

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SENATE BILL 1002

AN ACT

AMENDING SECTIONS 34-225, 41-608, 41-791.02 AND 41-806, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-811, 41-812, 41-813, 41-814 AND 41-815, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 41-1713, ARIZONA REVISED STATUTES; RELATING TO THE GOVERNMENTAL MALL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 34-225, Arizona Revised Statutes, is amended to
3 read:

4 34-225. Governmental mall; private and public development;
5 construction contracts; limitations

6 A political subdivision of the state may not authorize pursuant to
7 its planning and zoning or other powers the private or public development
8 of structures or sites or award a construction contract for new buildings
9 or improvements within the governmental mall ~~comprised~~ COMPOSED of the
10 area described in section ~~41-1362~~ 41-812 without a request for permission
11 from, and written approval by, the ~~legislative~~ ARIZONA governmental mall
12 commission.

13 Sec. 2. Section 41-608, Arizona Revised Statutes, is amended to
14 read:

15 41-608. Veterans' donations fund; grants

16 A. The veterans' donations fund is established consisting of
17 monies, gifts and contributions donated to the department and monies
18 deposited pursuant to sections 28-2414, 28-2428, 28-2431, 28-2447,
19 28-2454, 28-2473, 28-2474, 28-2475 and 43-620. The department shall
20 administer the fund. Monies in the fund are continuously appropriated.
21 The monies in the fund are exempt from the provisions of section 35-190
22 relating to lapsing of appropriations. The department shall adopt rules
23 or policies for grants of less than five thousand dollars that encourage
24 as much competition as practicable.

25 B. The director or the director's designee may solicit and receive
26 donations, including in-kind donations, from the public for veterans. The
27 director shall deposit, pursuant to sections 35-146 and 35-147, the
28 monetary donations in the veterans' donations fund. Monies in the fund
29 are subject to state auditing procedures. Except for monies deposited
30 pursuant to sections 28-2431 and 28-2447, the donations may be used for
31 the benefit of the veterans within this state as grants, subject to
32 chapter 24 of this title, if applicable.

33 C. The director shall establish a separate subaccount in the
34 veterans' donations fund for the deposit of monies received pursuant to
35 section 28-2431, subsection C. The monies in the subaccount shall be used
36 for the construction and maintenance of the enduring freedom memorial
37 authorized pursuant to section ~~41-1363~~ 41-813 for placement in Wesley
38 Bolin Plaza.

39 D. The director shall establish a separate subaccount in the
40 veterans' donations fund for the deposit of monies received pursuant to
41 section 28-2447, subsection C. The monies in the subaccount shall be used
42 for the benefit of women veterans in this state, including providing
43 shelter to homeless women veterans as grants, subject to chapter 24 of
44 this title, if applicable.

1 E. The director shall establish a separate subaccount in the
2 veterans' donations fund for the deposit of monies received pursuant to
3 section 28-2454, subsection C. The first thirty-two thousand dollars in
4 the subaccount shall be reimbursed to the person that provides the
5 thirty-two thousand dollars pursuant to section 28-2454, subsection A.
6 The director shall annually allocate monies from the subaccount to a
7 foundation that is qualified under section 501(c)(3) of the United States
8 internal revenue code for federal income tax purposes and that is the
9 nation's oldest and largest provider of need-based scholarships to
10 children of United States military members. The foundation must:

- 11 1. Have been in existence for at least fifty-two years.
- 12 2. Have provided more than thirty-three thousand scholarships that
13 are valued at almost ninety million dollars.
- 14 3. Have a mission that includes honoring marines and educating
15 their children.
- 16 4. Award scholarship monies to children of marines and navy
17 corpsmen who were killed or wounded in combat or who have demonstrated
18 financial need.

19 F. The director shall inventory and account for the use of any
20 tangible personal property donated to the fund.

21 G. On notice from the director, the state treasurer shall invest
22 and divest monies in the fund as provided by section 35-313, and monies
23 earned from investment shall be credited to the fund.

24 Sec. 3. Section 41-791.02, Arizona Revised Statutes, is amended to
25 read:

26 41-791.02. Powers and duties relating to acquiring property;
27 lease purchase agreements; eminent domain

28 A. The director may acquire, in the name of this state, by gift,
29 grant, purchase, lease purchase, condemnation or any other lawful manner,
30 real property, buildings, energy systems or energy management systems
31 which are necessary, useful or convenient for the use of this state, but
32 no land or building may be acquired by purchase or condemnation without
33 prior approval of the joint committee on capital review and an
34 appropriation of monies by the legislature for such acquisition.

35 B. Any lease purchase agreement relating to land acquisition,
36 capital projects, energy systems or energy management systems under this
37 section shall provide that:

38 1. The obligation of this state to make any payment under the
39 agreement is a current expense of the department, payable exclusively from
40 appropriated monies, and is not a general obligation indebtedness of this
41 state or the department.

42 2. If the legislature fails to appropriate monies or the department
43 fails to allocate such monies for any periodic payment or renewal term of
44 the agreement, the agreement terminates at the end of the current term and

1 this state and the department are relieved of any subsequent obligation
2 under the agreement.

3 3. The agreement shall be reviewed and approved by the attorney
4 general before the agreement may take effect.

5 4. The agreement shall be reviewed and approved by the joint
6 committee on capital review before the agreement takes effect.

7 C. The department may covenant to use its best efforts to budget,
8 obtain, allocate and maintain sufficient appropriated monies to make
9 payments under a lease purchase agreement, but the agreement shall
10 acknowledge that appropriating state monies is a legislative act and is
11 beyond the control of the department or of any other party to the
12 agreement.

13 D. A lease purchase agreement under this section shall be submitted
14 to the attorney general to review for compliance with the constitution and
15 laws of this state. If in his opinion the agreement so complies, he shall
16 append his certification to the agreement, return it to the department and
17 transmit a copy to the joint committee on capital review. On request by
18 the director the attorney general may give other opinions relating to the
19 agreement.

20 E. A lease purchase agreement under this section shall be reviewed
21 and approved by the joint committee on capital review before the agreement
22 takes effect.

23 F. The director may lease any property owned by this state at fair
24 rental value, or on other terms and conditions if the lessee is a
25 political subdivision of this state. If the property was purchased
26 through the capital outlay stabilization fund as set forth in section
27 41-792.01, subsection A, the net income received from any such lease shall
28 be credited to the capital outlay stabilization fund. All other lease net
29 incomes shall be credited to the state general fund.

30 G. The director, with the consent of the governor, may lease
31 property which is acquired under this article for public purposes and
32 convey in the name of this state easements for roadways, walkways and
33 utility purposes on any of the real property acquired under this article.

34 H. If the power of eminent domain is exercised, it shall be
35 exercised as provided in sections 12-1111 through 12-1128.

36 I. The amount paid for any property purchased by the department,
37 except such property as may be acquired by condemnation and property
38 acquired in any manner within the governmental mall comprised of the area
39 described in section ~~41-1362~~ 41-812, shall not exceed the appraised value
40 as fixed by an appraiser to be appointed by the director who shall be a
41 well qualified appraiser and a designated member of a nationally
42 recognized real estate appraisal association, institute or society. If
43 the department orders only one appraisal of the property, the property
44 owner may request, and the department shall provide, a second appraisal.

1 Each appraisal ordered by the department for a property shall be conducted
2 by a different firm. If more than one appraisal is conducted, the
3 director may use either appraisal in determining the appraised value
4 affixed by the appraiser. A contract for appraisal services shall be
5 awarded in accordance with chapter 23 of this title. Before the property
6 within the governmental mall is acquired as provided in this subsection,
7 the joint committee on capital review shall review and approve the
8 purchase of the property.

9 J. The director may dispose of real property acquired by the
10 department or any right, title or other interest in such property if the
11 director determines that it is no longer needed or used for state
12 purposes. The director, after the establishment, laying out or
13 substantial completion of an improvement to such real property, may convey
14 the real property or any interest in the real property which the director
15 determines is not necessary, useful or convenient for the use of such
16 improvement by this state. The conveyance shall be made to the highest
17 and most responsible bidder at a public sale held for that purpose.

18 Sec. 4. Section 41-806, Arizona Revised Statutes, is amended to
19 read:

20 41-806. Use of renewable energy; department of administration
21 facilities; definitions

22 A. If the cost of renewable energy is not more than five ~~per cent~~
23 PERCENT higher than the cost of traditional power, the department of
24 administration shall meet the following minimum requirements for use of
25 renewable energy to provide power to the department's facilities in the
26 governmental mall:

- 27 1. On or before January 1, 2003, one ~~per cent~~ PERCENT.
- 28 2. On or before January 1, 2004, two ~~per cent~~ PERCENT.
- 29 3. On or before January 1, 2005, three ~~per cent~~ PERCENT.
- 30 4. On or before January 1, 2010, ten ~~per cent~~ PERCENT.

31 B. For the purposes of this section:

32 1. "Governmental mall" means the governmental mall described in
33 section ~~41-1362~~ 41-812.

34 2. "Renewable energy" includes solar energy, geothermal energy,
35 wind energy and biomass energy.

36 Sec. 5. Section 41-811, Arizona Revised Statutes, as transferred
37 and renumbered, is amended to read:

38 41-811. Governmental mall commission; members; terms;
39 compensation; definition

40 A. ~~A legislative~~ THE ARIZONA governmental mall commission is
41 established consisting of THE FOLLOWING MEMBERS:

- 42 1. Two members appointed by the governor, one of whom shall have
43 experience in land planning or architecture.

- 1 2. The president of the senate or the president's designee as an
2 advisory member.
- 3 3. The speaker of the house of representatives or the speaker's
4 designee as an advisory member.
- 5 4. One member of the public appointed by the president of the
6 senate.
- 7 5. One member of the public appointed by the speaker of the house
8 of representatives.
- 9 6. The director ~~of the department of administration~~ or the
10 director's designee **WHO IS RESPONSIBLE FOR ADMINISTERING THE COMMISSION.**
11 **THE DIRECTOR OR DIRECTOR'S DESIGNEE IS AN EX OFFICIO MEMBER AND**
12 **CHAIRPERSON OF THE COMMISSION.**
- 13 7. The chairman of the historical advisory commission established
14 by section 41-151.20 or the chairman's designee.
- 15 8. Two members appointed by the chairman of the Maricopa county
16 board of supervisors. One of these members shall have experience in
17 county planning.
- 18 9. Two members appointed by the mayor of the city of Phoenix. One
19 of these members shall have experience in urban planning.
- 20 B. The term of office of the public members is three years.
- 21 C. Members of the commission are not eligible to receive
22 compensation but are eligible for reimbursement of expenses pursuant to
23 title 38, chapter 4, article 2.
- 24 ~~D. A member of the commission who is more than one hundred years of~~
25 ~~age may vote by proxy as determined by the person who appointed the~~
26 ~~member, or by any other method that is agreeable to both the member and~~
27 ~~the person who appointed the member. If a member of the commission is~~
28 ~~more than one hundred years of age, five other members of the commission~~
29 ~~constitute a quorum.~~
- 30 ~~E. The commission established by this section ends on July 1, 2025~~
31 ~~pursuant to section 41-3103.~~
- 32 **D. SIX MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM, EXCEPT THAT**
33 **IF THE CHAIRMAN APPOINTS A SUBCOMMITTEE OF THE BOARD A MAJORITY OF THE**
34 **MEMBERS OF THE SUBCOMMITTEE SHALL CONSTITUTE A QUORUM.**
- 35 **E. THE COMMISSION SHALL ELECT A VICE-CHAIRPERSON TO SERVE AS**
36 **CHAIRPERSON IN THE CHAIRPERSON'S ABSENCE.**
- 37 F. For the purposes of this section, "advisory member" means a
38 member who gives advice to the other members of the ~~legislative~~ **ARIZONA**
39 governmental mall commission at meetings of the commission but who is not
40 eligible to vote, is not a member for purposes of determining whether a
41 quorum is present, and is not eligible to receive any compensation or
42 reimbursement of expenses by the commission.

1 Sec. 6. Section 41-812, Arizona Revised Statutes, as transferred
2 and renumbered, is amended to read:

3 41-812. Powers and duties; governmental mall description;
4 duty of city of Phoenix; general plan application

5 A. The commission may:

6 1. Accept gifts or grants of monies or other property from any
7 person, including the United States or any agencies, departments or
8 officers of the state.

9 2. Appoint and employ officers and employees as it deems necessary.

10 3. Prescribe rules as necessary to carry out the provisions of this
11 article.

12 B. The commission shall:

13 ~~1. Elect a chairman from among its members.~~

14 ~~2.~~ 1. Develop and maintain and amend as necessary a comprehensive
15 long-range general plan for the development of the governmental mall
16 ~~comprised~~ COMPOSED of the area described in subsection C of this section.

