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

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

ARTICLE 7. ENDANGERED SPECIES CONSERVATION AND COORDINATION

17-495. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CONFIDENTIAL INFORMATION" MEANS ANY DATA COLLECTED ABOUT A LANDOWNER, SPECIES OR PROPERTY LOCATION FROM A PRIVATE LANDOWNER OR PROPERTY OWNER BY A STATE AGENCY OR MUNICIPAL AGENCY OR AN ENTITY ACTING ON THE AGENCY'S BEHALF IN FURTHERING THE ROLES, RESPONSIBILITIES AND DUTIES OF THE TASK FORCE.

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

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

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

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

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

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

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

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

A. INFORMATION COLLECTED IN THE FURTHERANCE OF THE ROLES, RESPONSIBILITIES AND DUTIES OF A STATE AGENCY OR AN ENTITY ACTING ON THE STATE AGENCY'S BEHALF, FROM A PRIVATE LANDOWNER, PROPERTY OWNER OR OTHER PARTICIPANT OR POTENTIAL PARTICIPANT IN AN ENDANGERED SPECIES SURVEY OR OTHER SPECIES RESEARCH OR CONSERVATION PLAN IS CONFIDENTIAL INFORMATION
AND MAY NOT BE DISCLOSED TO ANY PERSON, INCLUDING STATE OR FEDERAL AGENCIES, IF THE INFORMATION RELATES TO THE SPECIFIC LOCATION, SPECIES IDENTIFICATION OR QUANTITY OF ANY ANIMAL OR PLANT LIFE FOR WHICH AN ENDANGERED SPECIES SURVEY OR OTHER SPECIES RESEARCH OR A CONSERVATION PLAN, OR BOTH, IS UNDER CONSIDERATION, DEVELOPMENT OR IMPLEMENTATION. THE STATE AGENCY SHALL DISCLOSE SUCH INFORMATION ONLY TO THE PERSON THAT PROVIDED THE INFORMATION UNLESS THE PERSON CONSENTS IN WRITING TO FULL OR SPECIFIED PARTIAL DISCLOSURE OF SUCH INFORMATION.

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

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

Sec. 2. Effective date

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