

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1338

AN ACT

AMENDING SECTION 37-623.02, ARIZONA REVISED STATUTES; RELATING TO THE STATE FORESTER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 37-623.02, Arizona Revised Statutes, is amended to
3 read:

4 37-623.02. Emergencies; prohibiting fireworks; liabilities and
5 expenses; fire suppression revolving fund

6 A. On request of the state forester, the governor may authorize the
7 state forester to incur liabilities for suppressing ~~wild-land~~ WILDLAND fires
8 and responding to other unplanned all risk activities from unrestricted
9 monies in the state general fund whether or not the legislature is in
10 session.

11 B. The state forester has the authority to prohibit the use of
12 fireworks during times of high fire potential in the unincorporated areas of
13 the state.

14 C. The state forester or the state forester's designee shall review
15 all liabilities incurred and expenditures made under this section and shall
16 report the expenditures to the department of administration for audit
17 according to department of administration rules. The state forester shall
18 transmit a copy of the report to the state emergency council.

19 D. Liabilities incurred under this section are subject to the
20 following limitations:

21 1. ~~Wild-land~~ WILDLAND fire suppression or other unplanned all risk
22 emergency liabilities shall not exceed ~~two~~ THREE million dollars of state
23 general fund monies pursuant to subsection A of this section in a fiscal year
24 for costs associated with suppressing ~~wild-land~~ WILDLAND fires, ~~and~~
25 supporting other unplanned all risk activities such as fire, flood,
26 earthquake, wind and hazardous material responses ~~AND TO PREPARE FOR PERIODS~~
27 ~~OF EXTREME FIRE DANGER AND PRE-POSITION EQUIPMENT AND OTHER FIRE SUPPRESSION~~
28 ~~RESOURCES TO PROVIDE FOR ENHANCED INITIAL ATTACK ON WILDLAND FIRES.~~ The
29 state forester shall not incur nonreimbursable liabilities for support of
30 nonfire all risk activities.

31 ~~2. The governor may authorize the state forester to spend an~~
32 ~~additional one million dollars of state general fund monies pursuant to~~
33 ~~subsection A of this section to prepare for periods of extreme fire danger~~
34 ~~and pre-position equipment and other fire suppression resources to provide~~
35 ~~for enhanced initial attack on wild-land fires.~~ The governor shall determine
36 when periods of extreme fire danger exist and must approve any expenditure
37 for pre-positioning activities.

38 ~~3-~~ 2. If the funding ~~authorizations~~ AUTHORIZATION in paragraph 1 ~~or 2~~
39 ~~are~~ IS exhausted, or if the nonreimbursable liabilities incurred exceed the
40 cash balance of the fire suppression revolving fund, the state forester shall
41 not incur additional liabilities without the consent of a majority of the
42 state emergency council as authorized by section 35-192.

43 E. No later than December 31 of each year the state forester shall
44 submit a report to the joint legislative budget committee and the governor
45 detailing the specific uses of all monies authorized to be expended from the

1 fire suppression revolving fund and any additional monies authorized by the
2 governor to prepare for periods of extreme fire danger and pre-position
3 equipment and other fire suppression resources to provide for enhanced
4 initial attack on ~~wild-land~~ WILDLAND fires.

5 F. Monies received for suppressing ~~wild-land~~ WILDLAND fires,
6 pre-positioning equipment and firefighting resources and other unplanned all
7 risk activities may be used for the purposes of section 37-623 and this
8 section.

9 G. The state forester shall adopt rules for administering the ~~wild~~
10 ~~land~~ WILDLAND fire suppression monies authorized under this section, subject
11 to approval of the governor.

12 H. The state forester may require reimbursement from cities and other
13 political subdivisions of this state and state and federal agencies for costs
14 incurred in the suppression of ~~wild-land~~ WILDLAND fires, pre-suppression or
15 unplanned all risk activities. Reimbursement shall be based on the terms and
16 conditions in cooperative agreements, land ownership or negligence. The
17 state forester may require reimbursement from individuals or businesses only
18 for costs incurred in the suppression of ~~wild-land~~ WILDLAND fires or
19 unplanned all risk activities caused by their negligence or criminal acts.

20 I. A fire suppression revolving fund is established for deposit of
21 monies received by the state forester for ~~wild-land~~ WILDLAND fire suppression
22 and pre-positioning equipment and resources and for payment for activities
23 related to combating ~~wild-land~~ WILDLAND fires and supporting other unplanned
24 all risk activities such as fire, flood, earthquake, wind and hazardous
25 material responses. The state forester shall not incur nonreimbursable
26 liabilities for support of nonfire all risk activities. The state forester
27 shall administer the fund, and all monies received for these activities shall
28 be deposited, pursuant to sections 35-146 and 35-147, in the fund. Monies in
29 the fire suppression revolving fund are continuously appropriated to the
30 state forester, except that if the unobligated balance of the fund exceeds
31 two million dollars at the end of any calendar year, the excess shall be
32 transferred to the state general fund. Monies in the fire suppression
33 revolving fund are otherwise exempt from the provisions of section 35-190
34 relating to lapsing of appropriations.