

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

CHAPTER 5
HOUSE BILL 2749

AN ACT

AMENDING TITLE 17, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
7; RELATING TO ENDANGERED SPECIES CONSERVATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 17, chapter 4, Arizona Revised Statutes, is
3 amended by adding article 7, to read:

4 ARTICLE 7. ENDANGERED SPECIES CONSERVATION
5 AND COORDINATION

6 17-495. Definitions

7 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "CONFIDENTIAL INFORMATION" MEANS ANY DATA COLLECTED ABOUT A
9 LANDOWNER, SPECIES OR PROPERTY LOCATION FROM A PRIVATE LANDOWNER OR
10 PROPERTY OWNER BY A STATE AGENCY OR MUNICIPAL AGENCY OR AN ENTITY ACTING
11 ON THE AGENCY'S BEHALF.

12 2. "CONSERVATION PLAN" MEANS A SPECIES CONSERVATION PLAN THAT
13 PROMOTES COMPLIANCE WITH FEDERAL LAW PROTECTING ENDANGERED SPECIES,
14 SPECIES PROPOSED FOR LISTING AND CANDIDATE SPECIES IN A MANNER CONSISTENT
15 WITH THIS STATE'S ECONOMIC DEVELOPMENT AND FISCAL STABILITY, INCLUDING
16 CANDIDATE CONSERVATION AGREEMENTS, CANDIDATE CONSERVATION AGREEMENTS WITH
17 ASSURANCES AND HABITAT CONSERVATION PLANS.

18 3. "ENDANGERED SPECIES" MEANS ANY SPECIES THAT IS IN DANGER OF
19 EXTINCTION THROUGHOUT ALL OR A SIGNIFICANT PORTION OF ITS RANGE AND IS
20 LISTED AS ENDANGERED PURSUANT TO THE ENDANGERED SPECIES ACT.

21 4. "ENDANGERED SPECIES ACT" MEANS THE ENDANGERED SPECIES ACT OF
22 1973 (P.L. 93-205; 87 STAT. 884; 16 UNITED STATES CODE SECTIONS 1531
23 THROUGH 1544).

24 5. "PROPERTY OWNER" MEANS A PERSON WITH A FEE SIMPLE, LEASEHOLD OR
25 OTHER PROPERTY INTEREST, INCLUDING OWNERS OF WATER OR OTHER NATURAL
26 RESOURCES, OR ANY OTHER ENTITY THAT MAY HAVE A PROPERTY INTEREST,
27 SUFFICIENT TO CARRY OUT SPECIES RESEARCH OR MANAGEMENT ACTIVITIES, SUBJECT
28 TO APPLICABLE STATE LAW, ON NONFEDERAL LAND.

29 6. "RESEARCH" MEANS SCIENTIFICALLY VALID DATA THAT IS COLLECTED ON
30 A SPECIES THAT IS ALREADY PROTECTED UNDER THE ENDANGERED SPECIES ACT OR
31 POTENTIALLY SUBJECT TO FEDERAL PROTECTION UNDER THE ENDANGERED SPECIES
32 ACT.

33 7. "SPECIES" INCLUDES ANY SPECIES OR SUBSPECIES OF FISH, WILDLIFE
34 OR PLANTS AND ANY DISTINCT POPULATION SEGMENT OF ANY SPECIES OF VERTEBRATE
35 FISH OR WILDLIFE THAT INTERBREEDS WHEN MATURE.

36 8. "STATE AGENCY" MEANS ANY STATE AGENCY, AUTHORITY OR BODY THAT IS
37 ESTABLISHED AND AUTHORIZED BY THE LEGISLATURE.

38 17-495.01. Property owner confidentiality; disclosure;
39 consent; civil penalty

40 A. INFORMATION COLLECTED IN THE FURTHERANCE OF THE ROLES,
41 RESPONSIBILITIES AND DUTIES OF A STATE AGENCY OR AN ENTITY ACTING ON THE
42 STATE AGENCY'S BEHALF, FROM A PRIVATE LANDOWNER, PROPERTY OWNER OR OTHER
43 PARTICIPANT OR POTENTIAL PARTICIPANT IN AN ENDANGERED SPECIES SURVEY OR
44 OTHER SPECIES RESEARCH OR CONSERVATION PLAN IS CONFIDENTIAL INFORMATION
45 AND MAY NOT BE DISCLOSED TO ANY PERSON, INCLUDING STATE OR FEDERAL

1 AGENCIES, IF THE INFORMATION RELATES TO THE SPECIFIC LOCATION, SPECIES
2 IDENTIFICATION OR QUANTITY OF ANY ANIMAL OR PLANT LIFE FOR WHICH AN
3 ENDANGERED SPECIES SURVEY OR OTHER SPECIES RESEARCH OR A CONSERVATION
4 PLAN, OR BOTH, IS UNDER CONSIDERATION, DEVELOPMENT OR IMPLEMENTATION. THE
5 STATE AGENCY SHALL DISCLOSE SUCH INFORMATION ONLY TO THE PERSON THAT
6 PROVIDED THE INFORMATION UNLESS THE PERSON CONSENTS IN WRITING TO FULL OR
7 SPECIFIED PARTIAL DISCLOSURE OF SUCH INFORMATION.

8 B. CONFIDENTIAL INFORMATION ABOUT SPECIES SHALL BE COLLECTED ONLY
9 THROUGH A STANDARDIZED FORM IN WHICH PROPERTY OWNERS PROVIDE EXPRESS
10 WRITTEN CONSENT TO HAVE THEIR PROPERTY SURVEYED OR ENROLLED OR POTENTIALLY
11 SUBJECT TO ENROLLMENT IN A CONSERVATION PLAN.

12 C. A PERSON WHO VIOLATES THE PROPERTY OWNER CONFIDENTIALITY
13 REQUIREMENTS IN THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF \$25,000 FOR
14 EACH VIOLATION OF THIS SECTION.

15 Sec. 2. Effective date

16 This act is effective from and after December 31, 2020.

APPROVED BY THE GOVERNOR MARCH 10, 2020.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 10, 2020.