPARTMENT 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~~ DEPARTMENT 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~~ DEPARTMENT may also accept on behalf of this state any reimbursement, grant or gift that may become available for purposes of this ~~chapter~~ ARTICLE. The ~~commission~~ DEPARTMENT shall deposit, pursuant to sections 35-146 and 35-147, any such monies in the emergency response fund.

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

I. The ~~commission~~ DEPARTMENT 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~~ ARTICLE 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~~ 49-132. The governor's regulatory review council must approve rules adopted pursuant to this paragraph.

5. Release reporting requirements.

J. ~~Commissioners and advisory committee members~~ THE DEPARTMENT 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~~ THE DEPARTMENT shall encourage private companies that deliver similar training in ~~Arizona~~ THIS STATE to include the same curriculum in their programs.

Sec. 26. Section 49-127, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

49-127. Facilities subject to emergency planning; facility emergency response plans

A. A facility is subject to emergency planning requirements if a substance identified under section ~~26-346~~ 49-126 is present at the facility in an amount at or in excess of the threshold planning quantity for that substance.

B. For purposes of emergency planning, the ~~commission~~ DEPARTMENT may designate additional facilities ~~which~~ THAT are subject to this section. The designation shall be accomplished after providing at least thirty days' prior public notice in a newspaper of general circulation in the county where the facility is located, after allowing public comment to the ~~commission~~ DEPARTMENT for thirty days and after notification to the facility of the proposed designation.

C. The owner or operator of a facility subject to this section shall provide to the ~~committee~~ DEPARTMENT the identity of a facility representative who will provide a facility emergency response plan and who will participate in the emergency planning process as the facility emergency coordinator.

D. Each facility THAT IS subject to this section shall prepare a facility emergency response plan and submit copies of that plan to the ~~commission~~ DEPARTMENT, the local emergency planning committee for the district in which the facility is located and the fire department with jurisdiction over the facility. A facility that is required to prepare a contingency plan under ~~title 49,~~ chapter 5, article 2 OF THIS TITLE or the resource conservation and recovery act of 1976 (P.L. 94-580; 90 Stat. 2795) may submit that contingency plan in lieu of the emergency response plan required by this section if the information in paragraphs 1 through 7 of this subsection is included in the plan. In preparing the plan required by this section, the facility emergency coordinator shall consult with the local emergency planning committee and other emergency and health professionals to assure maximum coordination with those whose cooperation or services may be required in the event of a reportable release. The facility emergency response plan shall include specific actions to be taken in the event of an imminent or accidental reportable release to safeguard the public health, safety and welfare and the environment to the maximum extent practicable. The facility emergency response plan shall include:

1. Names, addresses and emergency telephone numbers of a facility emergency coordinator and alternate.

2. A description of emergency warning systems and a list of emergency units, emergency personnel and health professionals in close proximity to the facility.

3. A description of employee emergency response training and emergency preparedness programs.

4. A description of appropriate emergency equipment necessary to respond to a release.

5. A description of emergency response procedures, including notification procedures and evacuation plans in the event of a release.

6. Identification of transport routes and transportation methods used to transport extremely hazardous substances to and from the facility, if known.

7. Provisions for at least an annual review of the plan and provisions to demonstrate the capability to execute the plan on the request of the ~~commission~~ DEPARTMENT.

Sec. 27. Section 49-128, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

49-128. Emergency notification of reportable releases

A. If a reportable release of an extremely hazardous substance listed under section ~~26-346~~ 49-126 occurs from a facility at which a hazardous chemical is produced, used or stored, the owner or operator of the facility, except as excluded under 40 Code of Federal Regulations sections 355.31 and 355.32, in addition to any other notification required by law or rule, shall immediately orally notify the community emergency coordinator for the local emergency planning committee for any area likely to be affected by the reportable release, ~~and the commission, by notifying the emergency response unit of~~ the department ~~of environmental quality~~ and appropriate emergency responders designated by rule of the ~~commission~~ DEPARTMENT, in the manner prescribed by rule of the ~~commission~~ DEPARTMENT. Unless impracticable under the circumstances, this oral notification shall occur immediately after the facility emergency coordinator or ~~his~~ THE COORDINATOR'S designee has knowledge of the reportable release. The notice of the reportable release shall include the following to the extent known at the time of the notice and as long as no delay in responding to the emergency results:

1. The specific location of the release.

2. The chemical name or identity of substances released and a description of the container or vessel from which the release occurred.

