

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Friday, January 28, 2011 – 2:00 p.m.
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

In Person:
Commissioner Norman W. Freeman

In person:
Deputy Director Bob Broscheid
Deputy Director Gary R. Hovatter
Assistant Attorney General Linda Pollock

Via telephone:
Chairman Robert R. Woodhouse
Commissioner Jack F. Husted
Commissioner John W. Harris
Commissioner Jennifer L. Martin

Via telephone:
Director Larry D. Voyles

Chairman Woodhouse called the meeting to order at 2:00 p.m. Deputy Director Bob Broscheid conducted roll call and confirmed that all Commissioners were present. There were several Department staff members present and no members of the public were present. This meeting followed an agenda dated January 27, 2011.

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1. Executive Session

The Commission did not go into Executive Session.

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2. State and Federal Legislation.

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on several bills. Copies of these bills were provided to the Commission prior to this meeting for review. The Commission discussed and took the following actions:

HB 2358; Wildlife; Guides; Wasted Meat

The Commission discussed the amendment to HB 2358 that will be offered in committee on Monday, January 31. The amendment came from some concern that if the wasting of game meat was going to be a revocable offense, then there needed to be a definition of "edible portion." The Department recommended that the Commission support the amendment (attached) by Franklin M. Pratt dated January 27, 2011 at 4:47 p.m.

The Commission discussed making a change on line 35, page 1 of HB 2358 (attached) as follows: Change "...locate and take wildlife." to ..."locate or take wildlife." The Commission

was in consensus to not change the language because this would encompass a number of other activities that are not currently regulated such as locating wildlife for viewing or photography.

Motion: Martin moved and Husted seconded THAT THE COMMISSION VOTE TO SUPPORT HB 2358 AS AMENDED.

Vote: Unanimous

HB 2360; Game and Fish Appointment Board

This is an amendment to the bill that was passed last year. Only four board members were appointed instead of five because of the language in that bill, so this amendment will change the language.

The Commission discussed and was in consensus to not take a position on this bill.

HB 2396; Game and Fish; Trophies; Enforcement

The Commission directed the Department at the last regular Commission meeting to meet with the stakeholders and try to work out some changes to HB 2396. This bill will be discussed on Monday in committee and will be discussed at a stakeholders meeting that morning. This bill is still a work in progress and the Department will report back to the Commission on the language that comes out of those discussions.

The Commission discussed the definition of trophy and confirmed with Mr. Guiles that the Department is looking into that and looking at how some other states define a trophy.

Farm Bureau's Trespass Proposal

Commissioner Freeman asked about the Farm Bureau's trespass proposal.

Mr. Guiles provided an update to the Commission. A stakeholders meeting was held that included the Farm Bureau, Cattlegrowers, sportsmen's groups and the Department. The discussion was positive and everyone seemed to be on the same page. Some changes were made to the language and it is being reviewed by the stakeholders. Mr. Guiles will keep the Commission updated on its progress.

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3. Call to the Public

There were no requests to speak to the Commission.

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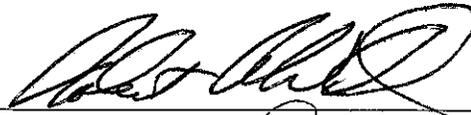
Motion: Martin moved and Harris seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

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Meeting adjourned at 2:44 p.m.

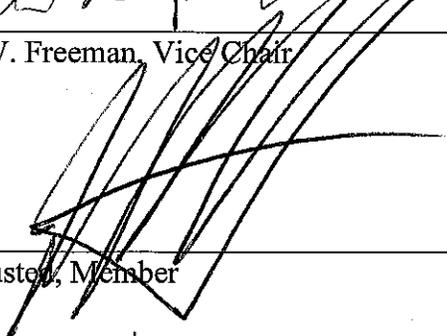
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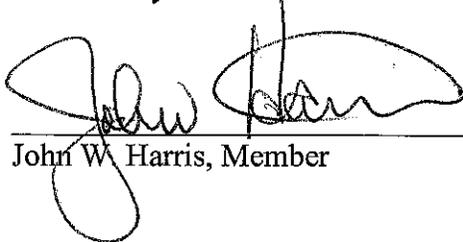
Robert R. Woodhouse, Chair



