

Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 145

SENATE BILL 1189

AN ACT

AMENDING SECTIONS 37-621 AND 37-622, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3024.09; RELATING TO FORESTRY AND FIRE MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Heading change

3 The article heading of title 37, chapter 2.1, article 1, Arizona
4 Revised Statutes, is changed from "STATE FORESTER" to "ARIZONA DEPARTMENT OF
5 FORESTRY AND FIRE MANAGEMENT".

6 Sec. 2. Section 37-621, Arizona Revised Statutes, is amended to read:

7 37-621. Arizona department of forestry and fire management;
8 state forester; appointment; qualifications

9 A. THE ARIZONA DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT IS
10 ESTABLISHED TO PROVIDE RESOURCES FOR LAND MANAGEMENT AND THE PREVENTION AND
11 SUPPRESSION OF WILDLAND FIRES ON STATE LAND AND ON PRIVATE PROPERTY LOCATED
12 OUTSIDE OF CITIES AND TOWNS.

13 ~~A.~~ B. The governor shall appoint a state forester pursuant to section
14 38-211. The state forester serves at the pleasure of the governor. THE
15 STATE FORESTER IS RESPONSIBLE FOR THE DIRECTION, OPERATION AND CONTROL OF THE
16 ARIZONA DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT.

17 ~~B.~~ C. The qualifications of the state forester shall be either of the
18 following:

19 1. Graduation from a full four-year college course with a bachelor's
20 degree, with a major in forestry including five years of technical experience
21 in the forestry-land management field.

22 2. Ten years of successful and progressive technical experience in
23 forestry and land management activities of such a nature as to enable the
24 applicant to perform ~~his~~ THE duties OF THE STATE FORESTER successfully at the
25 professional level.

26 Sec. 3. Section 37-622, Arizona Revised Statutes, is amended to read:

27 37-622. Powers and duties of state forester; rules; legislative
28 presentation; acceptance of federal law

29 A. The state forester is designated as the agent of the state of
30 Arizona and shall administer ~~the provisions of~~ this chapter. ~~In addition,~~
31 The state forester shall:

32 1. EXERCISE AND PERFORM ALL POWERS AND DUTIES VESTED IN OR IMPOSED ON
33 THE ARIZONA DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT.

34 2. ADOPT RULES NECESSARY TO DISCHARGE THE POWERS AND DUTIES OF THE
35 ARIZONA DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT, INCLUDING RULES THAT
36 CREATE EFFICIENCIES, PROTECT THE PUBLIC HEALTH AND SAFETY AND PRESCRIBE
37 BUDGETARY OBLIGATIONS.

38 3. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY, DETERMINE THE
39 TERMS AND CONDITIONS OF EMPLOYMENT OF AND PRESCRIBE THE DUTIES AND POWERS OF
40 ADMINISTRATIVE, PROFESSIONAL, TECHNICAL, SECRETARIAL, CLERICAL AND OTHER
41 PERSONS AS MAY BE NECESSARY IN THE PERFORMANCE OF THE ARIZONA DEPARTMENT OF
42 FORESTRY AND FIRE MANAGEMENT'S DUTIES. THE COMPENSATION OF DEPARTMENT
43 EMPLOYEES SHALL BE AS DETERMINED PURSUANT TO SECTION 38-611.

44 4. CONTRACT FOR THE SERVICES OF OUTSIDE ADVISORS, CONSULTANTS AND
45 AIDES AS MAY BE REASONABLY NECESSARY.

1 ~~1.~~ 5. Perform all management and administrative functions assigned or
2 delegated to this state by the United States relating to forestry and
3 financial assistance and grants relating to forestry.

4 ~~2.~~ 6. Identify sources of information relating to forest management,
5 including wildfire suppression and recovery and administrative and judicial
6 appeals and litigation with respect to timber sales and forest thinning
7 projects in this state, and develop procedures for compiling and transferring
8 that information to the state forester.

9 ~~3.~~ 7. Take necessary action to maximize state fire assistance grants,
10 including establishing timelines for using grant monies and reallocating
11 lapsed grant monies to other projects.

12 ~~4.~~ 8. Conduct education and outreach in forest communities BY
13 explaining the wildfire threat to private property caused by lack of timber
14 harvesting and thinning.

15 ~~5.~~ 9. Monitor forestry projects and wildfire activities.

16 10. ASSIST IN THE DEVELOPMENT OF THE FORESTRY PRODUCTS INDUSTRY IN
17 THIS STATE.

18 ~~6.~~ 11. Intervene on behalf of this state and its citizens in
19 administrative and judicial appeals and litigation that challenge
20 governmental efforts supported by the state forester if the state forester
21 determines that intervention is in the best interests of this state.

22 ~~7.~~ 12. Annually develop and implement a comprehensive plan for the
23 deployment of state, county, municipal, fire district, volunteer fire
24 association and private fire service provider contract resources to wildfire
25 suppression activities. The wildfire deployment plan shall take into account
26 anticipated fire conditions and fire severity and may include prepositioning
27 resources as necessary. The state forester shall consult with federal land
28 management firefighting agencies, state and county emergency agencies,
29 municipal fire departments, fire districts, statewide fire district and
30 statewide fire chiefs associations, volunteer fire departments and private
31 fire contractors in the development of a comprehensive wildfire deployment
32 plan, the implementation of standards for training and certification for all
33 classes of wildland fire personnel and the implementation of standards for
34 wildland fire apparatus and equipment that ~~is~~ ARE deployed under cooperative
35 agreements with the state forester.

36 ~~8.~~ 13. Provide necessary oversight to ensure standardized training
37 and certification for all classifications of wildfire firefighters to be
38 deployed, through cooperater agreement with the state forester, to any
39 federal or state wildfire incident.

40 B. During the first regular session of each legislature, the state
41 forester shall present information to the legislative committees with
42 jurisdiction over forestry issues. The state forester shall collaborate
43 with, and invite the participation of, relevant state, federal and local
44 governmental officers and agencies. A written report is not required, but
45 the presentation shall include information concerning:

Passed the House May 5, 2016,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]
Speaker of the House

Jim Drake
Chief Clerk of the House

Passed the Senate February 8, 2016,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

Susan Owens
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of May, 2016,

at 1:48 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 11th day of

May, 2016,

at 8:58 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11th day of May, 2016,

at 2:20 o'clock P. M.

[Signature]
Secretary of State

S.B. 1189