



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

March 10, 2020

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bill from the Fifty-fourth Legislature, 2nd Regular Session, which I signed on March 10th, 2020:

H.B. 2749 endangered species conservation; confidential information (Griffin)

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed

**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

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.**

Passed the House February 25, 2020

Passed the Senate March 3, 2020

by the following vote: 31 Ayes,

by the following vote: 17 Ayes,

29 Nays, 0 Not Voting

13 Nays, 0 Not Voting

R. R. Boyce  
Speaker of the House

Karen Farn  
President of the Senate

Jim Drake  
Chief Clerk of the House

Lesom Alvarez  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

4<sup>th</sup> day of March, 2020

at 3:37 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 10<sup>th</sup> day of

March 2020

at 3:00 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 10<sup>th</sup> day of March, 2020

at 3:31 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2749