Norman W. Freeman, Vice Chair



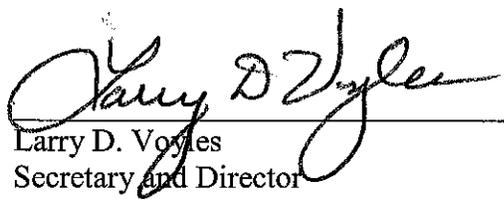
Jack F. Huster, Member



John W. Harris, Member

Jennifer L. Martin, Member

ATTEST:


Larry D. Voyles
Secretary and Director

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2358

(Reference to printed bill)

- 1 Page 3, line 43, strike the second period insert "INVOLVING A WASTE OF EDIBLE
2 PORTIONS AS FOLLOWS:
3 (a) UPLAND GAME BIRDS, MIGRATORY GAME BIRDS AND WILD TURKEY: BREAST.
4 (b) DEER, ELK, PRONGHORN (ANTELOPE), BIGHORN SHEEP, BISON (BUFFALO)
5 AND PECCARY (JAVELINA): HIND QUARTERS, FRONT QUARTERS, NECK AND LOINS.
6 (c) GAME FISH: FILLETS OF THE FISH.
7 MEAT DAMAGED DUE TO THE METHOD OF TAKING IS NOT CONSIDERED TO BE EDIBLE."
8 Amend title to conform

FRANKLIN M. PRATT

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REFERENCE TITLE: wildlife; guides; wasted meat

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2358

Introduced by
Representatives Weiers JP, Stevens: Smith D

AN ACT

AMENDING SECTIONS 17-101 AND 17-340, ARIZONA REVISED STATUTES; RELATING TO
GAME AND FISH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 17-101, Arizona Revised Statutes, is amended to
3 read:

4 17-101. Definitions

5 A. In this title, unless the context otherwise requires:

6 1. "Angling" means the taking of fish by one line and not to exceed
7 two hooks, by one line and one artificial lure, which may have attached more
8 than one hook, or by one line and not to exceed two artificial flies or
9 lures.

10 2. "Bag limit" means the maximum limit, in number or amount, of
11 wildlife which may lawfully be taken by any one person during a specified
12 period of time.

13 3. "Closed season" means the time during which wildlife may not be
14 lawfully taken.

15 4. "Commission" means the Arizona game and fish commission.

16 5. "Department" means the Arizona game and fish department.

17 6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall,
18 pit, explosive, poison or stupefying substance, crossbow, firearm, bow and
19 arrow, or other implement used for taking wildlife. Device does not include
20 a raptor or any equipment used in the sport of falconry.

21 7. "Falconry" means the sport of hunting or taking quarry with a
22 trained raptor.

23 8. "Fishing" means to lure, attract or pursue aquatic wildlife in such
24 a manner that the wildlife may be captured or killed.

25 9. "Fur dealer" means any person engaged in the business of buying for
26 resale the raw pelts or furs of wild mammals.

27 ~~10. "Guide" means a person who, for pay, aids or assists any person in
28 taking wildlife.~~

29 10. "GUIDE" MEANS A PERSON WHO DOES ANY OF THE FOLLOWING:

30 (a) ADVERTISES FOR GUIDING SERVICES.

31 (b) HOLDS HIMSELF OUT TO THE PUBLIC FOR HIRE AS A GUIDE.

32 (c) IS EMPLOYED BY A COMMERCIAL ENTERPRISE AS A GUIDE.

33 (d) ACCEPTS COMPENSATION IN ANY FORM COMMENSURATE WITH THE MARKET
34 VALUE IN THIS STATE FOR GUIDING SERVICES IN EXCHANGE FOR AIDING, ASSISTING,
✓35 DIRECTING, LEADING OR INSTRUCTING A PERSON IN THE FIELD TO LOCATE AND TAKE
36 WILDLIFE.

