

PROPOSED
SENATE AMENDMENTS TO H.B. 2062
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 26-101, Arizona Revised Statutes, is amended to
3 read:

4 26-101. Department of emergency and military affairs;
5 organization; adjutant general; qualifications

6 A. The department of emergency and military affairs is established
7 consisting of ~~a~~ THE division of emergency management and other divisions
8 or offices as determined by the adjutant general pursuant to section
9 26-102, subsection C, paragraph 8.

10 B. The department ~~shall consist~~ CONSISTS of the adjutant general and
11 such other officers, warrant officers, enlisted personnel and employees as
12 deemed necessary.

13 C. The department shall be administered and controlled by the
14 governor as commander-in-chief. The adjutant general shall be the director
15 of the department.

16 D. The adjutant general shall be appointed by the governor pursuant
17 to section 38-211 and shall serve at the pleasure of the governor. The
18 person appointed shall be a citizen of the United States, HAVE SERVED TWO
19 OF THE FIVE YEARS IMMEDIATELY PRECEDING APPOINTMENT IN THE NATIONAL GUARD
20 IN THE STATE OR TERRITORY WHERE THE PERSON IS AN ASSIGNED MEMBER and
21 establish ~~their~~ domicile in Arizona for residency purposes within ninety
22 days ~~of~~ AFTER appointment. IN APPOINTING THE ADJUTANT GENERAL, THE
23 GOVERNOR MAY GIVE PREFERENCE TO A PERSON WHO HAS SERVED IN THE NATIONAL
24 GUARD OF THIS STATE. At the time of the appointment, the person appointed
25 shall have qualifications required by the United States department of

1 defense for the adjutant general and shall attain federal recognition in a
2 grade ~~not less than~~ OF AT LEAST brigadier general not later than two years
3 after the appointment. Failure to meet these qualifications, failure to
4 retain federal recognition or ~~attainment of~~ FAILURE TO MEET the age
5 provided by federal law relating to state adjutants general shall terminate
6 the appointment.

7 E. The adjutant general shall receive compensation as determined
8 pursuant to section 38-611, and shall devote full time to the office.

9 F. At the time of appointment, the adjutant general shall receive
10 the state rank of major general and, at that time, shall become the ranking
11 officer in the department of emergency and military affairs.

12 Sec. 2. Section 26-102, Arizona Revised Statutes, is amended to
13 read:

14 26-102. Powers and duties of the adjutant general

15 A. The adjutant general shall serve as head of the department AND,
16 SUBJECT TO THE ORDERS OF THE COMMANDER IN CHIEF, COMMAND THE NATIONAL GUARD
17 OF THIS STATE. The governor as commander in chief shall administer and
18 control the national guard, and the adjutant general is responsible to the
19 governor for ~~execution of~~ EXECUTING all orders relating to the militia,
20 ~~organization, activation, reactivation, inactivation and allocation of~~
21 ORGANIZING, ACTIVATING, REACTIVATING, INACTIVATING AND ALLOCATING units,
22 recruiting of personnel, public relations and ~~discipline~~ DISCIPLINING and
23 training of the national guard and those members of the militia inducted
24 into the service of this state as provided in this chapter. The adjutant
25 general shall act as military chief of staff to the governor and ~~chief~~ AS
26 THE COMMANDING GENERAL of all branches of the militia. The adjutant
27 general may belong to the national association and other organizations for
28 the betterment of the national guard, subscribe to and obtain periodicals,
29 literature and magazines of such other organizations and pay dues and
30 charges from monies of this state appropriated for that purpose. Except
31 for the authority expressly reserved for the governor, the adjutant general

1 is responsible for emergency management, and all emergency activities are
2 subject to the approval of the adjutant general.

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

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

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

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

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

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

16 6. Superintend the preparation of returns, plans and estimates
17 required by this state, by the department of the army, air force or navy
18 and by the United States secretary of defense.

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

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

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

31 10. Present to the governor before each regular session of the
32 legislature, or as otherwise required, an estimate of the financial

1 requirements for state monies for ~~operation of~~ OPERATING the department and
2 the national guard during the next fiscal year.

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

4 1. Be the administrator of the department.

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

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

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

16 5. Adopt, with the approval of the governor, rules necessary for ~~the~~
17 ~~operation of~~ OPERATING the department and for ~~the organization, governance,~~
18 ~~armament~~ ORGANIZING, GOVERNING, ARMING, equipping, ~~instruction~~ INSTRUCTING
19 and ~~compensation of~~ COMPENSATING the national guard and authorized
20 employees. Rules that are adopted for the national guard and authorized
21 employees pursuant to this paragraph shall be in force and effect when
22 approved by the governor.