3. An estimate of the quantity of substances ~~which~~ THAT were released into the environment.

4. The time and duration of the release.

5. The medium or media into which the release occurred.

6. Any known or anticipated acute or chronic health risks associated with the release and, if within the informant's knowledge, advice regarding medical attention necessary for exposed individuals.

7. Proper precautions to take as a result of the release, including evacuation and other proposed response actions.

8. The name and telephone number of the person or persons to be contacted for further information.

B. Within thirty days after the reportable release, the owner or operator of a facility where a release occurred requiring notification pursuant to this section shall submit to the local emergency planning committee and to the ~~commission~~ DEPARTMENT a written follow-up emergency notice stating and updating the information originally provided pursuant to subsection A of this section and including the following additional information:

1. Actions taken to respond to and contain the release.

2. Any known or anticipated acute or chronic health risks associated with the release.

3. If appropriate, advice regarding medical attention necessary for exposed individuals.

4. Measures ~~which~~ THAT have been or will be taken at the facility to avoid a reoccurrence of similar releases.

C. After additional information becomes known, the owner or operator shall update the notice in writing within seven calendar days.

Sec. 28. Section 49-129, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

49-129. Material safety data sheets

A. A person who owns or operates a facility ~~which~~ THAT is required to prepare or have available a material safety data sheet for a hazardous chemical under the occupational safety and health act of 1970 (P.L. 91-593; 84 Stat. 1590), and federal regulations adopted under that act, or under title 23, chapter 2, article 10, and rules adopted under that article, shall submit to the local emergency planning committee for the district in which the facility is located, the ~~commission~~ DEPARTMENT, and the fire department with jurisdiction over the facility material safety data sheets or lists of hazardous chemicals and any extremely hazardous substances stored, handled or processed at the facility pursuant to minimum threshold levels prescribed in ~~title~~ 40 Code of Federal Regulations part 370 as well as comply with section 311 of title III and regulations adopted under that act.

B. If a list of hazardous chemicals or extremely hazardous substances is submitted under this section, it shall include:

1. Information prescribed by section 311 of title III.

2. The chemical abstract service registry number applicable to each such chemical and substance, if available.

3. An indication of whether the owner elects to withhold information about the hazardous chemical or extremely hazardous substance from disclosure as a trade secret.

C. On request of a local emergency planning committee, the ~~commission~~ DEPARTMENT or the local fire department with jurisdiction over the facility,

an owner or operator of a facility who has submitted a list pursuant to this section shall also submit the material safety data sheet for any chemical on the list to the requesting agency. On request by any person, the local emergency planning committee may make available a material safety data sheet to the person or transmit the request to the ~~commission~~ DEPARTMENT, which shall make the material safety data sheet available, subject to the trade secret provisions and regulations adopted under title III. If the committee or ~~commission~~ DEPARTMENT does not have the requested material safety data sheet, the committee or ~~commission~~ DEPARTMENT shall request the sheet from the facility owner or operator. The facility owner or operator shall make the sheet available within thirty days after receiving the request to the committee or ~~commission~~ DEPARTMENT and the committee or ~~commission~~ DEPARTMENT shall make the sheet available to the requesting person subject to the trade secret provisions and regulations adopted under title III.

D. Within three months after discovery by an owner or operator of a facility of significant new information concerning an aspect of a hazardous chemical for which a list or material safety data sheet was submitted, or within three months after a facility obtains a new hazardous chemical subject to the reporting requirements of this section, the owner or operator shall update and submit a revised list or material safety data sheet to the local emergency planning committee, the ~~commission~~ DEPARTMENT and the fire department with jurisdiction over the facility.

