

HB

370

Debra Higgins

From: Rowland, Mindy B (GOV) [mindy.rowland@alaska.gov]

Sent: Monday, March 03, 2008 10:03 AM

To: Debra Higgins

Subject: RE: Fiscal Notes for CSHB 370

OK

Thanks Debbie. Sending the CS is really helpful.

The DNR fiscal note you have is still applicable. I'll let you know whether the LAW note will change.

Let me know if you have any questions.

-Mindy

Mindy Rowland

Deputy Legislative Director

Office of Governor Sarah Palin

465-4021

Debra Higgins

From: Rowland, Mindy B (GOV) [mindy.rowland@alaska.gov]
Sent: Monday, March 03, 2008 10:52 AM
To: Debra Higgins
Subject: HB 370 Update

OK

Hi Debbie,

I just heard back from the Dept. of Law. The changes in the Resources CS do not necessitate a revised fiscal note.

Let me know if you have any questions.

Thanks
Mindy

Mindy Rowland
Deputy Legislative Director
Office of Governor Sarah Palin.
465-4021

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB370
() Publish Date: _____

Identifier (file name): HB370-DNR-FirePrep-02-20-08 Dept. Affected: Natural Resources
Title: Protection of Forested Land RDU: Statewide Fire Suppression
Component: Fire Suppression Preparedness
Sponsor: Representative Kelly
Requester: H RES Component Number: 2705

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill will revise Alaska Statute to allow for consideration of other values in addition to those of the natural resources when making fire management decisions. Since its inception in the mid 1980s, the Alaska Interagency Wildland Fire Management Plan (AIWFMP) has guided the Division of Forestry in identifying land where aggressive fire suppression will lead to the protection of life and property, as well as natural resource values. This statute will align DNR authority with these pre-planned suppression actions under the AIWFMP and allow wildland fire managers to consider all values, both natural and man made, when making wildland fire management decisions. Since the AIWFMP is already in place and identifies where fires will be suppressed to protect life and property, this statutory authority revision/clarification will not result any additional fiscal responsibility on the Department of Natural Resources.

Prepared by: Lynn Wilcock
Division: Forestry
Approved by: Tom Irwin, Commissioner
Natural Resources

Phone (907) 451-2675
Date/Time: February 20, 2008
Date: February 20, 2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: HB370-LAW-CIV-02-27-08
 Bill Version: HB370
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title An Act relating to "wildland" fires. RDU Civil
 Component Natural Resources
 Sponsor REPRESENTATIVE(s) KELLY
 Requester HOUSE RESOURCES Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

HB 370 changes the term "forest fire" to "wildland fire" in applicable statutes to more closely reflect the reality that Alaska also has tundra fires. Second, it allows DNR to consider the value of all resources at risk when engaging in fire prevention and response planning, rather than being limited to considering only natural resources.

The department does not expect a significant fiscal impact as a result of this bill.

Prepared by: Robert Meiners, Administrative Services Manager
 Division: Administrative Services Division
 Approved by: Talis Colberg, Attorney General
Department of Law

Phone 907-465-5427
 Date/Time 2/27/08 1:55 PM
 Date 2/27/2008

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Representative Mike Kelly

House District 7

SPONSOR STATEMENT HB 370

HB 370 allows the Department of Natural Resources (DNR) to include cabins, lodges and other structures owned privately, by the state or by a municipality in their wildland fire management decisions. Under existing statute, DNR is mandated to "provide protection, commensurate with the value of the resources at risk, for the natural resources and watersheds on land that is owned privately, by the state, or by a municipality." This language implies that fire management decisions and appropriate fire management response will be based solely on the value of the natural resources that are threatened by wildland fire and not the structural and cultural resource values.

HB 370 would align statute with the Alaska Interagency Wildland Fire Management Plan (AIWFMP), which has been in effect since 1985, and states that "all fire management decisions by land manager/owner(s) will be based on values warranting protection, protection capabilities, firefighter safety and/or land and resource management needs." The AIWFMP provides a means to categorize and prioritize fires in order to maximize efficient use of fire suppression resources.

It is clear that the AIWFMP intends that fire managers consider all values at risk from wildland fire in their management decision making. Since implementation of the AIFMP, DNR has made decisions on the level of suppression response based on the existence of cultural or man-made values, in addition to the value of natural resources. This would appear to be in conflict with the intent language in AS 41.15.010. State of Alaska fire managers have considered all values in categorizing State, private, and municipal land within the context of the AIWFMP. This statute revision would align the statute with the AIWFMP to allow for a comprehensive direction for fire managers to make decisions about protection levels to more accurately incorporate all that the State of Alaska and its residents value, including natural resources.