17 ~~3.~~ 2. Encourage public agencies as defined in section 11-951 to
18 enter into intergovernmental agreements or contracts pursuant to title 11,
19 chapter 7, article 3 as necessary to implement the general plan for the
20 development of the governmental mall.

21 ~~4.~~ 3. Review and approve or disapprove in writing requests for
22 permission to develop structures or sites or award construction contracts
23 for new buildings or improvements within the governmental mall. The
24 commission shall review requests submitted by ~~the~~ THIS state or a
25 political subdivision of this state in which ~~the~~ THIS state or political
26 subdivision has a contractual interest to ensure consistency with the
27 approved general plan.

28 ~~5.~~ 4. Review all planning activities within governmental mall
29 boundaries.

30 ~~6.~~ 5. Publish an annual report on the issues brought before the
31 commission and its recommendations ON OR BEFORE DECEMBER 1.

32 6. PROVIDE A COPY OF ALL LEGAL ACTION SCHEDULED TO BE HEARD BY THE
33 COMMISSION TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
34 REPRESENTATIVES WITHIN FIVE WORKING DAYS BEFORE THE COMMISSION MEETING.

35 C. The governmental mall is ~~comprised~~ COMPOSED of the area with a
36 western boundary of nineteenth avenue, a northern boundary of all lots
37 abutting Van Buren street, an eastern boundary of seventh avenue and a
38 southern boundary of the Harrison street alignment.

39 D. The city of Phoenix annually shall inform the commission of new
40 major development projects and new major infrastructure improvements,
41 including ~~but not limited to~~ parks, streets and street-scaping within the
42 downtown area redevelopment plan as defined ~~pursuant to~~ IN section
43 36-1471.

1 E. If the general plan of the city, county or state agency for land
2 development does not conform with the general plan developed by the
3 commission for the development of the governmental mall, the general plan
4 developed by the commission for the development of the governmental mall
5 applies and shall be enforced.

6 Sec. 7. Section 41-813, Arizona Revised Statutes, as transferred
7 and renumbered, is amended to read:

8 41-813. Monuments and memorials within governmental mall;
9 legislative authorization; approval; procedure

10 A. Notwithstanding section 34-225 or any other law, a monument or
11 memorial in recognition of or honoring a person, group, entity or event
12 shall be located in the governmental mall only if a prior legislative act
13 authorizes the monument or memorial.

14 B. After legislative authorization, a monument or memorial may be
15 established by the following procedures:

16 1. The proponents shall submit a concept to the department ~~of~~
17 ~~administration~~ for the design, dimensions and location of the monument or
18 memorial.

19 2. The department ~~of administration~~ shall review the concept and
20 determine the most appropriate location that highlights the monument or
21 memorial and preserves the integrity of the governmental mall.

22 3. The department ~~of administration~~ shall submit its review and
23 recommendations to the ~~legislative~~ ARIZONA governmental mall commission,
24 including recommendations regarding its ability to maintain the monument
25 or memorial.

26 4. After recommendations from the historical advisory commission
27 regarding the historical integrity of the monument or memorial and after
28 any necessary negotiations with the proponents, the ~~legislative~~ ARIZONA
29 governmental mall commission, in consultation with the department ~~of~~
30 ~~administration~~, shall approve the final design, dimensions, location and
31 maintenance requirements of the monument or memorial, the minimum dollar
32 amount required for deposit in the state monument and memorial repair fund
33 established by section ~~41-1365~~ 41-815 and any statement, declaration,
34 writing or inscription that will be imprinted or stamped on the monument
35 or memorial.

36 5. Before the beginning of construction of the monument or
37 memorial, the proponents shall enter into a contract with the department
38 ~~of administration~~ specifying the conditions of the design, dimensions and
39 location of the monument or memorial, a list of the artists, contractors
40 and subcontractors that will be employed, the minimum dollar amount
41 required for deposit in the state monument and memorial repair fund
42 established by section ~~41-1365~~ 41-815 and a verification that all
43 employees for the project are insured and that this state is indemnified
44 against any liability in regard to the construction.

1 6. An approved monument or memorial shall be completed and
2 dedicated to this state within two years after the effective date of the
3 legislative act authorizing the monument or memorial.

4 C. Except as otherwise provided in this section or section ~~41-1365~~
5 ~~41-815~~, all fund-raising, establishment and administration of a fund for
6 deposit of monies and contracts for artistic design and construction of
7 the monument or memorial are the sole responsibility of the proponents.