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

25 7. As deemed necessary, appoint to peace officer status members of
26 the Arizona national guard who have been awarded a United States army
27 military occupational specialty as military policeman or a United States
28 air force specialty code as security policeman or who have served as a law
29 enforcement officer in any branch of the United States armed forces or as a
30 special agent of a military criminal investigative organization within the
31 United States department of defense. Before appointment as peace officers,
32 the individuals must successfully complete a course of study ~~to be~~

1 prescribed by the Arizona peace officer standards and training board.
2 Individuals appointed as peace officers pursuant to this paragraph, when
3 performing duties at facilities or on land operated or controlled by or
4 under the jurisdiction of the adjutant general, have all the powers,
5 privileges and immunities of peace officers provided by law. Individuals
6 appointed as peace officers pursuant to this paragraph are not eligible to
7 participate in funding provided by the peace officers' training fund
8 established by section 41-1825 or in the public safety personnel retirement
9 system.

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

14 9. Establish an educational program for persons who have previously
15 dropped out of high school and who are under twenty years of age but who
16 are not adjudicated delinquent. The educational program shall be
17 designated "project challenge", ~~and the program~~ shall be conducted by the
18 national guard of Arizona in a paramilitary environment. The goal of the
19 educational program is to provide persons who are enrolled in the program
20 with the knowledge and skills necessary to become productive citizens and
21 to obtain a general equivalency diploma. In addition to monies
22 appropriated for the program, the adjutant general may accept and spend
23 monies from any other lawful public or private source.

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

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

28 (b) The business transactions of the department.

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

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

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

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

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

8 1. Enter into contracts with individuals, this state, political
9 subdivisions of this state or the federal government and its agencies ~~for~~
10 ~~the TO~~ purchase, ~~acquisition, rental~~ ACQUIRE, RENT or lease ~~of~~ lands,
11 buildings or military materiel and take title in the name of this state for
12 ~~the establishment~~ ESTABLISHING and ~~maintenance of~~ MAINTAINING armories,
13 subject to legislative appropriation for these purposes.

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

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

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

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

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

27 7. Delegate the powers and duties PRESCRIBED in this section.

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

1 Sec. 3. Section 26-153, Arizona Revised Statutes, is amended to
2 read:

3 26-153. Morale, welfare and recreational fund; sources of
4 monies; exemptions

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

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

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

17 3. GIFTS, DONATIONS AND CONTRIBUTIONS TO THE DEPARTMENT ACCEPTED BY
18 THE ADJUTANT GENERAL.

19 ~~3.~~ 4. Any other nonappropriated monies received by the national
20 guard from state and federal revenue producing military activities relating
21 to morale, welfare and recreation.

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

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

30 D. Expenditures of monies in the fund are subject to rules adopted
31 by the department of emergency and military affairs and are exempt from the
32 procurement code requirements of title 41, chapter 23.

1 Sec. 4. Section 26-156, Arizona Revised Statutes, is amended to
2 read:

3 26-156. Pay of personnel

4 A. Officers and enlisted personnel of the national guard ~~shall write~~
5 on state ACTIVE duty by order of the governor or adjutant general SHALL
6 receive the same pay and allowance, including longevity pay, as prescribed
7 for respective grades in the armed forces of the United States. PERSONNEL
8 ON STATE ACTIVE DUTY FOR MORE THAN THIRTY CONSECUTIVE DAYS SHALL RECEIVE
9 THE SAME LEAVE ENTITLEMENTS PRESCRIBED FOR THE UNITED STATES ARMED FORCES.

10 B. Service for longevity pay shall include all time served in the
11 national guard of ~~the THIS~~ state ~~prior to June 3, 1916,~~ and ~~all time served~~
12 in the armed forces and national guard of the United States and the
13 organized reserve. In addition, ~~thereto~~ enlisted personnel shall receive a
14 salary recommended by the adjutant general and approved by the governor.

15 Sec. 5. Section 26-175, Arizona Revised Statutes, is amended to
16 read:

17 26-175. Active duty tours for volunteers during peace time

18 A. The adjutant general ~~may, when he deems it~~ IF DEEMED necessary to
19 the accomplishment of a mission of the national guard, MAY call to active
20 duty in peace time to perform special and designated services any officer
21 or enlisted personnel of the national guard who volunteers for such
22 service.

23 B. The officer or enlisted personnel shall receive full pay and
24 allowances, including longevity pay, prescribed for an officer or enlisted
25 personnel of the regular services of the same grade or rank. PERSONNEL ON
26 STATE ACTIVE DUTY FOR MORE THAN THIRTY CONSECUTIVE DAYS SHALL RECEIVE THE
27 SAME LEAVE ENTITLEMENTS PRESCRIBED FOR THE UNITED STATES ARMED FORCES.
28 Such personnel shall be paid from ~~funds~~ MONIES of the state appropriated
29 for such purposes.