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House District 7

Sectional Analysis – HB 370

"Relating to forested land management and protection from wildland fires; changing the term 'forest fire' to 'wildland fire' where it appears in statute."

Section 1: Amends AS 19.40.010, regarding public highways, to refer to 'wildland fire' rather than 'forest fire'.

Section 2: Amends AS 33.30.191, regarding employment of prison inmates, to refer to 'wildland fire' rather than 'forest fire'.

Section 3: Clarifies the intent in AS 41.15.010, to allow for the protection of all values at risk – from wildland fires and other destructive agents – when making wildland fire management decisions. Deletes the more narrow terms 'value of the resources' and 'natural resources and watersheds,' and broadens the protection safety net.

Section 4: Amends language in AS 41.15.040, right of entry to control and suppress fires, including changing the term 'forest fires' to 'wildland fire.'

Section 5: Changes the term under definitions in AS 41.15.170, from 'forest fire' to 'wildland fire' leaving the definition unchanged.

Section 6: The bill has an immediate effect date.

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Section 5: Changes the term under definitions in AS 41.15.170, from 'forest fire' to 'wildland fire' leaving the definition unchanged.

Section 6: The bill has an immediate effect date.



Briefing:

Fire Statute Authority Clarification

DEPARTMENT OF NATURAL RESOURCES

September 2007

DIVISION OF FORESTRY

Background. Under existing statute, the Department of Natural Resources (DNR) is mandated to "provide protection, commensurate with the value of the resources at risk, for the natural resources and watersheds on land that is owned privately, by the state, or by a municipality." This language implies that fire management decisions and appropriate fire management response will be based on the value of the natural resources that are threatened by wildland fire.

The Attorney General's (AG) office examined the Division of Forestry's (DOF) statutory responsibility for fire protection. In his response, the AG affirmed that "DNR's decision-making focuses on the risk to natural resources, rather than to cabins, etc." This response goes further to say that "it would take new statutory language for DNR to address the complaints that areas with cabins and lodges are ... slated for 'limited protection,' because to do so, DNR would need to incorporate the value of developed private property into its decision-making."

Recommendation for Statute Revision: Amend AS 41.15.010

This proposal would revise AS 41.15.010 to allow for consideration of all resource values, both natural and cultural, when making wildland fire management decisions on state, private, or municipal lands.

Current Statute: *It is the intent of AS 41.15.010 - 41.15.170 to provide protection, commensurate with the value of the resources at risk, for the natural resources and watersheds on land that is owned privately, by the state, or by a municipality.*

Proposed Revised Statute: *It is the intent of AS 41.15.010 - 41.15.170 to provide protection from wildland fire and other destructive agents, commensurate with the values [OF THE RESOURCES] at risk. [FOR THE NATURAL RESOURCES AND WATERSHEDS] on land that is owned privately, by the state, or by a municipality.¹*

The updated language would also align statute with the Alaska Interagency Wildland Fire Management Plan (AIWFMP), which has been in effect since 1985, and states that "all fire management decisions by land manager/owner(s) (will be) based on values warranting protection, protection capabilities, firefighter safety and/or land and resource management needs." The AIWFMP provides a means to categorize and prioritize fires in order to maximize efficient use of fire suppression resources. It also states "this categorization and ensuing prioritization ensures that: (1) human life, private property, and identified resources receive an appropriate level of protection with available firefighting resources, (2) the cost of the suppression effort is commensurate with values identified for protection, and (3) the ability of land manager owner(s) to achieve their individual management objectives is optimized."

¹ new text underline and bold. *[DELETED TEXT BRACKETED AND CAPITALIZED]*

It is clear that the AIWFMP intends that fire managers consider all values at risk from wildland fire in their management decision making. Since implementation of the AIFMP, DNR has made decisions on the level of suppression response based on the existence of cultural or man-made values, in addition to the value of natural resources. This would appear to be in conflict with the intent language in AS 41.15.010. State of Alaska fire managers have considered all values in categorizing State, private, and municipal land within the context of the AIWFMP. This statute revision would align the statute with the AIWFMP to allow for a comprehensive direction for fire managers to make decisions about protection levels to more accurately incorporate all that the State of Alaska and its residents value, including natural resources.

Additionally, there is conflict between the State's wildland fire statutory authority for wildland fire management and public safety policy for protection from fire as defined in Public Safety Statute. This statute reads:

Sec. 18.70.320. Policy.