8 D. If the completed monument or memorial deviates from the final
9 design or dimension that was approved by the ~~legislative~~ ARIZONA
10 governmental mall commission or any statement, declaration, writing or
11 inscription that is imprinted or stamped on the monument or memorial
12 deviates from that which was approved by the ~~legislative~~ ARIZONA
13 governmental mall commission, the proponents are responsible for any costs
14 incurred to conform the monument or memorial to the approved form.

15 E. The proponents shall collect an amount equal to at least ten ~~per~~
16 ~~cent~~ PERCENT of the artistic design and construction costs of the monument
17 or memorial or the amount approved by the ~~legislative~~ ARIZONA governmental
18 mall commission as provided in subsection B of this section. The
19 department ~~of administration~~ shall deposit these monies in the state
20 monument and memorial repair fund established by section ~~41-1365~~ ~~41-815~~
21 for the maintenance, repair, reconditioning or relocation of that monument
22 or memorial. The monies must be deposited in the fund before the
23 beginning of construction of the monument or memorial.

24 F. On review and approval by the ~~legislative~~ ARIZONA governmental
25 mall commission, the department ~~of administration~~ may relocate monuments
26 or memorials that are located in the governmental mall.

27 G. This section does not apply to monuments or memorials in which a
28 political subdivision has a contractual interest and that are located in
29 the governmental mall but that are outside Wesley Bolin plaza.

30 Sec. 8. Section 41-814, Arizona Revised Statutes, as transferred
31 and renumbered, is amended to read:

32 41-814. Alteration or modification to monuments and memorials
33 within governmental mall; procedures; approval

34 A. Any alteration or modification to an existing monument or
35 memorial that was completed pursuant to section ~~41-1363~~ ~~41-813~~ must abide
36 by the following procedures:

37 1. The proponents of the monument or memorial that submitted the
38 concept pursuant to section ~~41-1363~~ ~~41-813~~ shall submit the proposed
39 alteration or modification to the ~~legislative~~ ARIZONA governmental mall
40 commission.

41 2. After recommendations from the historical advisory commission
42 regarding what impact the proposed alteration or modification would have
43 on the historical integrity of the existing monument or memorial and after
44 any necessary negotiations with the proponents, the ~~legislative~~ ARIZONA

1 governmental mall commission shall approve or reject the proposed
2 alteration or modification.

3 3. If the proposed alteration or modification is approved and
4 before the beginning of construction involved in implementing the
5 alteration or modification to the monument or memorial, the proponents
6 shall enter into a contract with the department ~~of administration~~
7 specifying the scope of the alteration or modification to the monument or
8 memorial, a list of the artists, contractors and subcontractors that will
9 be employed and a verification that all employees for the project are
10 insured and that this state is indemnified against any liability in regard
11 to the construction involved in implementing the alteration or
12 modification to the monument or memorial.

13 4. The alteration or modification to an existing monument or
14 memorial shall be completed and dedicated to this state within two years
15 after the effective date of the approval of the alteration or modification
16 by the ~~legislative~~ ARIZONA governmental mall commission.

17 B. All fund-raising, establishment and administration of a fund for
18 deposit of monies and contracts for artistic design and construction of
19 the alteration or modification to the existing monument or memorial are
20 the sole responsibility of the proponents.

21 Sec. 9. Section 41-815, Arizona Revised Statutes, as transferred
22 and renumbered, is amended to read:

23 41-815. State monument and memorial repair fund; purpose;
24 report

25 A. The state monument and memorial repair fund is established
26 consisting of:

- 27 1. Donations.
- 28 2. Monies derived from fund-raising activities.
- 29 3. Monies that are collected by the proponents of a monument or
30 memorial and that are deposited pursuant to section ~~41-1363~~ 41-813.
- 31 4. Grants received for monuments or memorials, except for otherwise
32 specifically dedicated grants.
- 33 5. Legislative appropriations.

34 B. The department ~~of administration~~ shall administer the fund. All
35 monies in the fund are subject to legislative appropriation. Subject to
36 this section, the department shall use monies appropriated from the fund
37 for the maintenance, repair, reconditioning or relocation of monuments or
38 memorials and for supporting mechanical equipment in the governmental
39 mall.

40 C. The department shall separately account for monies to a specific
41 monument or memorial that is dedicated to this state for maintenance,
42 repair, reconditioning or relocation of that monument or memorial as
43 follows:

1 1. Monies that are donated for the benefit of the specific monument
2 or memorial.