Sec. 29. Section 49-130, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

49-130. Emergency and hazardous chemical inventory forms

A. A person who owns or operates a facility ~~which~~ THAT is required to prepare or have available a material safety data sheet for a hazardous chemical under the occupational safety and health act of 1970 (P.L. 91-593; 84 Stat. 1590) and federal regulations adopted under that act or ~~which~~ THAT has to provide a material safety data sheet or listing under this article shall either file electronically as prescribed by subsection D OF THIS SECTION or submit to the local emergency planning committee for the district in which the facility is located, the ~~commission~~ DEPARTMENT and the fire department with jurisdiction over the facility an emergency and hazardous chemical inventory form pursuant to section 312 of title III as well as comply with section 312 of title III and regulations adopted under that act, except that the tier II emergency and hazardous chemical inventory form shall be the required form to comply with section 312 of title III effective with inventory forms due on or after March 1, 1991.

B. The tier II inventory form shall contain the following information:

1. The chemical name or the common name of the chemical as provided on the material safety data sheet and the CAS number.

2. An estimate, in ranges, of the maximum amount of the hazardous chemical present at the facility at any time during the preceding year.

3. An estimate, in ranges, of the average daily amount of the hazardous chemical present at the facility during the preceding year.

4. A brief description of the manner of storage of the hazardous chemical.

5. The location of the hazardous chemical at the facility.

6. An indication of whether the owner elects to withhold location information or other information about a specific hazardous chemical from disclosure to the public as a trade secret.

7. The fire department or district with jurisdiction for the facility, including a notation of whether the facility is located on Indian lands.

C. An owner or operator of a facility subject to this section shall submit the information required by this section on the inventory form provided by the ~~commission~~ DEPARTMENT. The tier II inventory form provided by the ~~commission~~ DEPARTMENT shall be available in electronic and paper formats and shall be based on and contain at least the information required by the federal forms as prescribed by 40 Code of Federal Regulations section 370.41. The ~~commission~~ DEPARTMENT shall identify on its tier II inventory form each item that is required to be reported by 40 Code of Federal Regulations section 370.41. The ~~commission~~ DEPARTMENT shall provide notice on the form that the provision of the information items not required by 40 Code of Federal Regulations section 370.41 is optional.

D. Facilities that are subject to reporting under this article may file reports electronically at an internet ~~web site~~ WEBSITE that is designated by the ~~Arizona emergency response commission~~ DEPARTMENT. A facility that files electronically pursuant to this subsection is deemed to have complied with the reporting requirements of the ~~commission~~ DEPARTMENT and with the requirements of title III. Local emergency planning committees, fire departments and FIRE districts also may accept electronic reporting if they have agreed to do so in a written agreement with the ~~commission~~ DEPARTMENT that provides for the electronic filing and sharing of reports. The ~~commission~~ DEPARTMENT shall publish on the ~~commission's web site~~ DEPARTMENT'S WEBSITE a listing of local emergency planning committees, fire departments and fire districts that have agreed to accept electronic reporting to assist facilities in determining submission requirements.

E. On certifying an electronic submittal pursuant to subsection D OF THIS SECTION, the facility is deemed to have complied with the original signature requirements of section 312 of title III. The ~~commission~~ DEPARTMENT and the facility shall each maintain tracking information for the submittal for purposes of confirmation.

F. Information that is collected pursuant to this section shall be made available to the public pursuant to 40 Code of Federal Regulations part 370, subpart C, except for confidential information.

G. For purposes of this section, tier II forms are the forms established under 40 Code of Federal Regulations part 370.

Sec. 30. Section 49-131, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

49-131. Toxic chemical release forms; definitions

A. In order to implement section 313 of title III, the owner or operator of a facility subject to the requirements of this section and section 313 of title III and regulations adopted under that act shall complete a toxic chemical release form as supplied by the administrator, pursuant to section 313(g) of title III, or as supplied by the ~~commission~~ DEPARTMENT, for each toxic chemical listed in the Code of Federal Regulations by the administrator pursuant to section 313(c) of title III that was manufactured, processed or otherwise used in quantities exceeding the toxic chemical threshold quantity established by subsection E of this section during the preceding calendar year at that facility. The form shall be submitted to the administrator and to the ~~commission~~ DEPARTMENT on or before July 1 of each year and shall contain data reflecting releases in excess of the quantity of that toxic chemical established under subsection E of this section during the preceding calendar year.

