Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 147

SENATE BILL 1212

AN ACT

AMENDING SECTION 26-102, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY AND MILITARY AFFAIRS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 26-102, Arizona Revised Statutes, is amended to read:

26-102. Powers and duties of the adjutant general

A. The adjutant general shall serve as head of the department. The governor as commander in chief shall administer and control the national guard, and the adjutant general is responsible to the governor for execution of all orders relating to the militia, organization, activation, reactivation, inactivation and allocation of units, recruiting of personnel, public relations and discipline and training of the national guard and those members of the militia inducted into the service of this state as provided in this chapter. The adjutant general shall act as military chief of staff to the governor and chief of all branches of the militia. The adjutant general may belong to the national association and other organizations for the betterment of the national guard, subscribe to and obtain periodicals, literature and magazines of such other organizations and pay dues and charges from monies of this state appropriated for that purpose. Except for the authority expressly reserved for the governor, the adjutant general is responsible for emergency management, and all emergency activities are subject to the approval of the adjutant general.

B. The adjutant general, as the military chief of staff, shall:

1. Act as military advisor to the governor and perform, as the governor prescribes, military duties not otherwise designated by law.

2. Adopt methods of administration for the national guard that are not inconsistent with laws and regulations of the United States department of defense or any subdivision of the United States department of defense.

3. Supervise and direct the organization, regulation, instruction and other activities of the national guard.

4. Attest and record all commissions issued by the governor and maintain a register of all commissioned personnel.

5. Keep a record of all orders and regulations pertaining to the national guard and all other writings and papers relating to reports and returns of units comprising the national guard and militia.

6. Superintend the preparation of returns, plans and estimates required by this state, by the department of the army, air force or navy and by the UNITED STATES secretary of defense.

7. Control the use of and care for, preserve and maintain all military property belonging to or issued to this state and pay from monies appropriated by the legislature for these purposes the necessary expenses for labor and material incurred in the repair of military property.

8. Dispose of unserviceable military property belonging to this state, account for the proceeds and transmit ~~them~~ THE PROCEEDS to the morale, welfare and recreational fund established by section 26-153.

9. Authenticate with the seal of the office of the adjutant general all orders and copies of orders issued by the adjutant general's office. An authenticated copy has the same force and effect as the original.

10. Present to the governor before each regular session of the legislature, or as otherwise required, an estimate of the financial requirements for state monies for operation of the department and the national guard during the next fiscal year.

C. The adjutant general, as head of the department, shall:

1. Be the administrator of the department.

2. Coordinate the functions of the divisions and offices of the department.

3. Subject to title 41, chapter 4, article 4 and, as applicable, article 5, appoint, suspend, demote, promote or dismiss employees of the department. The adjutant general may delegate this authority.

4. Appoint an auditor for the department to conduct periodic financial and compliance audits of each division and office in the department and perform such other duties as prescribed by law. At least annually the auditor shall audit accounts that are open for more than twelve months. The auditor shall determine within the department compliance with purchase and bidding procedures prescribed by law.

5. Adopt, with the approval of the governor, rules necessary for the operation of the department.

6. Establish and administer accounts for federal, state or other monies made available to carry out the functions of the department.

7. As deemed necessary, appoint to peace officer status members of the Arizona national guard who have been awarded a United States army military occupational specialty as military policeman or a United States air force specialty code as security policeman OR WHO HAVE SERVED AS A LAW ENFORCEMENT OFFICER IN ANY BRANCH OF THE UNITED STATES ARMED FORCES OR AS A SPECIAL AGENT OF A MILITARY CRIMINAL INVESTIGATIVE ORGANIZATION WITHIN THE UNITED STATES DEPARTMENT OF DEFENSE. Before appointment as peace officers, ~~such~~ THE individuals must successfully complete a course of study to be prescribed by the Arizona peace officer standards and training board. Individuals appointed as peace officers pursuant to this ~~section~~ PARAGRAPH, when performing duties at facilities or on land operated or controlled by or under the jurisdiction of the adjutant general, have all the powers, privileges and immunities of peace officers provided by law. Individuals appointed as peace officers pursuant to this ~~section~~ PARAGRAPH are not eligible to participate in funding provided by the peace officers' training fund established by section 41-1825 or in the public safety personnel retirement system.

8. Establish, abolish or reorganize the positions or organizational structure within the department, subject to legislative appropriation, if, in the adjutant general's judgment, the modification would make the operation of the department more efficient, effective or economical.

9. Establish an educational program for persons who have previously dropped out of high school and who are under twenty years of age but who are not adjudicated delinquent. The educational program shall be designated "project challenge", and the program shall be conducted by the national guard of Arizona in a paramilitary environment. The goal of the educational

program is to provide persons WHO ARE enrolled in the program with the knowledge and skills necessary to become productive citizens and to obtain a general equivalency diploma. In addition to monies appropriated for the program, the adjutant general may accept and spend monies from any other lawful public or private source.

10. Submit to the governor, the president of the senate and the speaker of the house of representatives annually by September 1 a report for the department for the preceding fiscal year including:

(a) The strength and condition of the national guard.

(b) The business transactions of the department.

(c) A detailed statement of expenditures for all military and civilian purposes.

(d) The disposition of all military and civilian property on hand or issued.

(e) A description of the activity in the camp Navajo fund established by section 26-152.

(f) A detailed statement of the national guard postsecondary education reimbursement program pursuant to section 26-181, subsection D.

D. The adjutant general, with the approval of the governor, may:

1. Enter into contracts with individuals, this state, political subdivisions of this state or the federal government and its agencies for the purchase, acquisition, rental or lease of lands, buildings or military materiel and take title in the name of this state for the establishment and maintenance of armories, subject to legislative appropriation for these purposes.

2. Procure and contract for procurement of equipment and its issuance to members of the militia inducted into the service of this state.

3. Enter into agreements and plans with the state universities, community colleges or any educational institution supported by federal or state monies for promotion of the best interests of the national guard and military training of students of the institutions.

4. Lease property acquired under this chapter for any public purpose for a period of one year that is renewable.

5. Convey for any public purpose in the name of this state easements on real property acquired under this chapter.

6. Enter into contracts or agreements with the federal government that are deemed to be in the best interest of this state and the national guard.

7. Delegate the powers and duties in this section.

8. Adopt methods of security for the national guard reservations or facilities that are consistent with the laws, regulations or directives of the United States department of defense or any subdivision of the United States department of defense and the laws of this state.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

Passed the House May 6, 2016,

by the following vote: 52 Ayes,

0 Nays, 8 Not Voting

Speaker of the House

Jim Drake

Chief Clerk of the House

Passed the Senate February 18, 2016,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Susan Craver

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6th day of May, 2016,

at 5:56 o'clock P. M.

Justa Lyman

Secretary to the Governor

Approved this 11th day of

May, 2016,

at 10:18 o'clock A. M.

Doug Ducey

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11TH day of May, 2016,

at 2:20 o'clock P M.

Michele Reagan

Secretary of State

S.B. 1212