PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1260

(Reference to printed bill)

Strike everything after the enacting clause and insert:

“Section 1. Section 3-904, Arizona Revised Statutes, is amended to read:

3-904. Destruction of protected plants by private landowners; notice; exception

A. This chapter does not prevent the destruction of protected native plants or clearing of land or cleaning or removing protected native plants by the owner of the land or the owner’s agent if:

1. The land is in private ownership.

2. The protected native plants are not transported from the land or offered for sale.

3. The owner or the owner’s agent notifies the department pursuant to this section of the intended destruction at least:

   (a) Twenty FIFTEEN days before the plants are destroyed over an area of less than one acre.

   (b) Thirty TWENTY-FIVE days before the plants are destroyed over an area of one acre or more but less than forty acres.

   (c) Sixty FIFTY days before the plants are destroyed over an area of forty acres or more.

4. The protected plants are destroyed within one year of the date of destruction disclosed in the notice given the department in paragraph 3 of this subsection.

B. The notice under subsection A, paragraph 3, subdivision (a) may be oral or written. The notice under subsection A, paragraph 3, subdivisions (b) and (c) must be in writing. The notice under subsection A, paragraph 3, whether written or oral, shall include:
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1. The name and address of the owner of the land and, if the owner is not a resident of this state, the name and address of the owner's agent in this state to be contacted regarding the destruction or salvage of the native plants.

2. The earliest date that destruction of the protected native plants will begin.

3. A general description of the area in which the protected native plants will be destroyed.

4. Whether the owner intends to allow salvage of the plants to be destroyed.

C. The director by rule shall:

1. Prescribe the form and content of the notice that shall be adequate and comply with subsection B and shall provide landowners with copies of the notice on request.

2. Provide for an alternative procedure in cases in which the landowner is not required to notify the department in writing. The alternative procedure shall include:
   (a) Oral notification by the landowners to the department.
   (b) Preparation by the department of a written notice form. The department shall transmit a confirming copy to the landowner, and the owner may not begin destruction of protected native plants until the owner receives the written confirmation and the time prescribed under subsection A, paragraph 3 has elapsed.

D. The written notice form, whether completed by the landowner or the department, shall include the following notice in bold-faced type:

Notice: Consent of the landowner is required before entering any lands described in this notice.

E. Within five working days after receiving the notice required under this section the department shall post a copy of the notice in a conspicuous location in the public area of the division office that administers the department activities in the county where the land is located on which the native plants are to be destroyed. The division shall also mail a copy of
the notice to any salvage operator or interested party that has requested notice of such activities occurring during the current calendar year. The director by rule may establish and the associate director shall collect a reasonable fee from those receiving copies of the notice to cover the cost of providing this notice.

F. If the department receives a notice of intended destruction under subsection A, paragraph 3 and subsequently receives a complete and correct application for a salvage permit executed by the owner of the land or the owner’s agent for any highly safeguarded or salvage restricted native plants intended to be destroyed under the notice, the department shall facilitate the prompt salvage of the plants by issuing a permit, and any associated tags and seals, within four working days.

G. The notice requirements of subsection A, paragraph 3 do not apply to the destruction of native plants that occurs in the normal course of mining, commercial farming and stock raising operations.

H. This section does not apply to the destruction of protected native plants on individually owned residential property of ten acres or less where initial construction has already occurred.”

Amend title to conform