B. The requirements of this section apply to owners and operators of facilities that have ten or more full-time employees and that are in standard industrial classification codes 20 through 39 in effect on July 1, 1987 as prepared by the statistical policy division of the United States office of management and budget, office of the president and that manufactured, processed or otherwise used a toxic chemical listed in ~~title~~ 40 Code of Federal Regulations part 372 pursuant to section 313(c) and (d) of title III in excess of the quantity of that toxic chemical established under subsection E of this section during the calendar year for which the release form is required under this section.

C. The ~~director of environmental quality as the representative of the governor pursuant to this section~~ DEPARTMENT may request the administrator to apply the requirements of this section to the owners and operators of any particular facility that manufactures, processes or otherwise uses a toxic chemical listed pursuant to section 313(c) of title III if the administrator determines that such action is warranted on the basis of toxicity of the toxic chemical, the proximity to other facilities that release the toxic chemical or to population centers, the history of releases of the chemical at the facility or such other factors as the administrator deems appropriate.

D. The toxic chemicals subject to the requirements of this section are those chemicals listed in ~~title~~ 40 Code of Federal Regulations by the administrator pursuant to section 313(c) of title III, including any revised version of the list as may be made pursuant to section 313(d) or (e) of title III. The ~~director of environmental quality as the representative of the governor~~ DEPARTMENT, pursuant to section 313(e)(2) of title III, may petition the administrator to add a chemical to or delete a chemical from the list identified in this section.

E. The threshold amounts for purposes of reporting toxic chemicals under this section are:

1. With respect to a toxic chemical used at a facility, ten thousand pounds of the toxic chemical for the applicable calendar year.

2. With respect to a toxic chemical manufactured or processed at a facility:

(a) For the toxic chemical release form required to be submitted under this section on or before July 1, 1988, seventy-five thousand pounds of the toxic chemical per year.

(b) For the toxic chemical release form required to be submitted under this section on or before July 1, 1989, fifty thousand pounds of the toxic chemical per year.

(c) For the toxic chemical release form required to be submitted under this section on or before July 1, 1990 and for each year thereafter, twenty-five thousand pounds of the toxic chemical per year.

F. The threshold amounts for purposes of reporting toxic chemicals under this section shall be adjusted pursuant to revisions by the administrator.

G. Owners and operators of facilities subject to the requirements of this section shall provide the information required under this section on a uniform toxic chemical release form published by the administrator or on a uniform toxic chemical release form published by the ~~director of environmental quality~~ DEPARTMENT. The form shall:

1. Provide for the name and location of and principal business activities at the facility.

2. Include an appropriate certification, signed by a senior official with management responsibility for the person or persons completing the form, regarding the accuracy or completeness of the report.

3. Provide for the following information for each listed toxic chemical known to be present at the facility:

(a) Whether the toxic chemical at the facility is manufactured, processed or otherwise used, and the general category or categories of use of the chemical.

(b) An estimate of the maximum amount in ranges of the toxic chemical present at the facility at any time during the preceding calendar year.

(c) For each wastestream, the waste treatment or disposal methods employed and an estimate of the treatment efficiency typically achieved by such methods for that wastestream.

(d) The annual quantity of the toxic chemical entering each environmental medium.

H. The release forms required under this section are intended to provide information to the federal, state and local governments and to the public, including citizens of communities surrounding facilities covered by this section. The release form shall be available consistent with the trade secret provisions of title III to inform persons about releases of toxic

chemicals to the environment, to assist governmental agencies, researchers and other persons in conducting research and data gathering, to aid in developing appropriate rules and regulations, guidelines and standards and for similar purposes.

I. For purposes of this section:

1. "Administrator" means the administrator of the United States environmental protection agency.

2. "Manufacture" means to produce, prepare, import or compound a toxic chemical.