37 11. "License year" means the twelve-month period between January 1 and
38 December 31, inclusive.

39 12. "Nonresident" means a citizen of the United States or an alien who
40 has not been a bona fide resident of the state of Arizona for six months
41 immediately preceding the date of application for a license.

42 13. "Open season" means the time during which wildlife may be lawfully
43 taken.

44 14. "Possession limit" means the maximum limit, in number or amount of
45 wildlife, which may be possessed at one time by any one person.

1 15. "Resident" means a person who has been a bona fide resident of the
2 state of Arizona for six months immediately preceding the date of application
3 for a license, or a member of the armed forces who has been stationed in
4 Arizona for a period of thirty days immediately preceding the date of
5 application for a license.

6 16. "Road" means any maintained right-of-way for public conveyance.

7 17. "Statewide" means all lands except those areas lying within the
8 boundaries of state and federal refuges, parks and monuments, unless
9 specifically provided differently by commission order.

10 18. "Take" means pursuing, shooting, hunting, fishing, trapping,
11 killing, capturing, snaring or netting wildlife or the placing or using of
12 any net or other device or trap in a manner that may result in the capturing
13 or killing of wildlife.

14 19. "Taxidermist" means any person who engages for hire in the
15 mounting, refurbishing, maintaining, restoring or preserving of any display
16 specimen.

17 20. "Traps" or "trapping" means taking wildlife in any manner except
18 with a gun or other implement in hand.

19 21. "Wild" means, in reference to mammals and birds, those species
20 which are normally found in a state of nature.

21 22. "Wildlife" means all wild mammals, wild birds and the nests or eggs
22 thereof, reptiles, amphibians, mollusks, crustaceans, and fish, including
23 their eggs or spawn.

24 23. "Zoo" means a commercial facility open to the public where the
25 principal business is holding wildlife in captivity for exhibition purposes.

26 B. The following definitions of wildlife shall apply:

27 1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans
28 and soft-shelled turtles.

29 2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn
30 sheep, bison (buffalo), peccary (javelina), mountain lion, tree squirrel and
31 cottontail rabbit.

32 3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn
33 sheep, bison (buffalo), peccary (javelina), bear and mountain lion.

34 4. "Trophy" means:

35 (a) A mule deer buck with at least four points on one antler, not
36 including the eye-guard point.

37 (b) A whitetail deer buck with at least three points on one antler,
38 not including the eye-guard point.

39 (c) A bull elk with at least six points on one antler, including the
40 eye-guard point and the brow tine point.

41 (d) A pronghorn (antelope) buck with at least one horn exceeding or
42 equal to fourteen inches in total length.

43 (e) Any bighorn sheep.

44 (f) Any bison (buffalo).

