

COMMITTEE ON GOVERNMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2619
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 26-304, Arizona Revised Statutes, is amended to
3 read:

4 26-304. State emergency council; membership; powers and
5 duties; definition

6 A. The state emergency council is established consisting of the
7 following persons or their designee:

- 8 1. THE governor.
- 9 2. THE secretary of state.
- 10 3. THE attorney general.
- 11 4. THE adjutant general.
- 12 5. THE director of the division of emergency management.
- 13 6. THE director of the department of transportation.
- 14 7. THE director of the department of health services.
- 15 8. THE director of environmental quality.
- 16 9. THE director of the department of public safety.
- 17 10. THE director of the Arizona department of agriculture.
- 18 11. THE director of the department of administration.
- 19 12. THE director of water resources.
- 20 13. THE president of the senate as an advisory member.
- 21 14. THE speaker of the house of representatives as an advisory
22 member.

23 15. A COUNTY ADMINISTRATOR, A COUNTY FLOOD DISTRICT ADMINISTRATOR OR
24 A COUNTY DIRECTOR OF EMERGENCY MANAGEMENT WHO IS APPOINTED BY THE
25 GOVERNOR.

26 B. The powers and duties of the council include:

27 1. ~~Making recommendations for~~ RECOMMENDING orders, rules, policies
28 and procedures to the governor.

29 2. Recommending to the governor the assignment of any
30 responsibility, service or activity to a state agency relative to
31 emergencies or planning for emergencies.

32 3. Issuing, ~~in the event of inaccessibility of~~ IF the governor IS
33 INACCESSIBLE, a state of emergency proclamation under the same conditions
34 by which the governor could issue such a proclamation, if the action is
35 taken at a meeting of the council called by the director and if ~~not less~~
36 ~~than~~ AT LEAST three council members, one of whom is an elected official,
37 approve the action.

38 C. The council shall monitor each emergency declared by the
39 governor and the activities and response of the division to the

1 emergency. The council shall recommend to the governor or the legislature
2 based on the reports submitted to ~~†~~ THE COUNCIL by the auditor that the
3 emergency conditions have stabilized and that the emergency is
4 substantially contained.

5 D. For the purposes of this section, "advisory member" means a
6 member who gives advice to the other members of the state emergency
7 council at meetings of the council but who is not eligible to vote, is not
8 a member for purposes of determining whether a quorum is present and is
9 not eligible to receive any compensation or reimbursement of expenses by
10 the council.

11 Sec. 2. Section 35-192, Arizona Revised Statutes, is amended to
12 read:

13 35-192. Authorization for declaration of disaster;
14 authorization for liabilities and expenses;
15 priorities and limitations; review and report of
16 expenditures

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

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

- 28 1. Invasions, hostile attacks, riots or insurrections.
- 29 2. Epidemics of disease or plagues of insects.
- 30 3. Floods or floodwaters.
- 31 4. Acts of God or any major disaster.
- 32 5. Wildland fires, but only after all necessary authorizations
33 under section 37-1305 are exhausted.

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

46 D. Liabilities and expenses authorized under subsection B of this
47 section may be incurred for any of the emergencies or contingencies

1 prescribed in subsection B of this section in the following order of
2 priority:

3 1. Reimbursement for expenses incurred to combat a menace to the
4 health, lives or property of any considerable number of persons of ~~the~~
5 ~~THIS~~ state, ~~or~~ or to property of ~~the~~ THIS state or its political
6 subdivisions.

7 2. Reimbursement for expenses incurred to repair damage to any
8 property of ~~the~~ THIS state.

9 3. Reimbursement for expenses incurred to repair damage to any
10 property of the political subdivisions of ~~the~~ THIS state.

11 4. Reimbursement for expenses incurred in search or rescue
12 operations.

13 5. Reimbursement for expenses incurred in emergency or disaster
14 recovery activities or in matching federal disaster recovery programs.

15 6. Reimbursement for expenses for property loss mitigation measures
16 or to match federal property loss mitigation programs.

17 E. The auditor of the department of emergency and military affairs
18 shall review liabilities incurred and expenditures made under this section
19 and report to the state emergency council at ninety-day intervals during
20 the emergency and conduct a final review of each emergency within ninety
21 days after the termination of the emergency. The state emergency council
22 shall make a written report not later than September 1 of each year to the
23 legislature of the actions of the state emergency council during the
24 preceding fiscal year, including an itemized statement of expenditures for
25 each emergency during the year. The department of emergency and military
26 affairs shall post the report in a prominent location on the department's
27 official website.

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

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

33 2. Except as provided in paragraph 5 of this subsection, incurring
34 of liabilities in excess of \$200,000 in any single disaster or emergency
35 shall not be made without consent of a majority of the members of the
36 state emergency council.

37 3. The aggregate amount of all liabilities incurred under this
38 section shall not exceed ~~\$4,000,000~~ \$8,000,000 for any fiscal year
39 beginning July 1 through June 30. Monies authorized for disasters and
40 emergencies in prior fiscal years may be used in subsequent fiscal years
41 only for the disaster or emergency for which they were authorized. Monies
42 authorized for disasters and emergencies in prior fiscal years, ~~and~~
43 ~~expended~~ SPENT in subsequent fiscal years for the disaster or emergency
44 for which they were authorized, ~~apply~~ apply toward the ~~\$4,000,000~~ \$8,000,000
45 liability limit for the fiscal year in which they were authorized.

46 4. Notwithstanding the limitations in paragraph 3 of this
47 subsection, monies that were previously obligated but not used for a

1 declared emergency or disaster may be reallocated to an outstanding
2 obligation for another declared emergency or disaster and shall remain
3 available for expenditure for the outstanding obligation. The
4 reallocation of monies pursuant to this paragraph does not apply toward
5 the ~~\$4,000,000~~ \$8,000,000 liability limit of the fiscal year to which the
6 monies were reallocated or in which the monies are spent.

7 5. Liabilities in excess of \$200,000 incurred by the Arizona
8 department of forestry and fire management may be reimbursed with the
9 approval of the governor or state emergency council. The reimbursement
10 shall be made pursuant to rules adopted pursuant to section 37-1305,
11 subsection G or, if rules are not adopted pursuant to section 37-1305,
12 subsection G, pursuant to rules adopted pursuant to subsection G of this
13 section.

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

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

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

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

22 7. NOT MORE THAN FIFTY PERCENT OF THE AGGREGATE AMOUNT OF
23 LIABILITIES INCURRED IN ANY SINGLE DISASTER OR EMERGENCY DECLARED DUE TO
24 FLOOD OR FIRE PURSUANT TO THIS SECTION SHALL BE SET ASIDE FOR
25 REIMBURSEMENT OF EXPENSES INCURRED BY A POLITICAL SUBDIVISION OF THIS
26 STATE TO MITIGATE DAMAGE FROM THE FLOOD OR FIRE.

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

31 Amend title to conform

And, as so amended, it do pass

WALT BLACKMAN
CHAIRMAN

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