1 Sec. 6. Section 26-179, Arizona Revised Statutes, is amended to
2 read:

3 26-179. Tuition and fees reimbursement; eligibility; exemption

4 A. Any qualified national guardsman, ~~SPOUSE OF A NATIONAL GUARDSMAN,~~
5 ~~LEGAL DEPENDENT OF A NATIONAL GUARDSMAN OR EMPLOYEE OF THE DEPARTMENT OF~~
6 ~~EMERGENCY AND MILITARY AFFAIRS~~ who has completed a semester as a full-time
7 or part-time graduate or undergraduate student at a public or private
8 postsecondary educational institution for which credit toward a degree or
9 diploma is granted or a certificated vocational technical school in this
10 state may apply for a tuition and fees reimbursement. The adjutant general
11 shall annually adopt ~~POLICIES AND~~ procedures to allocate the appropriated
12 monies in a manner consistent with the personnel needs of the Arizona
13 national guard ~~AND THE DEPARTMENT~~, except that no right to reimbursement
14 exists beyond the amounts appropriated by the legislature. ~~THE~~
15 ~~APPROPRIATIONS MADE IN THIS SECTION ARE EXEMPT FROM THE PROVISIONS OF~~
16 ~~SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS, EXCEPT THAT ALL~~
17 ~~MONIES REMAINING UNEXPENDED OR UNENCUMBERED NINETY DAYS AFTER THE CLOSE OF~~
18 ~~THAT FISCAL YEAR REVERT TO THE STATE GENERAL FUND.~~

19 B. To be eligible for tuition and fees reimbursement, a national
20 guardsman shall ~~MEET ALL OF THE FOLLOWING~~:

21 1. Be a bona fide member of an Arizona army national guard unit or
22 Arizona air national guard unit throughout each semester for which ~~he~~ ~~THE~~
23 ~~MEMBER~~ applies for such reimbursement.

24 2. Have satisfactorily completed initial active duty service.

25 3. Have satisfactorily performed duty ~~upon~~ ~~ON~~ return from initial
26 active duty training, including a minimum ninety ~~per cent~~ ~~PERCENT~~
27 attendance on scheduled drill dates and at annual training with ~~his~~ ~~THE~~
28 ~~MEMBER'S~~ parent unit.

29 4. Maintain an average academic grade of "C" or better for each
30 semester.

31 5. Not be eligible for a certificate of eligibility and benefits
32 under the veterans' readjustment benefits act of 1966 for the same period.

1 C. TO BE ELIGIBLE FOR TUITION AND FEES REIMBURSEMENT, A SPOUSE OR
2 DEPENDENT OF A NATIONAL GUARDSMAN SHALL MEET ALL OF THE FOLLOWING:

3 1. BE THE LEGAL SPOUSE OR LEGAL DEPENDENT OF AN ARIZONA NATIONAL
4 GUARDSMAN WHO MEETS THE CRITERIA UNDER SUBSECTION B, PARAGRAPHS 1, 2 AND 3
5 OF THIS SECTION.

6 2. BE REGISTERED AS THE LEGAL SPOUSE OR LEGAL DEPENDENT OF AN
7 ARIZONA NATIONAL GUARDSMAN IN THE DEFENSE ENROLLMENT ELIGIBILITY REPORTING
8 SYSTEM OR ITS SUCCESSOR SYSTEM.

9 3. MAINTAIN AN AVERAGE ACADEMIC GRADE OF "C" OR BETTER FOR EACH
10 SEMESTER.

11 D. TO BE ELIGIBLE FOR TUITION AND FEES REIMBURSEMENT, AN EMPLOYEE OF
12 THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS SHALL MEET ALL OF THE
13 FOLLOWING:

14 1. BE A BONA FIDE EMPLOYEE OF THE DEPARTMENT THROUGHOUT EACH
15 SEMESTER FOR WHICH THE MEMBER APPLIES FOR REIMBURSEMENT.

16 2. HAVE A CURRENT JOB PERFORMANCE EVALUATION OF "MEETS EXPECTATIONS"
17 OR ITS EQUIVALENT.

18 3. MAINTAIN AN AVERAGE ACADEMIC GRADE OF "C" OR BETTER FOR EACH
19 SEMESTER.

20 4. MEET THE REQUIREMENTS PRESCRIBED BY THE DEPARTMENT OF
21 ADMINISTRATION FOR TUITION REIMBURSEMENT FOR EDUCATION AND THE POLICIES AND
22 PROCEDURES ADOPTED BY THE ADJUTANT GENERAL, INCLUDING ANY REQUIREMENT TO
23 REMAIN EMPLOYED WITH THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS FOR A
24 DEFINED PERIOD OF TIME OR BE REQUIRED TO RETURN ALL OR A PORTION OF THE
25 AMOUNT OF TUITION AND FEES REIMBURSEMENT RECEIVED.

