

Minutes of the Telephonic Meeting of the  
Arizona Game and Fish Commission  
Monday, February 23, 2009 – 9:00 a.m.  
Arizona Game and Fish Department  
5000 W. Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Via telephone:

Chairman Robert D. Hernbrode  
Vice-Chair Jennifer L. Martin  
Commissioner Robert R. Woodhouse  
Commissioner Norman W. Freeman  
Chairman William H. McLean

In person:

Director Larry D. Voyles  
Deputy Director Gary R. