

Senate Engrossed

hazardous vegetation removal; state forester

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 44

SENATE BILL 1442

AN ACT

AMENDING SECTIONS 37-483 AND 37-1306, 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 37-483, Arizona Revised Statutes, is amended to
3 read:

4 37-483. Program to remove vegetative natural products;
5 hazardous vegetation; program termination;
6 definition

7 A. ~~On or before January 1, 2018,~~ The commissioner and the state
8 forester shall collaborate to establish a program to remove vegetative
9 natural products ~~from state trust land~~ for the purposes of fire
10 ~~suppression~~ PREVENTION and forest and watershed ~~management on state lands~~
11 RESTORATION and to facilitate the development of wood products industries
12 in this state.

13 B. To implement the program to remove vegetative natural products
14 FROM STATE LAND, the commissioner and state forester may:

15 1. Coordinate and contract with public and private entities.

16 ~~2. Use programs that are designed to reduce parolee recidivism.~~

17 ~~3.~~ 2. Enter into an intergovernmental agreement pursuant to title
18 11, chapter 7, article 3 with a county, city, town, natural resource
19 conservation district or other political subdivision to share the cost of
20 implementing the program. An intergovernmental agreement entered into
21 pursuant to this paragraph must state the responsibilities of each party
22 with regard to implementing the program to remove vegetative natural
23 products from state ~~trust~~ lands.

24 C. TO IMPLEMENT THE PROGRAM TO REMOVE VEGETATIVE NATURAL PRODUCTS
25 WHERE THE VEGETATION IS HAZARDOUS, THE STATE FORESTER MAY:

26 1. ENTER INTO AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO TITLE 11,
27 CHAPTER 7, ARTICLE 3 OR A MEMORANDUM OF UNDERSTANDING WITH A PUBLIC AGENCY
28 TO IDENTIFY AND REMOVE THE HAZARDOUS VEGETATION FROM LAND IN THIS STATE,
29 INCLUDING STATE, FEDERAL, TRIBAL AND PRIVATE LANDS FOR THE PURPOSES OF
30 FIRE PREVENTION, FOREST AND WATERSHED RESTORATION AND CRITICAL
31 INFRASTRUCTURE PROTECTION. AN INTERGOVERNMENTAL AGREEMENT OR MEMORANDUM OF
32 UNDERSTANDING ENTERED INTO PURSUANT TO THIS SUBSECTION MUST STATE THE
33 RESPONSIBILITIES OF EACH PARTY WITH REGARD TO IMPLEMENTING THE AGREEMENT.
34 THIS PARAGRAPH DOES NOT APPLY TO STATE TRUST LAND.

35 2. USE LEGISLATIVE APPROPRIATIONS AND ACCEPT AND SPEND MONIES FROM
36 PUBLIC AGENCIES, GIFTS, DONATIONS AND GRANTS FOR THE COSTS OF IMPLEMENTING
37 THIS SUBSECTION. MONIES RECEIVED PURSUANT TO THIS PARAGRAPH SHALL BE
38 DEPOSITED IN THE COOPERATIVE FORESTRY FUND ESTABLISHED BY SECTION 37-1306.

39 3. USE PROGRAMS THAT ARE DESIGNED TO REDUCE RECIDIVISM FOR FOREST
40 RESTORATION PROJECTS ON LANDS LOCATED WITHIN THIS STATE.

41 D. CONSENT OF THE PROPERTY OWNER IS REQUIRED TO REMOVE HAZARDOUS
42 VEGETATION ON PRIVATE PROPERTY AS PRESCRIBED IN SUBSECTION C OF THIS
43 SECTION.

44 E. CONSENT OF THE TRIBE IS REQUIRED TO REMOVE HAZARDOUS VEGETATION
45 ON TRIBAL LAND AS PRESCRIBED IN SUBSECTION C OF THIS SECTION.

1 ~~F.~~ F. The program established pursuant to this section ends on
2 July 1, 2027 pursuant to section 41-3102.
3 G. FOR THE PURPOSES OF THIS SECTION, "PUBLIC AGENCY" HAS THE SAME
4 MEANING PRESCRIBED IN SECTION 11-951.
5 Sec. 2. Section 37-1306, Arizona Revised Statutes, is amended to
6 read:
7 37-1306. Cooperative forestry fund; purpose; exemption
8 A. The cooperative forestry fund is established. The state
9 forester shall administer the fund.
10 B. Except as otherwise provided in this chapter, the state forester
11 shall deposit, pursuant to sections 35-146 and 35-147, in this fund all
12 monies appropriated to this fund and monies received from individuals,
13 businesses, ~~cities and towns, counties, other political subdivisions of~~
14 ~~this state, other state agencies, federal agencies~~ ANY PUBLIC AGENCY AS
15 DEFINED IN SECTION 11-951, and any other sources.
16 C. APPROPRIATIONS, GRANTS, GIFTS AND CONTRIBUTIONS HAZARDOUS
17 VEGETATION REMOVAL RECEIVED FROM ANY PUBLIC OR PRIVATE SOURCE MUST BE USED
18 FOR HAZARDOUS VEGETATION REMOVAL PURSUANT TO SECTION 37-483.
19 D. MONIES DEPOSITED PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT OR A
20 MEMORANDUM OF UNDERSTANDING ENTERED INTO PURSUANT TO SECTION 37-483 MUST
21 BE USED FOR THE PURPOSES OUTLINED IN THE AGREEMENT OR MEMORANDUM.
22 ~~E.~~ E. Monies in the fund are continuously appropriated for the
23 purpose of conducting the activities of the state forester.
24 ~~F.~~ F. Monies in the fund are exempt from the provisions of section
25 35-190 relating to lapsing of appropriations.

APPROVED BY THE GOVERNOR MARCH 9, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 9, 2021.