

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2701

AN ACT

AMENDING SECTION 26-172, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION;
RELATING TO THE NATIONAL GUARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 26-172, Arizona Revised Statutes, is amended to
3 read:

4 26-172. Emergency mobilization; requests by municipalities for
5 aid of national guard; mobilization into United
6 States service

7 A. When the governor proclaims an emergency, or deems it necessary to
8 protect lives or property, the governor may mobilize all or any part of the
9 national guard or the unorganized militia into service of the state. The
10 order directing the national guard or the unorganized militia, or any part
11 thereof, to report for active duty shall state the purpose for which it is
12 mobilized and the objectives to be accomplished. **IF THE GOVERNOR DECLARES**
13 **THAT A STATE OF EMERGENCY EXISTS FOR THE PROTECTION OF THE LIVES OR PROPERTY**
14 **OF CITIZENS OF THIS STATE RESULTING FROM AN INCREASE IN UNAUTHORIZED BORDER**
15 **CROSSINGS AND THE RELATED INCREASE IN DEATHS, CRIME OR PROPERTY DAMAGE, THE**
16 **GOVERNOR SHALL MOBILIZE THE NATIONAL GUARD TO ADDRESS THE EMERGENCY.**

17 B. The adjutant general shall issue orders for mobilization, appoint
18 troop commanders and act as chief of staff to the governor. The adjutant
19 general ~~shall~~, with consent of the governor and in the name of the adjutant
20 general, **SHALL** issue orders designating local commanders, giving tactical and
21 administrative instructions, and defining the objectives of each mobilized
22 unit.

23 C. The civil authorities of a county or municipality requiring aid of
24 the national guard to quell any riot, insurrection or other civil disturbance
25 shall submit to the governor a written request for aid, setting forth the
26 particular object to be accomplished and the area affected. Upon receipt of
27 the request the governor may by proclamation mobilize all or any part of the
28 national guard or the unorganized militia, and the governor shall designate
29 the adjutant general or an officer of the national guard to take command of
30 the troops mobilized and to designate the troops to be used.

31 D. To request assistance of the national guard, or the unorganized
32 militia, or any part thereof in a search or rescue operation involving the
33 life or health of any person, the sheriff or other officer of a political
34 subdivision who is conducting the search or rescue operation shall by the
35 most rapid and suitable means of communication available convey the need to
36 the state director of emergency management for transmittal to the governor.
37 If the governor grants the request the sheriff or other officer ~~shall~~, within
38 two days, **SHALL** transmit a written confirmation of the request to the
39 governor.

40 E. If the president of the United States directs mobilization of the
41 national guard into the armed forces of the United States, the adjutant
42 general shall effect the mobilization speedily and in the manner
43 prescribed. Upon mobilization into the armed forces of the United States,
44 the national guard shall pass to federal control and shall not be subject to
45 military laws of the state until the time it reverts to control of the state.

1 Sec. 2. Appropriation; national guard mobilization; exemption

2 A. The sum of \$10,000,000 is appropriated from the state general fund
3 in fiscal year 2006-2007 to the department of emergency and military affairs
4 for payment of expenses incurred by the national guard pursuant to any
5 mobilization due to a declaration by the Governor relating to the protection
6 of Arizona lives and property resulting from an increase in unauthorized
7 border crossings and the related increase in deaths, crime and property
8 damage, including any declaration issued on or after August 15, 2005.

9 B. The appropriation made in subsection A of this section is exempt
10 from the provisions of section 35-190, Arizona Revised Statutes, relating to
11 lapsing of appropriations.

12 Sec. 3. Retroactivity

13 This act is effective retroactively to from and after August 14, 2005.