

House Engrossed

native plants; fire prevention; exemption

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 84

HOUSE BILL 2577

AN ACT

AMENDING SECTIONS 3-905, 3-915 AND 37-1303, ARIZONA REVISED STATUTES;
RELATING TO WILDFIRE SUPPRESSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 3-905, Arizona Revised Statutes, is amended to
3 read:

4 3-905. Destruction of protected plants by state

5 A. Except in an emergency ~~OR AS THE STATE FORESTER DETERMINES IS~~
6 ~~NECESSARY FOR THE ARIZONA DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT TO~~
7 ~~PREVENT, MANAGE OR SUPPRESS WILDFIRES PURSUANT TO SECTION 37-1303~~, if a
8 state agency proposes to remove or destroy protected native plants over an
9 area of state land exceeding one-fourth acre, the agency shall notify the
10 department in writing as provided in section 3-904 at least sixty days
11 before the plants are destroyed, and any such destruction must occur
12 within one year of the date of destruction disclosed in the notice. The
13 department shall post and disseminate copies of the notice as provided in
14 section 3-904, subsection E. This state and its agencies and political
15 subdivisions are exempt from any fees established for salvaged plants.

16 B. If the director determines that the proposed action by the state
17 agency may affect a highly safeguarded plant, ~~the~~ ~~THE DIRECTOR~~ shall
18 consult with the state agency and other appropriate parties and use the
19 best scientific data available to issue a written finding as to whether
20 the proposed action would appreciably reduce the likelihood of survival or
21 recovery of the plant taxon in this state. If the determination is
22 affirmative, the director shall also specify reasonable, prudent and
23 distinct alternatives to the proposed project that can be implemented and
24 are consistent with conserving the plant taxon.

25 C. The director shall adopt rules for the disposal and salvage of
26 native plants subject to removal or destruction by a state agency either
27 under permit to other government agencies or nonprofit organizations or
28 sale to the general public or commercial dealers. The department may
29 issue permits to donate, sell, salvage or harvest the plants after the ~~it~~
30 ~~DEPARTMENT~~ ascertains the validity of the request and determines the kinds
31 and approximate number of the plants involved. The permit shall specify
32 the number and species of protected native plants and the area from which
33 they may be taken.

34 Sec. 2. Section 3-915, Arizona Revised Statutes, is amended to
35 read:

36 3-915. Exemptions

37 ~~A.~~ This chapter does not apply to:

38 1. Existing canals, laterals, ditches, electrical transmission and
39 distribution facilities, rights-of-way and other facilities, structures or
40 equipment owned, operated, used or otherwise possessed by public service
41 corporations and special districts established under title 48, chapter 11,
42 12, 17, 18, 19, 21 or 22.

43 ~~B. This chapter does not apply to~~

44 2. Normal and routine maintenance of improvements which may cause
45 the incidental or unavoidable destruction of native plants.

1 3. THE PREVENTION, MANAGEMENT OR SUPPRESSION OF WILDFIRES BY THE
2 ARIZONA DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT PURSUANT TO SECTION
3 37-1303.

4 Sec. 3. Section 37-1303, Arizona Revised Statutes, is amended to
5 read:

6 37-1303. Suppression of wildfires; powers and duties of state
7 forester; entry on private lands; exemption

8 A. The state forester shall have authority to prevent, manage or
9 suppress any wildfires on state and private lands located outside
10 incorporated municipalities and, if subject to cooperative agreements, on
11 other lands located in this state or in other states, Mexico or
12 Canada. If there is no cooperative agreement, the state forester may
13 furnish wildfire suppression services on any lands in this state if the
14 state forester determines that suppression services are in the best
15 interests of this state and are immediately necessary to protect state
16 lands.

17 B. In exercising the authority to prevent, manage or suppress
18 wildfires, if the state forester declares a prohibition on fire-causing
19 activities and fireworks, the state forester shall post a notice of the
20 action on the state forester's website and provide a copy of the notice to
21 the news media and the original declaration to the Arizona state library,
22 archives and public records. The notice shall clearly state the types of
23 prohibited activities, where they are prohibited and whether permits that
24 are issued by other governmental entities are affected by the action.

25 C. The state forester may request the governor to declare a
26 wildland fire emergency pursuant to section 35-192. If liabilities are
27 authorized under both sections 35-192 and 37-1305, the authorization under
28 section 37-1305 must be exhausted before any liabilities may be incurred
29 under section 35-192.

30 D. The state forester may enter into cooperative agreements with
31 other state and federal agencies, departments and political subdivisions
32 and any person for:

33 1. THE prevention and suppression of wildfires.

34 2. Assistance with fire and nonfire national and state emergencies
35 and multiagency logistical support in this state and other states.

36 3. Activities pursuant to the wildfire suppression assistance act
37 (P.L. 101-11; 103 Stat. 15; 42 United States Code sections 1856m through
38 1856o) in Mexico and Canada.

39 E. The state forester may enter private lands in performing the
40 duties under this section.

41 F. The state forester may enter into agreements to ~~utilize~~ USE
42 private landowners' equipment and personnel if the fire is on or adjacent
43 to such private landowners' property.

1 G. THE STATE FORESTER IS EXEMPT FROM THE PROVISIONS OF TITLE 3,
2 CHAPTER 7 RELATING TO PROTECTED NATIVE PLANTS IN THIS STATE FOR THE
3 PREVENTION, MANAGEMENT OR SUPPRESSION OF WILDFIRES.

4 ~~G.~~ H. Within a wildfire management area, the state forester or the
5 designated wildfire incident commander is not responsible for the safety
6 or actions of any person or private entity contracted to provide wildfire
7 protection services for private property.

APPROVED BY THE GOVERNOR APRIL 18, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2025.