- 1 5. Small game are cottontail rabbits, tree squirrels, upland game
2 birds and migratory game birds.
- 3 6. Fur-bearing animals are muskrats, raccoons, otters, weasels,
4 bobcats, beavers, badgers and ringtail cats.
- 5 7. Predatory animals are foxes, skunks, coyotes and bobcats.
- 6 8. Nongame animals are all wildlife except game mammals, game birds,
7 fur-bearing animals, predatory animals and aquatic wildlife.
- 8 9. Upland game birds are quail, partridge, grouse and pheasants.
- 9 10. Migratory game birds are wild waterfowl, including ducks, geese and
10 swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves
11 and bandtail pigeons.
- 12 11. Nongame birds are all birds except upland game birds and migratory
13 game birds.
- 14 12. Raptors are birds that are members of the order of falconiformes or
15 strigiformes and include falcons, hawks, owls, eagles and other birds that
16 the commission may classify as raptors.
- 17 13. Game fish are trout of all species, bass of all species, catfish of
18 all species, sunfish of all species, northern pike, walleye and yellow perch.
- 19 14. Nongame fish are all the species of fish except game fish.
- 20 15. Trout means all species of the family salmonidae, including
21 grayling.
- 22 Sec. 2. Section 17-340, Arizona Revised Statutes, is amended to read:
23 17-340. Revocation, suspension and denial of privilege of
24 taking wildlife; notice; violation; classification
- 25 A. ~~Upon~~ ON conviction or after adjudication as a delinquent juvenile
26 as defined in section 8-201 and in addition to other penalties prescribed by
27 this title, the commission, after a public hearing, may revoke or suspend a
28 license issued to any person under this title and deny the person the right
29 to secure another license to take or possess wildlife for a period of not to
30 exceed five years for:
- 31 1. Unlawful taking, unlawful selling, unlawful offering for sale,
32 unlawful bartering or unlawful possession of wildlife.
- 33 2. Careless use of firearms which has resulted in the injury or death
34 of any person.
- 35 3. Destroying, injuring or molesting livestock, or damaging or
36 destroying growing crops, personal property, notices or signboards, or other
37 improvements while hunting, trapping or fishing.
- 38 4. Littering public hunting or fishing areas while taking wildlife.
- 39 5. Knowingly allowing another person to use the person's big game tag,
40 except as provided by section 17-332, subsection D.
- 41 6. A violation of section 17-303, 17-304 or 17-341 OR SECTION 17-362,
42 SUBSECTION A.
- 43 7. A VIOLATION OF SECTION 17-309, SUBSECTION A, PARAGRAPH 5.

1 ~~7-~~ 8. A violation of section 17-309, subsection A, paragraph 1
2 involving any unlawful use of aircraft to take, assist in taking, harass,
3 chase, drive, locate or assist in locating wildlife.

4 B. On conviction or after adjudication as a delinquent juvenile and in
5 addition to any other penalties prescribed by this title:

6 1. For a first conviction or a first adjudication as a delinquent
7 juvenile, for unlawfully taking or wounding wildlife at any time or place,
8 the commission, after a public hearing, may revoke, suspend or deny a
9 person's privilege to take wildlife for a period of up to five years.

10 2. For a second conviction or a second adjudication as a delinquent
11 juvenile, for unlawfully taking or wounding wildlife at any time or place,
12 the commission, after a public hearing, may revoke, suspend or deny a
13 person's privilege to take wildlife for a period of up to ten years.

14 3. For a third conviction or a third adjudication as a delinquent
15 juvenile, for unlawfully taking or wounding wildlife at any time or place,
16 the commission, after a public hearing, may revoke, suspend or deny a
17 person's privilege to take wildlife permanently.

18 C. In accordance with title 41, chapter 6, article 10 and
19 notwithstanding subsection A of this section, any person who is assessed
20 civil damages under section 17-314 for the unlawful taking or possession of
21 wildlife may be denied the right to secure a license to take wildlife until
22 damages have been paid in full.

23 D. On receiving a report from the licensing authority of a state which
24 is a party to the wildlife violator compact, adopted under chapter 5 of this
25 title, that a resident of this state has failed to comply with the terms of a
26 wildlife citation, the commission, after a public hearing, may suspend any
27 license issued under this title to take wildlife until the licensing
28 authority furnishes satisfactory evidence of compliance with the terms of the
29 wildlife citation.

30 E. In carrying out ~~the provisions of~~ this section the director shall
31 notify the licensee, within one hundred eighty days after conviction, to
32 appear and show cause why the license should not be revoked, suspended or
33 denied. The notice may be served personally or by certified mail sent to the
34 address appearing on the license.

35 F. The commission shall furnish to license dealers the names and
36 addresses of persons whose licenses have been revoked or suspended, and the
37 periods for which they have been denied the right to secure licenses.

38 G. The commission may use the services of the office of administrative
39 hearings to conduct hearings and to make recommendations to the commission
40 pursuant to this section.

41 H. Except for a person who takes or possesses wildlife while under
42 permanent revocation, a person who takes wildlife in this state, or attempts
43 to obtain a license to take wildlife, at a time when the person's privilege
44 to do so is suspended, revoked or denied under this section is guilty of a
45 class 1 misdemeanor.