

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Wednesday, February 3, 2010 – 1:00 p.m.
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

In Person:
Chairperson Jennifer L. Martin

In person:
Director Larry D. Voyles
Deputy Director Gary R. Hovatter
Assistant Attorney General Jim Odenkirk

Via telephone:
Vice Chair Robert R. Woodhouse
Commissioner Norman W. Freeman
Commissioner Jack F. Husted
Commissioner Robert D. Hernbrode

Chairperson Martin called the meeting to order and requested that Director Voyles conduct roll call. All Commissioners confirmed they were present via telephone. There were several Department staff members present and no members of the public. This meeting followed an agenda dated February 2, 2010.

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1. Executive Session

The Commission voted to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation with legal counsel regarding legislative matters including HCR 2008.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed for a break at 1:35 p.m.
Meeting reconvened at 1:46 p.m.

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2. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

HCR 2008

Mr. Guiles briefed the Commission on the status of HCR 2008. The Commission was provided with a copy of the proposed language (attached to these minutes) by the National Rifle Association (NRA) that will be offered as an amendment at the next scheduled hearing on this legislation.

Commissioner Woodhouse stated that the NRA has not accepted any of the recommended changes to the language made by the Commission. Commissioner Woodhouse would like to see the word “lawfully” added, which would read: “The citizens of this State have a right to “lawfully” hunt, fish, and harvest wildlife”; and he would like to see the word “may” changed to “shall”, which would read: ...the Legislature, which “shall” delegate authority to a Commission.

Chairperson Martin clarified that the NRA has rejected the Commission’s recommendations as stated by Commissioner Woodhouse and that the issue today was for the Commission to take a position on the current NRA proposed language that will be submitted to the Legislature.

Commissioner Freeman stated that he believes in the right to hunt, but he would like to find a reasonable and attainable compromise. He agreed with Commissioner Woodhouse on the use of “lawfully” and “shall”.

Commissioner Husted stated that in 10-15 years from now this Commission could be entirely different and could or may be willing to do something that would be much more difficult to do with the Legislature. He supports the Commission system, but isn’t sure that it would be the correct form of government. Further, the NRA has put this legislation through in other states and there have been no issues.

Chairperson Martin stated that she agreed with Commissioner Freeman and noted that the State of Arizona has a Commission system that is unique from other states and therefore not comparable.

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO NOT SUPPORT THE LANGUAGE PROPOSED AS OF FEBRUARY 3, 2010 BY THE NATIONAL RIFLE ASSOCIATION AND THAT THE COMMISSION DRAFT ALTERNATIVE LANGUAGE TO BE HEARD AT THE COMMISSION’S REGULAR MEETING ON FEBRUARY 5, 2010.

Chairperson Martin confirmed with Commissioner Hernbrode that he meant to say “not support” instead of “oppose”, which was correct, and further added that she would have used the word “opposed”, but intends to vote aye.

Commissioner Freeman stated that his second is based on the motion to “not support” because it is more neutral and he is looking for an opportunity to improve the language.

Vote: Aye - Martin, Woodhouse, Freeman, Hernbrode
Nay - Husted
Passed 4 to 1

Commissioner Woodhouse noted that he is not against the right to hunt legislation, but is also looking for an opportunity to find better language that is more palatable to the Commission.

Commissioner Hernbrode stated that he does not believe that hunting and fishing is a right and if on February 5, 2010 the Commission votes to support right to hunt legislation, he will vote against it.

SB 1004

Mr. Guiles briefed the Commission on SB 1004, which reauthorizes the lottery for an additional 20 years and also has the list of beneficiaries included. The Department recommended that the Commission vote to support this bill.

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO SUPPORT SB 1004.

Vote: Unanimous

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3. Call to the Public

There were no requests to speak to the Commission.

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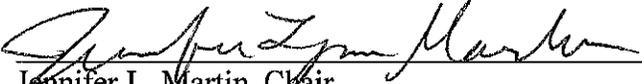
Motion: Woodhouse moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

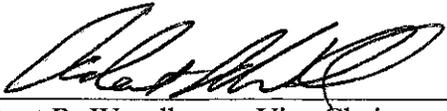
Vote: Unanimous

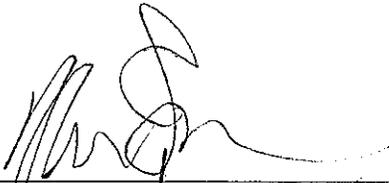
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Meeting adjourned at 2:05 p.m.

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Jennifer L. Martin, Chair

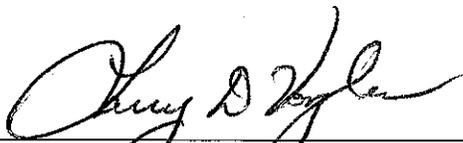

Robert R. Woodhouse, Vice Chair


Norman W. Freeman, Member


Jack F. Husted, Member


Robert D. Hernbrode, Member

ATTEST:


Larry D. Voyles
Secretary and Director

February 3, 2010
NRA Proposed Alternative Language
HCR 2008 (Striker Amendment)

The citizens of this State have a right to hunt, fish, and harvest wildlife. Wildlife belongs to the State and is held in trust for the benefit of the citizens. Exclusive authority to enact laws to regulate the manner, methods or seasons for hunting, fishing, and harvesting wildlife shall be vested in the Legislature, which may delegate rulemaking authority to a commission. No law shall be enacted, and no rule shall be adopted, that unreasonably restricts hunting, fishing and harvesting wildlife or the use of traditional means and methods. Laws and rules authorized hereunder shall have the purpose of wildlife conservation and management and preserving the future of hunting and fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. Nothing herein shall be construed to modify any provision of common law or statutes relating to trespass or property rights.