

REFERENCE TITLE: wildfire suppression; liability; increase

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2413

Introduced by
Representatives Cook: Carbone, Hernandez A

AN ACT

AMENDING SECTION 37-1305, 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 37-1305, Arizona Revised Statutes, is amended to
3 read:
4 37-1305. 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 wildland fires and
8 responding to other unplanned all-risk activities from unrestricted monies
9 in the state general fund whether or not the legislature is in session.
10 B. The state forester has the authority to prohibit the use of
11 fireworks during times of high fire potential in the unincorporated areas
12 of ~~the~~ THIS 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
15 shall report the expenditures to the department of administration for
16 audit according to department of administration rules. The state forester
17 shall 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. Wildland fire suppression or other unplanned all-risk emergency
21 liabilities shall not exceed ~~three million dollars~~ \$8,000,000 of state
22 general fund monies pursuant to subsection A of this section in a fiscal
23 year for costs associated with suppressing wildland fires, supporting
24 other unplanned all-risk activities such as fire, flood, earthquake, wind
25 and hazardous material responses and preparing for periods of extreme fire
26 danger and pre-position equipment and other fire suppression resources to
27 provide for enhanced initial attack on wildland fires. The state forester
28 shall not incur nonreimbursable liabilities for support of nonfire
29 all-risk activities. The governor shall determine when periods of extreme
30 fire danger exist and must approve any expenditure for pre-positioning
31 activities.
32 2. If the funding authorization in paragraph 1 of this subsection
33 is exhausted, or if the nonreimbursable liabilities incurred exceed the
34 cash balance of the fire suppression revolving fund, the state forester
35 shall not incur additional liabilities without the consent of a majority
36 of the state emergency council as authorized by section 35-192.
37 E. The state forester shall process and pay claims for
38 reimbursement for wildland fire suppression services, including claims for
39 personnel hours, used supplies and reasonable and negotiated costs of
40 damage to equipment that exceeds normal wear and tear, as follows:

1 1. Except as provided by paragraph 2 of this subsection, within
2 thirty days after receiving a complete and correct claim for wildland fire
3 suppression services, the state forester shall pay the claim from
4 available monies that have not been committed to the payment of other
5 wildfire expenses.

6 2. Within thirty days after receiving a complete and correct claim
7 for wildland fire suppression services on federal lands, the state
8 forester shall complete the processing of the claim and forward the claim
9 to the appropriate federal agency.

10 3. For any valid claim other than for federal reimbursement, if
11 there is insufficient funding in the fire suppression revolving fund, the
12 holder of the unpaid claim shall be issued a certificate pursuant to
13 section 35-189.

14 4. For any valid claim for federal reimbursement, the state
15 forester shall certify the claim to the state treasurer who shall pay the
16 claim, including claims for personnel hours, used supplies and reasonable
17 and negotiated costs of damage to equipment that exceeds normal wear and
18 tear, from monies appropriated from the budget stabilization fund pursuant
19 to section 35-144, subsection A, paragraph 3. The state forester shall
20 reimburse the state treasurer within forty-five days after payment of the
21 claim by a federal agency and the state treasurer shall deposit those
22 monies in the budget stabilization fund established by section 35-144.

23 F. Monies received for suppressing wildland fires, pre-positioning
24 equipment and firefighting resources and other unplanned all-risk
25 activities may be used for the purposes of section 37-1303 and this
26 section.

27 G. The state forester shall adopt rules for administering the
28 wildland fire suppression monies authorized under this section, subject to
29 approval of the governor.

30 H. The state forester may require reimbursement from cities and
31 other political subdivisions of this state and state and federal agencies
32 for costs incurred in the suppression of wildland fires, pre-suppression
33 or unplanned all-risk activities. Reimbursement shall be based on the
34 terms and conditions in cooperative agreements, land ownership or
35 negligence. The state forester may require reimbursement from individuals
36 or businesses only for costs incurred in the suppression of wildland fires
37 or unplanned all-risk activities caused by their negligence or criminal
38 acts.

39 I. The fire suppression revolving fund is established consisting of
40 civil penalties collected pursuant to section 36-1610 and monies received
41 by the state forester for wildland fire suppression and pre-positioning
42 equipment and resources and for payment for activities related to
43 combating wildland fires and supporting other unplanned all-risk
44 activities such as fire, flood, earthquake, wind and hazardous material
45 responses. The state forester shall not incur nonreimbursable liabilities

1 for support of nonfire all-risk activities. The state forester shall
2 administer the fund, and all monies received for these activities shall be
3 deposited, pursuant to sections 35-146 and 35-147, in the fund. Monies in
4 the fire suppression revolving fund are continuously appropriated to the
5 state forester, except that if the unobligated balance of the fund exceeds
6 ~~two million dollars~~ \$2,000,000 at the end of any calendar year, the excess
7 shall be transferred to the state general fund. Monies in the fire
8 suppression revolving fund are ~~otherwise~~ exempt from the provisions of
9 section 35-190 relating to lapsing of appropriations.