

House Engrossed

wildfire management; delegation of authority

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 129
HOUSE BILL 2580

AN ACT

AMENDING SECTION 37-1302, ARIZONA REVISED STATUTES; RELATING TO THE
ARIZONA DEPARTMENT OF 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. Section 37-1302, Arizona Revised Statutes, is amended to
3 read:

4 37-1302. Powers and duties of state forester; rules;
5 legislative presentation; acceptance of federal
6 law

7 A. The state forester is designated as the agent of ~~the~~ THIS state
8 ~~of Arizona~~ and shall administer this chapter. The state forester shall:

9 1. Exercise and perform all powers and duties vested in or imposed
10 on the Arizona department of forestry and fire management.

11 2. Adopt rules necessary to discharge the powers and duties of the
12 Arizona department of forestry and fire management, including rules that
13 create efficiencies, protect the public health and safety and prescribe
14 budgetary obligations.

15 3. Subject to title 41, chapter 4, article 4, appoint an assistant
16 director to the office of the state fire marshal, a state fire training
17 officer and a state fire resource coordinator, all of whom serve at the
18 pleasure of the state forester.

19 4. Subject to title 41, chapter 4, article 4, employ, determine the
20 terms and conditions of employment of and prescribe the duties and powers
21 of administrative, professional, technical, secretarial, clerical and
22 other persons as may be necessary in the performance of the Arizona
23 department of forestry and fire management's duties. The compensation of
24 department employees shall be as determined pursuant to section 38-611.

25 5. Contract for the services of outside advisors, consultants and
26 aides as may be reasonably necessary.

27 6. Perform all management and administrative functions assigned or
28 delegated to this state by the United States relating to forestry and
29 financial assistance and grants relating to forestry AND WILDFIRE
30 PREVENTION, MITIGATION AND SUPPRESSION ACTIVITIES. THE STATE FORESTER
31 SHALL OBTAIN AND MAINTAIN A COPY OF THE INITIAL AND ANY REVISED DELEGATION
32 OF AUTHORITY AGREEMENT ENTERED INTO WITH THE UNITED STATES.

33 7. Identify sources of information relating to forest management,
34 including wildfire prevention, mitigation, suppression and recovery and
35 administrative and judicial appeals and litigation with respect to timber
36 sales and forest thinning projects in this state, and develop procedures
37 for compiling and distributing that information.

38 8. Take necessary action to maximize state fire assistance grants,
39 including establishing timelines for using grant monies and reallocating
40 lapsed grant monies to other projects.

41 9. Conduct education and outreach in forest communities by
42 explaining the wildfire threat to private property caused by the lack of
43 timber harvesting, forest thinning, land management and watershed
44 protection and enhancement.

1 10. Monitor and conduct forestry projects and wildfire prevention,
2 mitigation and suppression activities.

3 11. Assist in the development of the forestry products industry in
4 this state.

5 12. Intervene on behalf of this state and its citizens in
6 administrative and judicial appeals and litigation that challenge
7 governmental efforts supported by the state forester if the state forester
8 determines that intervention is in the best interests of this state.

9 13. Annually develop and implement a comprehensive statewide
10 wildfire response plan for the deployment of state, county, municipal,
11 fire district, volunteer fire association and private fire service
12 provider contract resources to wildfire suppression activities. The
13 statewide wildfire response plan shall take into account anticipated fire
14 conditions and fire severity and may include prepositioning resources as
15 necessary. The state forester shall consult with federal land management
16 firefighting agencies, state and county emergency agencies, municipal fire
17 departments, fire districts, statewide fire district and statewide fire
18 chiefs associations, volunteer fire departments and private fire
19 contractors in the development of the comprehensive statewide wildfire
20 response plan, the implementation of standards for training and
21 certification for all classes of wildland fire and hazard personnel and
22 the implementation of standards for wildland fire apparatus and equipment
23 that are deployed under cooperative agreements with the state forester.

24 14. Provide necessary oversight to ensure standardized training and
25 certification for all classifications of firefighters to be deployed to
26 any incident.

27 15. Develop recommendations for minimum standards for safeguarding
28 life and property from wildland fires and fire hazards, preventing
29 wildland fires and alleviating fire hazards.

30 16. Develop recommendations for minimum standards for the storage,
31 sale, distribution and use of dangerous chemicals, combustibles, flammable
32 liquids, explosives and radioactive materials in wildland-urban interface
33 areas.

34 17. Consult with the department of public safety, the department of
35 emergency and military affairs and local governments regarding the
36 establishment of fire evacuation routes and community alert systems.

37 18. Make recommendations for minimum standards for the creation of
38 defensible spaces in and around wildland-urban interface areas as
39 authorized by existing county and municipal laws and ordinances.

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:

- 1 1. Forestry management, including the current conditions of the
2 forests in this state on federal, state and private property as affected
3 by federal, state and local public policies, climatic conditions, wildfire
4 hazards, pest infestations, overgrowth and overgrowth control policies and
5 methods and the effects of current federal policy on forest management and
6 impacts on forest land management.
- 7 2. The wildland-urban interface, including the effects of county
8 and municipal zoning policies and wildfire hazards on public and private
9 property.
- 10 3. Wildfire emergency management and all hazard response issues,
11 including:
- 12 (a) Intergovernmental and interagency primacy, cooperation,
13 coordination, roles and training of federal, state and local forestry,
14 firefighting and law enforcement agencies.
- 15 (b) Channels and methods of communicating emergency information to
16 the public.
- 17 (c) The roles of governmental and nongovernmental disaster relief
18 agencies and organizations.
- 19 (d) The level of federal, state and local emergency funding.
- 20 C. The state forester may:
- 21 1. Furnish technical advice to the people of this state on forestry
22 and land management matters.
- 23 2. Do all other acts necessary to take advantage of and carry out
24 the provisions of the act of Congress described in subsection D of this
25 section.
- 26 D. This state accepts the provisions of the cooperative forestry
27 assistance act of 1978 (P.L. 95-313; 92 Stat. 365; 16 United States Code
28 chapter 41) providing for federal forestry assistance programs to states.

APPROVED BY THE GOVERNOR APRIL 13, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2022.