It is the policy of the state to protect its residents and their property from the ravages of fire...The legislature finds that fire is a constant threat and that homes, places of employment, modes of transportation, and our natural resources need a system of fire protection that is based on the most current, practical standards and educational principles.

This revision of 41.15 the Natural Resource Statute, would allow for fire management decisions to include property protection as a consideration and would align wildland fire management statutory authority with other State law.

Contact Information:

	Work	Home	Cell
Chris Maisch, State Forester	451-2666	455-6359	590-3190
Dean Brown, Deputy State Forester	269-8476	376-2895	440-4052
Lynn Wilcock, Chief of Fire and Aviation	451-2675	488-7173	590-3686
Tom Kurth, Fire Operations Forester	356-5850	479-2919	590-3184

From: Jennifer Yuhas [mailto:jyahas@co.fairbanks.ak.us]
Sent: Monday, February 25, 2008 4:12 PM
To: Derek Miller; Lesh, Melanie G (DNR)
Cc: chris_maisch@dnr.state.ak.us; Wilcock, Lynn R (DNR); Tom Kurth
Subject: HB370

February 25, 2008

House Resource Committee
State Capitol
Juneau, Alaska

Dear Members of the House Resource Committee:

This letter is to **thank Representative Mike Kelly for the sponsorship of HB 370 - PROTECTION OF FORESTED LAND**, and ask your **support for passage** of this legislation.

HB 370 allows the Alaska Division of Forestry to better serve the residents of our State and aligns the mission of the Division with the functional expectations of the communities it serves by **allowing for fire management decisions to include property protection as a consideration**.

Wildland fire management statutory authority must be aligned with other State law. The Fairbanks North Star Borough can attest to the necessity of this revision following the past several fire seasons, most notably the 2004 Boundary Fire. **Cur Borough depends on the cooperative efforts of the Division of Forestry in the most serious instances of life and safety.**

Please do not hesitate to contact our Legislative Liaison staff, Jennifer Yuhas, regarding our support of this legislation. She may be reached at (907) 459-1302 or jyahas@co.fairbanks.ak.us.

Sincerely,

/s/
Jim Whitaker, Mayor

JW:jy-csm

ALASKA STATE LEGISLATURE
House Resources Committee

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FAX

To: Don Bullock, Leg Legal Services	From: Debra Higgins
Fax: 2029	Phone: 3715
Date: February 29, 2008	CC:
Re: HB 370 w/ amendments	Pages with Cover: 2

HB 370 passed out of House Resources Committee today with the following amendments:

#1) 25-LS1359/C.1 (please see attached)

#2) Page 3, line 14:

Delete: "and"

Insert: "or"

A final CS for HB 370(RES) is OK –

Thanks.
Debra

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approved
2/29/08

25-LS1359.C.1
Bullock
2/28/08

AMENDMENT # 1

OFFERED IN THE HOUSE

• TO: HB 370

1 Page 3, line 19, following "(2)":

2 Insert "destructive agent" means an insect, pathogen, or other environmental
3 agent that causes damage to a forest resource;

4 (3)"

5

6 Page 3, line 21:

7 Delete "(3)"

8 Insert "(4) [(3)]"

Amend #2

Pg 3, Line 14

delete "and"

insert "or"

approved
2-29-08

Wilson

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 370

1 Page 3, line 19, following "(2)":

2 Insert "destructive agent" means an insect, pathogen, or other environmental
3 agent that causes damage to a forest resource;

4 (3)"

5

6 Page 3, line 21:

7 Delete "(3)"

8 Insert "(4) [(3)]"

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Member

House Finance Committee
Legislative Budget & Audit

Representative Mike Kelly

House District 7

MEMORANDUM

To: Representative Craig Johnson – Co-Chair, Resources Committee

From: Representative Mike Kelly

A handwritten signature in black ink, appearing to be "MK", enclosed in a circle.

Date: February 22, 2008

Re: Committee Hearing Request – HB 370 (RES) "An Act relating to forested land management and protection from wildland fire and other destructive agents; changing the term 'forest fire' to 'wildland fire' where it appears in the Alaska Statutes; and providing for an effective date."
.....

I respectfully request that HB 370 (RES) be scheduled for a hearing. I have included a sponsor statement, the bill, a sectional analysis, fiscal notes and other items of evidentiary support.

If you have any questions or comments, or require additional material please feel free to contact me at extension 4076 or my staff, Derek Miller at extension 6879.