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House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

HOUSE BILL 2107

AN ACT

AMENDING SECTION 3-916, ARIZONA REVISED STATUTES; RELATING TO ARIZONA NATIVE PLANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 3-916, Arizona Revised Statutes, is amended to
3 read:
4 3-916. Salvage of native plants by homeowners' association or
5 other nonprofit organization; definition
6 A. A homeowners' association or any other community based nonprofit
7 organization may collect and salvage native plants under this section ~~in an~~
8 ~~incorporated city or town~~ without obtaining a permit, tag, seal or receipt or
9 paying a fee otherwise required by this chapter. Native plants may be
10 obtained under this section only for noncommercial salvage and only if their
11 existence is threatened by intended destruction, by their location or by a
12 change in land use.
13 B. Before collecting any plant under this section, the homeowners'
14 association or nonprofit organization shall submit to the department:
15 1. A letter of permission from the owner of the property on which the
16 native plants are currently growing authorizing the homeowners' association
17 or nonprofit organization to enter the property and remove the plants.
18 2. A copy of a resolution adopted by the governing body of the COUNTY,
19 city or town authorizing the homeowners' association or nonprofit
20 organization to collect and salvage native plants pursuant to this section **IN**
21 **THE UNINCORPORATED AREA OF THE COUNTY OR** in the city or town, **AS APPLICABLE.**
22 3. A written statement from the homeowners' association or nonprofit
23 organization including:
24 (a) The name of the association or organization.
25 (b) The name, address and telephone number of a contact person
26 representing the association or organization.
27 (c) The name, address and telephone number of the owner of the
28 property on which the native plants are currently growing.
29 (d) The physical location of the property on which the plants are
30 growing.
31 (e) A signed statement that:
32 (i) The plants will be transplanted in a common area owned, **MANAGED OR**
33 **LEASED** by the homeowners' association or on public property.
34 (ii) The plants will not be sold, exchanged or otherwise disposed of
35 except as provided by this section.
36 C. A person who possesses a permit, ~~tags~~ TAG or ~~seals~~ SEAL issued
37 under this chapter for collection or salvage of native plants has priority
38 over the homeowners' association or nonprofit organization in obtaining any
39 native plant.
40 D. The department shall issue a notice to the homeowners' association
41 or nonprofit organization of any violation of the terms and conditions
42 prescribed by this section or of any statement submitted to the department
43 under subsection B. In the case of ~~a second or~~ ANY subsequent violation, the
44 department shall issue ~~a further~~ ANOTHER notice prohibiting further

1 collection or salvage of plants. The department shall transmit a copy of
2 each notice to the governing body of the COUNTY, city or town.

3 E. For purposes of this section "homeowners' association" means a
4 nonprofit corporation or association that is organized in this state and that
5 meets both of the following requirements:

6 1. It is established to own, lease or manage common, limited access
7 lots, parcels, areas, grounds or streets of a real estate development in this
8 state.

9 2. It has the power under its organizing documents to assess and
10 compel association members to pay the expenses incurred in performing the
11 association's obligations.