26 Sec. 7. Section 26-180, Arizona Revised Statutes, is amended to
27 read:

28 26-180. Application for tuition and fees reimbursement; times

29 A. AN application for tuition and fees reimbursement shall be
30 submitted to the office of the adjutant general.

31 B. ~~Within fifteen~~ NOT LATER THAN TWENTY-ONE days after ~~registration~~
32 ~~for~~ THE BEGINNING OF each semester OR TERM, the NATIONAL guardsman, SPOUSE

1 OR DEPENDENT OF THE NATIONAL GUARDSMAN OR EMPLOYEE OF THE DEPARTMENT OF
2 EMERGENCY AND MILITARY AFFAIRS shall submit an application for
3 reimbursement, a certificate of enrollment, ~~AND~~ AND a notarized statement that
4 the certificate of enrollment and copies of receipts for tuition and fees
5 for ~~such~~ THAT semester are the applicant's.

6 C. Within twenty-five days after completion of the semester, the
7 ~~guardsman~~ APPLICANT shall submit ~~his~~ THE APPLICANT'S official grade
8 reports.

9 D. PURSUANT TO SECTION 26-179, SUBSECTION A, THE ADJUTANT GENERAL
10 SHALL FUND THE TUITION AND FEES REIMBURSEMENT FOR APPLICANTS IN ACCORDANCE
11 WITH THE POLICIES AND PROCEDURES ADOPTED TO SUPPORT THE PERSONNEL NEEDS OF
12 THE ARIZONA NATIONAL GUARD AND THE DEPARTMENT OF EMERGENCY AND MILITARY
13 AFFAIRS IN THE FOLLOWING ORDER:

14 1. ELIGIBLE MEMBERS OF THE ARIZONA NATIONAL GUARD.

15 2. ELIGIBLE SPOUSES AND DEPENDENTS OF MEMBERS OF THE ARIZONA
16 NATIONAL GUARD.

17 3. ELIGIBLE EMPLOYEES OF THE DEPARTMENT OF EMERGENCY AND MILITARY
18 AFFAIRS PURSUANT TO RULES ADOPTED BY THE DEPARTMENT OF ADMINISTRATION FOR
19 TUITION REIMBURSEMENT FOR EDUCATION.

20 Sec. 8. Section 26-181, Arizona Revised Statutes, is amended to
21 read:

22 26-181. Evaluation of applications; payment of tuition and
23 fees reimbursement; report

24 A. ~~Subsequent to submission of~~ AFTER APPLICANTS SUBMIT THEIR grade
25 reports, the adjutant general shall evaluate the applications for TUITION
26 AND FEES reimbursement and ~~make payment to~~ PAY those applicants the
27 adjutant general determines to be eligible.

28 B. Such reimbursement is subject to legislative appropriation and
29 shall not exceed:

30 1. The maximum amount charged for in-state tuition and fees at a
31 state university during that academic year.

1 2. The amount ~~expended~~ SPENT by the ~~national guardsman~~ THE APPLICANT
2 for in-state tuition and fees.

3 C. ~~Such~~ A reimbursement payment shall be made within forty-five days
4 ~~from~~ AFTER the date of receipt of the applicant's grade reports for the
5 semester for which reimbursement is to be paid.

6 D. The adjutant general shall report the following information as
7 provided by section 26-102, subsection C, paragraph 10:

8 1. The total number of national guardsmen ~~that~~ WHO received
9 reimbursement payments pursuant to this section during the preceding fiscal
10 year.

11 2. The number of newly recruited national guardsmen ~~that~~ WHO
12 received reimbursement payments pursuant to this section during the
13 preceding fiscal year.

14 3. THE TOTAL NUMBER OF SPOUSES AND DEPENDENTS OF NATIONAL GUARDSMEN
15 WHO RECEIVED REIMBURSEMENT PAYMENTS PURSUANT TO THIS SECTION DURING THE
16 PRECEDING FISCAL YEAR.

17 4. THE TOTAL NUMBER OF EMPLOYEES OF THE DEPARTMENT OF EMERGENCY AND
18 MILITARY AFFAIRS WHO RECEIVED REIMBURSEMENT PAYMENTS PURSUANT TO THIS
19 SECTION DURING THE PRECEDING FISCAL YEAR.

20 ~~3.~~ 5. The total amount of monies ~~expended~~ SPENT by the national
21 guard for reimbursement payments pursuant to this section during the
22 preceding fiscal year."

23 Amend title to conform

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