

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

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

CHAPTER 175

SENATE BILL 1607

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 fires and
8 responding to other unplanned all risk activities from unrestricted monies in
9 the state general fund whether or not the legislature is in session.

10 B. The state forester ~~shall have~~ HAS the authority to prohibit the use
11 of fireworks during times of high fire potential in the unincorporated areas
12 of the state.

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

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

20 1. Wild land fire suppression or other unplanned all risk emergency
21 liabilities shall not exceed two million dollars of state general fund monies
22 pursuant to subsection A of this section in a fiscal year for costs
23 associated with suppressing wild land 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.

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

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

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

1 F. Monies received for suppressing wild land fires, pre-positioning
2 equipment and firefighting resources and other unplanned all risk activities
3 may be used for the purposes of section 37-623 and this section.

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

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

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

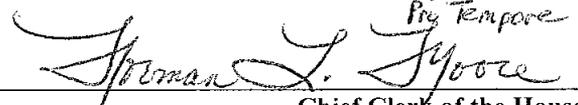
APPROVED BY THE GOVERNOR MAY 1, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.

Passed the House April 23, 20 07,

by the following vote: 54 Ayes,

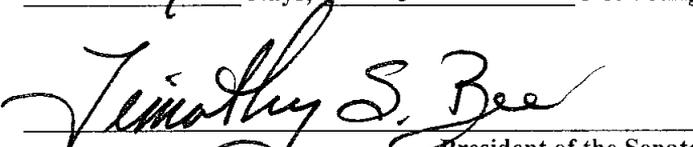
0 Nays, 6 Not Voting


Speaker of the House
Pro Tempore

Chief Clerk of the House

Passed the Senate March 5, 20 07,

by the following vote: 27 Ayes,

1 Nays, 2 Not Voting

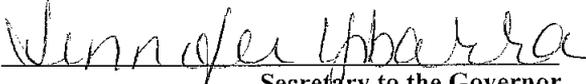

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
25th day of April, 20 07,

at 11:58 o'clock a. M.


Secretary to the Governor

Approved this 1 day of

May, 20 07,

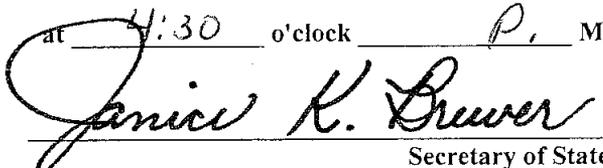
at 1st o'clock P. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 1st day of MAY, 20 07,

at 4:30 o'clock P. M.


Secretary of State

S.B. 1607