3. "Process" means the preparation of a toxic chemical after its manufacture for distribution in commerce either:

(a) In the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing the chemical.

(b) As part of an article containing the toxic chemical.

Sec. 31. Section 49-132, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

49-132. Emergency response fund

The emergency response fund is established consisting of monies appropriated by the legislature for purposes of ~~section 26-305.02 and~~ this article and federal, private and other monies available for that purpose. The ~~chairman of the commission~~ DEPARTMENT shall manage the fund and expend monies in the fund in performing the functions required or authorized by this article. All interest earned from investing monies in the fund shall be credited to the fund. Monies in the fund are subject to legislative appropriation and are exempt from section 35-190 relating to lapsing of appropriations.

Sec. 32. Section 49-927, Arizona Revised Statutes, is amended to read:

49-927. Hazardous waste management fund

A. A hazardous waste management fund is established to be administered by the department. The fund consists of monies appropriated by the legislature, monies collected pursuant to section 49-931 and monies collected as fees for issuing permits under section 49-922, subsection B, paragraph 5. Monies in the fund are subject to legislative appropriation and are exempt from section 35-190 relating to lapsing of appropriations. On notice from the director, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

B. Monies in the hazardous waste management fund shall be used for the following purposes:

1. Informing, educating and training the general public, treatment, storage and disposal facility operators, hazardous waste handlers and others.

2. Supporting statewide hazardous waste planning and program development activities.

3. Processing, issuing and maintaining permits for treatment, storage or disposal facilities.

4. Compliance monitoring, investigation and enforcement activities pertaining to generating, transporting, treating, storing and disposing of hazardous waste under this article.

5. Funding the pollution prevention technical assistance program established in section 49-965 and providing matching funds under section 6605 of the pollution prevention act of 1990 (P.L. 101-508).

6. Administration of the pollution prevention program pursuant to article 4 of this chapter.

7. Reimbursement of appropriations received for fiscal year 1991-1992 to the state general fund as provided by law.

C. Ten ~~per cent~~ PERCENT of the monies in the fund shall be transmitted to the emergency response fund established ~~pursuant to~~ BY section ~~26-352~~ 49-132 to be used for staffing local emergency planning committees and equipping local fire departments, fire districts and public safety agencies for the development of hazardous materials emergency response teams.

Sec. 33. Section 49-972, Arizona Revised Statutes, is amended to read:

49-972. Pollution prevention plan for state agencies; definition

A. A state agency that produces hazardous waste or uses toxic substances in excess of the threshold quantity and time limits prescribed in section 49-963 shall file a pollution prevention plan with the director. The pollution prevention plan shall have a goal of twenty ~~per cent~~ PERCENT reduction in hazardous waste within two years, fifty ~~per cent~~ PERCENT reduction in hazardous waste within five years and a seventy ~~per cent~~ PERCENT reduction in hazardous waste in ten years.

B. The pollution prevention plan shall address a reduction in the use of toxic substances and the generation of hazardous wastes. The plan shall be completed on a form published by the director and shall be filed with the director on or before January 1, 1993 and every five years thereafter.

C. A state agency required to file a pollution prevention plan may include in the report a certification that there is no reasonably available and technically feasible alternative to the current level of generation of hazardous waste at its facilities. If approved by the director, the certification shall serve as demonstration of compliance with the goals stated in subsection A of this section.

D. The state agency required to prepare a pollution prevention plan shall maintain a copy of the plan and annual summaries at the agency and at the facility, where they shall be available for inspection by the department and by the public.

E. The pollution prevention plan summary shall include a summary of all data and information in the plan, including the following:

1. A statement of the scope and objectives of the pollution prevention plan considering toxicity, volume, disposal costs and liability costs, and a

numerical statement of the reductions in facility use of each hazardous waste at the facility over the next five or more years.

2. An analysis identifying pollution prevention opportunities to reduce or eliminate toxic substance releases and hazardous waste generation.

3. The name and location of all facilities associated with the state agency that are included in the plan and the name, address and telephone number of the operator and the senior official with management responsibility at the facility.