3 2. Monies that are derived from fund-raising activities and that
4 are collected for the benefit of a specific monument or memorial.

5 3. Monies that are collected and deposited pursuant to subsection
6 A, paragraph 3 of this section.

7 D. On or before November 1 of each year, the department ~~of~~
8 ~~administration~~ shall submit to the ~~legislative~~ ARIZONA governmental mall
9 commission a report that accounts for all monies deposited in the fund.
10 The report shall include the sources of the monies received for deposit,
11 by category, and the purposes for which the monies were used during the
12 preceding fiscal year.

13 E. The department ~~of administration~~ shall hold the monies in the
14 fund in trust for the citizens of this state until spent on an authorized
15 monument or memorial, and monies in the fund shall not be spent or
16 appropriated for any other purpose.

17 F. Monies in the fund are exempt from the provisions of section
18 35-190 relating to lapsing of appropriations.

19 Sec. 10. Heading change

20 The article heading of title 41, chapter 8, article 4, Arizona
21 Revised Statutes, is changed from "LEGISLATIVE GOVERNMENTAL MALL" to
22 "ARIZONA GOVERNMENTAL MALL".

23 Sec. 11. Transfer and renumber

24 Title 41, chapter 8, article 4, Arizona Revised Statutes, is
25 transferred and renumbered for placement in title 41, chapter 4, Arizona
26 Revised Statutes, as article 8. The following sections are transferred
27 and renumbered for placement in title 41, chapter 4, article 8, Arizona
28 Revised Statutes:

<u>Former Sections</u>	<u>New Sections</u>
41-1361	41-811
41-1362	41-812
41-1363	41-813
41-1364	41-814
41-1365	41-815

35 Sec. 12. Section 41-1713, Arizona Revised Statutes, is amended to
36 read:

37 41-1713. Powers and duties of director; authentication of
38 records

39 A. The director of the department shall:

40 1. Be the administrative head of the department.

41 2. Subject to the merit system rules, appoint, suspend, demote,
42 promote or dismiss all other classified employees of the department on the
43 recommendation of their respective division superintendent. The director
44 shall determine and furnish the law enforcement merit system council

1 established by section 41-1830.11 with a table of organization. The
2 superintendent of each division shall serve at the concurrent pleasure of
3 the director and the governor.

4 3. Except as provided in sections 12-119, 41-1304 and 41-1304.05,
5 employ officers and other personnel as the director deems necessary for
6 the protection and security of the state buildings and grounds in the
7 governmental mall described in section ~~41-1362~~ 41-812, state office
8 buildings in Tucson and persons who are on any of those properties.
9 Department officers may make arrests and issue citations for crimes or
10 traffic offenses and for any violation of a rule adopted under section
11 41-796. For the purposes of this paragraph, security does not mean
12 security services related to building operation and maintenance functions
13 provided by the department of administration.

14 4. Make rules necessary for the operation of the department.

15 5. Annually submit a report of the work of the department to the
16 governor and the legislature, or more often if requested by the governor
17 or the legislature.

18 6. Appoint a deputy director with the approval of the governor.

19 7. Adopt an official seal that contains the words "department of
20 public safety" encircling the seal of this state as part of its design.

21 8. Investigate, on receipt, credible evidence that a licensee or
22 registrant has been arrested for, charged with or convicted of an offense
23 that would preclude the person from holding a license or registration
24 certificate issued pursuant to title 32, chapter 26.

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

32 10. Adopt and administer the breath, blood or other bodily
33 substances test rules pursuant to title 28, chapter 4.

34 11. Develop procedures to exchange information with the department
35 of transportation for any purpose related to sections 28-1324, 28-1325,
36 28-1326, 28-1462 and 28-3318.

37 12. Collaborate with the state forester in presentations to
38 legislative committees on issues associated with wildfire prevention,
39 suppression and emergency management as provided by section 37-1302,
40 subsection B.

41 B. The director may:

42 1. Issue commissions to officers of the department.

43 2. Request the cooperation of the utilities, communication media
44 and public and private agencies and any sheriff or other peace officer in

1 any county or municipality, within the limits of their respective
2 jurisdictions when necessary, to aid and assist in the performance of any
3 duty imposed by this chapter.

4 3. Cooperate with any public or private agency or person to receive
5 or give necessary assistance and may contract for such assistance subject
6 to legislative appropriation controls.

