

REFERENCE TITLE: state forester

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1607

Introduced by
Senators Flake: Arzberger

AN ACT

AMENDING SECTIONS 37-622 AND 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 37-622, Arizona Revised Statutes, is amended to
3 read:

4 37-622. Duties of state forester; acceptance of federal law

5 A. The state forester is designated as the agent of the state of
6 Arizona and shall administer the provisions of this chapter. In addition,
7 the state forester shall:

8 1. Perform all management and administrative functions assigned or
9 delegated to this state by the United States relating to forestry and
10 financial assistance and grants relating to forestry.

11 2. Identify sources of information relating to forest management,
12 including wildfire suppression and recovery and administrative and judicial
13 appeals and litigation with respect to timber sales and forest thinning
14 projects in this state, and develop procedures for compiling and transferring
15 that information to the state forester.

16 3. Take necessary action to maximize state fire assistance grants,
17 including establishing timelines for using grant monies and reallocating
18 lapsed grant monies to other projects.

19 4. Conduct education and outreach in forest communities explaining the
20 wildfire threat to private property caused by lack of timber harvesting and
21 thinning.

22 5. Monitor forestry projects and wildfire activities.

23 6. Intervene on behalf of this state and its citizens in
24 administrative and judicial appeals and litigation that challenge
25 governmental efforts supported by the state forester if the state forester
26 determines that intervention is in the best interests of this state.

27 7. ASSIST IN DEVELOPING A MUTUAL AID PLAN TO ENABLE RAPID DEPLOYMENT
28 OF THE CLOSEST AVAILABLE FIRE SUPPRESSION RESOURCE IN THE EVENT OF A
29 WILDFIRE.

30 B. During the first regular session of each legislature, the state
31 forester shall present information to the legislative committees with
32 jurisdiction over forestry issues. The state forester shall collaborate
33 with, and invite the participation of, relevant state, federal and local
34 governmental officers and agencies. A written report is not required, but
35 the presentation shall include information concerning:

36 1. Forestry management, including the current conditions of the
37 forests in this state on federal, state and private property as affected by
38 federal, state and local public policies, climatic conditions, wildfire
39 hazards, pest infestations, overgrowth and overgrowth control policies and
40 methods and the effects of current federal policy on forest management and
41 impacts on forest land management.

42 2. The wildland-urban interface, including the effects of county and
43 municipal zoning policies and wildfire hazards on public and private
44 property.

1 3. Wildfire emergency management issues, including:
2 (a) Intergovernmental and interagency primacy, cooperation,
3 coordination, roles and training of federal, state and local forestry,
4 firefighting and law enforcement agencies.
5 (b) Channels and methods of communicating emergency information to the
6 public.
7 (c) The roles of governmental and nongovernmental disaster relief
8 agencies and organizations.
9 (d) The level of federal, state and local emergency funding.
10 C. The state forester may:
11 1. Furnish technical advice to the people of the state on forestry
12 matters.
13 2. Do all other acts necessary to take advantage of and carry out the
14 provisions of the act of Congress described in subsection D.
15 D. This state accepts the provisions of the cooperative forestry
16 assistance act of 1978 (P.L. 95-313; 92 Stat. 365; 16 United States Code
17 chapter 41) providing for federal forestry assistance programs to states.
18 Sec. 2. Section 37-623.02, Arizona Revised Statutes, is amended to
19 read:
20 37-623.02. Emergencies; prohibiting fireworks; liabilities and
21 expenses; fire suppression revolving fund
22 A. On request of the state forester, the governor may authorize the
23 state forester to incur liabilities for suppressing wild land fires and
24 responding to other unplanned all risk activities from unrestricted monies in
25 the state general fund whether or not the legislature is in session.
26 B. The state forester ~~shall have~~ HAS the authority to prohibit the use
27 of fireworks during times of high fire potential in the unincorporated areas
28 of the state.
29 C. The state forester or the state forester's designee shall review
30 all liabilities incurred and expenditures made under this section and shall
31 report the expenditures to the department of administration for audit
32 according to department of administration rules. The state forester shall
33 transmit a copy of the report to the state emergency council.
34 D. Liabilities incurred under this section are subject to the
35 following limitations:
36 1. Wild land fire suppression or other unplanned all risk emergency
37 liabilities shall not exceed ~~two-million~~ _____ dollars of state
38 general fund monies pursuant to subsection A of this section in a fiscal year
39 for costs associated with suppressing wild land fires and supporting other
40 unplanned all risk activities such as fire, flood, earthquake, wind and
41 hazardous material responses. The state forester shall not incur
42 nonreimbursable liabilities for support of nonfire all risk activities.
43 2. The governor may authorize the state forester to spend an
44 additional ~~one-million~~ _____ dollars of state general fund monies
45 pursuant to subsection A of this section to prepare for periods of extreme

1 fire danger and pre-position equipment and other fire suppression resources
 2 to provide for enhanced initial attack on wild land fires. The governor
 3 shall determine when periods of extreme fire danger exist and must approve
 4 any expenditure for pre-positioning activities.

5 3. If the funding authorizations in paragraph 1 or 2 ~~of this~~
 6 ~~subsection~~ are exhausted, or if the nonreimbursable liabilities incurred
 7 exceed the cash balance of the fire suppression revolving fund, the state
 8 forester shall not incur additional liabilities without the consent of a
 9 majority of the state emergency council as authorized by section 35-192.

10 E. No later than December 31 of each year the state forester shall
 11 submit a report to the joint legislative budget committee and the governor
 12 detailing the specific uses of all monies authorized to be expended from the
 13 fire suppression revolving fund and any additional monies authorized by the
 14 governor to prepare for periods of extreme fire danger and pre-position
 15 equipment and other fire suppression resources to provide for enhanced
 16 initial attack on wild land fires.

17 F. Monies received for suppressing wildland fires, pre-positioning
 18 equipment and firefighting resources and other unplanned all risk activities
 19 may be used for the purposes of section 37-623 and this section.

20 G. The state forester shall adopt rules for administering the wild
 21 land fire suppression monies authorized under this section, subject to
 22 approval of the governor.

23 H. The state forester may require reimbursement from cities and other
 24 political subdivisions of this state and state and federal agencies for costs
 25 incurred in the suppression of wild land fires, pre-suppression or unplanned
 26 all risk activities. Reimbursement shall be based on the terms and
 27 conditions in cooperative agreements, land ownership or negligence. The
 28 state forester may require reimbursement from individuals or businesses only
 29 for costs incurred in the suppression of wild land fires or unplanned all
 30 risk activities caused by their negligence or criminal acts.

31 I. A fire suppression revolving fund is established for deposit of
 32 monies received by the state forester for wild land fire suppression and
 33 pre-positioning equipment and resources and for payment for activities
 34 related to combating wild land fires and supporting other unplanned all risk
 35 activities such as fire, flood, earthquake, wind and hazardous material
 36 responses. The state forester shall not incur nonreimbursable liabilities
 37 for support of nonfire all risk activities. The state forester shall
 38 administer the fund, and all monies received for these activities shall be
 39 deposited, pursuant to sections 35-146 and 35-147, in the fund. Monies in
 40 the fire suppression revolving fund are continuously appropriated to the
 41 state forester, except that if the unobligated balance of the fund exceeds
 42 ~~six hundred thousand~~ _____ dollars at the end of any calendar year, the
 43 excess shall be transferred to the state general fund. Monies in the fire
 44 suppression revolving fund are otherwise exempt from the provisions of
 45 section 35-190 relating to lapsing of appropriations.