4. Identification and explanation of technology, procedures and options considered available and technically feasible for reducing the use of each hazardous waste and toxic substance at the facility, an explanation of options not implemented and a time schedule for implementing chosen options.

5. A written certification that the agency has prepared a pollution prevention plan and that a copy of the plan is available at the agency or facility for the department's inspection and for inspection by the public on request to the department.

6. Specific performance goals for the prevention of pollution, including an explanation of the rationale for each performance goal. The plan shall include a goal for the facility and may include goals for individual processes, operations, toxic substance usage and hazardous waste generation.

7. A written certification by the senior official with management responsibility that he has read the plan and that to the best of his knowledge it is true, accurate and complete.

8. A written policy setting forth management support for the pollution prevention plan and a commitment to implement the plan to achieve the plan goals.

9. An analysis of pollution prevention activities that are already in place and that are consistent with the requirements of this article.

10. Employee awareness and training programs to involve employees in pollution prevention planning and implementation to the maximum extent feasible.

11. Provisions to incorporate the plan into management practices and procedures to ensure the plan's institutionalization.

F. To the extent practicable, the information required for the preparation of a pollution prevention plan shall be based on information developed and forms completed by the state agency for the purposes of compliance with sections ~~26-347~~ 49-127 and ~~26-351~~ 49-131, the federal pollution prevention act, section 304(l) of the federal water pollution control act, pretreatment sludge permits pursuant to 40 Code of Federal Regulations part 503, or other required state and federal reports.

G. The department shall make all pollution plans and pollution prevention plan summaries available to the public.

H. If the department determines that a plan is not in compliance with the requirements of this section, the department may allow the person

submitting the plan ninety days from the date of the notice of deficiency to correct the deficiency.

I. Each state agency required to prepare and maintain a pollution prevention plan shall file an annual progress report. The annual progress report shall both:

1. Analyze the progress made, if any, in pollution prevention including toxics use reduction, source reduction and hazardous waste minimization relative to each performance goal established and relative to the plan contents.

2. Set forth amendments to the pollution prevention plan and explain the need for the amendments.

J. If the threshold quantity prescribed in section 49-963 is exceeded due to an accidental or remediation related release or occurrence, the requirement to file a plan pursuant to this section does not apply.

K. For purposes of this section, "state agency" includes all facilities controlled by an agency.

Sec. 34. Transfer and succession

A. As provided by this act, the department of environmental quality succeeds to the authority, powers, duties and responsibilities of the Arizona emergency response commission.

B. This act does not alter the effect of any actions that were taken or impair the valid obligations of the Arizona emergency response commission in existence before the effective date of this act.

C. Administrative rules and orders that were adopted by the Arizona emergency response commission continue in effect until superseded by administrative action by the department of environmental quality.

Sec. 35. Transfer of monies

All unexpended and unencumbered monies remaining in the national guard relief fund established by section 26-183, Arizona Revised Statutes, as repealed by this act, are transferred to the department of veterans' services on the effective date of this act. Using the rules or policies for grants adopted pursuant to section 41-608, Arizona Revised Statutes, the department of veterans' services shall distribute the monies transferred pursuant to this section to a nonprofit organization that provides financial assistance to Arizona national guard members and their families.

APPROVED BY THE GOVERNOR APRIL 6, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2015.

Passed the House March 3, 2015

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

Speaker of the House

☐ Pro Tempore

Chief Clerk of the House

Passed the Senate March 31, 2015

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

President of the Senate

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. 2274

**HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE**

April 1, 2015,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House

Jim Drake
Chief Clerk of the House

**EXECUTIVE DEPARTMENT OF ARIZONA**
**OFFICE OF GOVERNOR**

This Bill was received by the Governor this

2nd day of April, 2015,

at 8:57 o'clock A. M.

Nicole Lynman
Secretary to the Governor

Approved this 6th day of

April, 2015,

at 2:05 o'clock P M.

Doug A. Ducey
Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA**
**OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this 7th day of April, 2015,

at 8:30 o'clock A M.

Michele Reagan
Secretary of State

**H.B. 2274**