

REFERENCE TITLE: state forester; legislative presentation; report

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

## **HB 2588**

Introduced by  
Representative Grantham

AN ACT

AMENDING SECTIONS 37-1302 AND 37-1309, 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 state of  
8 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.

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

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

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

42 10. Monitor and conduct forestry projects and wildfire prevention,  
43 mitigation and suppression activities.

44 11. Assist in the development of the forestry products industry in  
45 this state.

1           12. Intervene on behalf of this state and its citizens in  
2 administrative and judicial appeals and litigation that challenge  
3 governmental efforts supported by the state forester if the state forester  
4 determines that intervention is in the best interests of this state.

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

20           14. Provide necessary oversight to ensure standardized training and  
21 certification for all classifications of firefighters to be deployed to  
22 any incident.

23           15. Develop recommendations for minimum standards for safeguarding  
24 life and property from wildland fires and fire hazards, preventing  
25 wildland fires and alleviating fire hazards.

26           16. Develop recommendations for minimum standards for the storage,  
27 sale, distribution and use of dangerous chemicals, combustibles, flammable  
28 liquids, explosives and radioactive materials in wildland-urban interface  
29 areas.

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

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

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

42           1. Forestry management, including the current conditions of the  
43 forests in this state on federal, state and private property as affected  
44 by federal, state and local public policies, climatic conditions, wildfire  
45 hazards, pest infestations, overgrowth and overgrowth control policies and

1 methods and the effects of current federal policy on forest management and  
2 impacts on forest land management.

3 2. The wildland-urban interface, including the effects of county  
4 and municipal zoning policies and wildfire hazards on public and private  
5 property.

6 3. Wildfire emergency management and all hazard response issues,  
7 including:

8 (a) Intergovernmental and interagency primacy, cooperation,  
9 coordination, roles and training of federal, state and local forestry,  
10 firefighting and law enforcement agencies.

11 (b) Channels and methods of communicating emergency information to  
12 the public.

13 (c) The roles of governmental and nongovernmental disaster relief  
14 agencies and organizations.

15 (d) The level of federal, state and local emergency funding.

16 C. The state forester may:

17 1. Furnish technical advice to the people of this state on forestry  
18 and land management matters.

19 2. Do all other acts necessary to take advantage of and carry out  
20 the provisions of the act of Congress described in subsection D of this  
21 section.

22 D. This state accepts the provisions of the cooperative forestry  
23 assistance act of 1978 (P.L. 95-313; 92 Stat. 365; 16 United States Code  
24 chapter 41) providing for federal forestry assistance programs to states.

25 Sec. 2. Section 37-1309, Arizona Revised Statutes, is amended to  
26 read:

27 37-1309. Nonnative vegetation species eradication fund;  
28 department duties; grants; annual report

29 A. The nonnative vegetation species eradication fund is established  
30 consisting of legislative appropriations for specific nonnative vegetation  
31 invasive species eradication projects. Monies in the fund are  
32 continuously appropriated to the Arizona department of forestry and fire  
33 management for the purposes of this section and are exempt from the  
34 provisions of section 35-190 relating to lapsing of appropriations. On  
35 notice from the state forester, the state treasurer shall invest and  
36 divest monies in the fund as provided in section 35-313, and monies earned  
37 from investment shall be credited to the fund.

38 B. The Arizona department of forestry and fire management shall:

39 1. Coordinate with the ~~Arizona~~ state land department on projects  
40 conducted on state trust land pursuant to this section.

41 2. Coordinate with the Arizona game and fish department on projects  
42 conducted pursuant to this section.

43 3. Monitor and oversee specific projects for which the legislature  
44 appropriates monies to the nonnative vegetation species eradication fund.

1           4. Provide grants to other state agencies, cities, towns, counties,  
2 Indian tribes and other political subdivisions of this state and to  
3 nonprofit organizations for nonnative vegetation invasive species  
4 eradication projects that will assist in preventing fire and flooding,  
5 conserving water, replacing nonnative vegetative species with native  
6 vegetative species and restoring habitat to wildlife. A grant recipient  
7 shall follow state and federal laws to preserve endangered species when  
8 implementing the nonnative vegetation invasive species eradication  
9 project.

10           5. Establish application procedures and qualification criteria for  
11 the grants. Grants awarded pursuant to this section shall be awarded in  
12 accordance with title 41, chapter 24.

13           C. On or before ~~September~~ **DECEMBER** 1 of each year, the Arizona  
14 department of forestry and fire management shall report to the joint  
15 legislative budget committee and the governor's office of strategic  
16 planning and budgeting the total expenditures from the previous year for  
17 grants for nonnative vegetation species eradication projects. The report  
18 shall indicate each project's expenditures, the benefits of each project  
19 to the treated land, the status of each project and the projected timeline  
20 for completion of each project.