7 4. Utilize the advice of the board and cooperate with sheriffs,
8 local police and peace officers within the state for the prevention and
9 discovery of crimes, the apprehension of criminals and the promotion of
10 public safety.

11 5. Acquire in the name of the state, either in fee or lesser estate
12 or interest, all real or any personal property that the director considers
13 necessary for the department's use, by purchase, donation, dedication,
14 exchange or other lawful means. All acquisitions of personal property
15 pursuant to this paragraph shall be made as prescribed in chapter 23 of
16 this title unless otherwise provided by law.

17 6. Dispose of any property, real or personal, or any right, title
18 or interest in the property, when the director determines that the
19 property is no longer needed or necessary for the department's use.
20 Disposition of personal property shall be as prescribed in chapter 23 of
21 this title. The real property shall be sold by public auction or
22 competitive bidding after notice published in a daily newspaper of general
23 circulation, not less than three times, two weeks before the sale and
24 subject to the approval of the director of the department of
25 administration. When real property is sold, it shall not be sold for less
26 than the appraised value as established by a competent real estate
27 appraiser. Any monies derived from the disposal of real or personal
28 property shall be deposited, pursuant to sections 35-146 and 35-147, in
29 the Arizona highway patrol fund as authorized by section 41-1752,
30 subsection B, paragraph 6.

31 7. Sell, lend or lease personal property directly to any state,
32 county or local law enforcement agency. Personal property may be sold or
33 leased at a predetermined price without competitive bidding. Any state,
34 county or local law enforcement agency receiving personal property may not
35 resell or lease the property to any person or organization except for
36 educational purposes.

37 8. Dispose of surplus property by transferring the property to the
38 department of administration for disposition to another state budget unit
39 or political subdivision if the state budget unit or political subdivision
40 is not a law enforcement agency.

41 9. Lease or rent personal property directly to any state law
42 enforcement officer for the purpose of traffic safety, traffic control or
43 other law enforcement related activity.

1 10. Sell for one dollar, without public bidding, the department
2 issued handgun or shotgun to a department officer on duty related
3 retirement pursuant to title 38, chapter 5, article 4. Any monies derived
4 from the sale of the handgun or shotgun to the retiring department officer
5 shall be deposited, pursuant to sections 35-146 and 35-147, in the Arizona
6 highway patrol fund as authorized by section 41-1752, subsection B,
7 paragraph 6.

8 11. Conduct state criminal history records checks for the purpose
9 of updating and verifying the status of current licensees or registrants
10 who have a license or certificate issued pursuant to title 32, chapter 26.
11 The director shall investigate, on receipt, credible evidence that a
12 licensee or registrant has been arrested for, charged with or convicted of
13 an offense that would preclude the person from holding a registration
14 certificate issued pursuant to title 32, chapter 26.

15 12. Grant a maximum of two thousand eighty hours of industrial
16 injury leave to any sworn department employee who is injured in the course
17 of the employee's duty, any civilian department employee who is injured in
18 the course of performing or assisting in law enforcement or hazardous
19 duties or any civilian department employee who was injured as a sworn
20 department employee rehired after August 9, 2001 and would have been
21 eligible pursuant to this paragraph and whose work-related injury prevents
22 the employee from performing the normal duties of that employee's
23 classification. This industrial injury leave is in addition to any
24 vacation or sick leave earned or granted to the employee and does not
25 affect the employee's eligibility for any other benefits, including
26 workers' compensation. The employee is not eligible for payment pursuant
27 to section 38-615 of industrial injury leave that is granted pursuant to
28 this paragraph. Subject to approval by the law enforcement merit system
29 council, the director shall adopt rules and procedures regarding
30 industrial injury leave hours granted pursuant to this paragraph.

31 13. Sell at current replacement cost, without public bidding, the
32 department issued badge of authority to an officer of the department on
33 the officer's promotion or separation from the department. Any monies
34 derived from the sale of the badge to an officer shall be deposited,
35 pursuant to sections 35-146 and 35-147, in the department of public safety
36 administration fund to offset replacement costs.

37 C. The director and any employees of the department that the
38 director designates in writing may use the seal adopted pursuant to
39 subsection A, paragraph 7 of this section to fully authenticate any
40 department records and copies of these records. These authenticated
41 records or authenticated copies of records shall be judicially noticed and
42 shall be received in evidence by the courts of this state without any
43 further proof of their authenticity.

