

REFERENCE TITLE: native plants; salvage permit applications

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2521

Introduced by
Representatives Stahl Hamilton: Aguilar, Austin, Bravo, Cano, Contreras P,
De Los Santos, Mathis, Schwiebert, Seaman, Travers

AN ACT

AMENDING SECTION 3-908, ARIZONA REVISED STATUTES; RELATING TO ARIZONA
NATIVE PLANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 3-908, Arizona Revised Statutes, is amended to
3 read:

4 3-908. Prohibited acts; use of permits, tags, seals and
5 receipts; definition

6 A. Except as provided in this chapter, it is unlawful for a person
7 to destroy, dig up, mutilate, collect, cut, harvest or take any living
8 highly safeguarded native plant or the living parts of any highly
9 safeguarded native plant, including seeds or fruit, or any other living
10 protected native plant or the living parts of any other protected plant,
11 except seeds or fruit, from state land or public land without obtaining
12 any required permit, tags, seals or receipts from the department, or from
13 private land without obtaining written permission from the landowner, and
14 any required permit, tags, seals or receipts from the department. It is
15 unlawful for a person to falsify any paper or document issued to ~~give~~
16 ~~permission for~~ PERMIT a person to take native plants of the protected
17 group or to take more protected native plants than authorized by the
18 permit or to take protected native plants from areas other than authorized
19 by the permit.

20 B. Permits issued for the removal of protected native plants, or
21 any parts of protected native plants, except permits issued for the
22 salvage of salvage assessed native plants, shall be granted only on
23 submission to the division of an application executed by both the
24 landowner or ~~his~~ THE LANDOWNER'S agent and the party ~~who~~ THAT intends to
25 be the permittee, after being completed by either or both, and are valid
26 for a stated period of time to allow the permittee to remove the specific
27 amount of plants, by-products, fiber or wood stated in the permit, or that
28 period of time stated by the landowner as part of the landowner's
29 permission, whichever is shorter. The permit expires on the termination
30 date shown on the permit, when the tags and seals issued with the permit
31 have been attached to the plants covered by the permit and the plants are
32 no longer in the possession of the permittee or when the receipts have
33 been transferred to the purchaser of the wood covered by the receipts.

34 C. A permit is valid for taking plants or parts of plants listed on
35 the permit but not removed from the land described in the permit until the
36 permit's expiration or for one year from the date of issuance, whichever
37 occurs first, except that for any permit the tags and seals, ~~or~~
38 ~~receipts,~~ issued ~~therewith~~ WITH THE PERMIT but not yet used by the
39 permittee become invalid if the land on which the plants are growing, and
40 described in the permit, changes ownership, unless the new ~~owner~~ LANDOWNER
41 certifies in writing that the permittee may continue taking the plants or
42 parts of plants as specified on the permit.

43 D. It is unlawful for a person or A scientific or educational
44 institution to misuse a permit in any manner. A permittee shall make
45 permits, tags, seals and receipts available for inspection by the

1 department or any peace officer as provided for in this chapter. A tag,
2 seal or receipt is invalid unless it is issued with a valid permit. A
3 permit is invalid unless it bears the required tag numbers or receipt
4 numbers on its face. It is unlawful to alter or deface any permit, tag,
5 seal or receipt.

6 E. The director may give written permission for ANY THE FOLLOWING:

7 1. A person or a scientific institution to take a definite number
8 of specified plants in a protected group from areas specified by the
9 department for scientific purposes. ~~In addition the director may give~~
10 ~~written permission for~~

11 2. A person to take specific plants or parts of plants not in the
12 highly safeguarded category from areas specified by the department for
13 salvage or for manufacturing or processing purposes or for ~~the~~ cutting or
14 ~~removal of~~ REMOVING THE wood and assess reasonable and proper fees for
15 ~~such~~ taking of the plants or parts of the plants. ~~The director may give~~
16 ~~written permission for~~

17 3. A landowner to transfer specified plants in the protected group
18 from land ~~he~~ THE LANDOWNER owns to another property owned by ~~him~~ THE
19 LANDOWNER, and such permits ~~shall be~~ ARE exempt from fees.

20 F. FOR THE PURPOSES OF THIS SECTION, "LANDOWNER'S AGENT" INCLUDES
21 THE ENVIRONMENTAL MANAGER OR PROJECT MANAGER WHO IS EMPLOYED BY THE
22 COMPANY THAT IS CLEARING THE LAND.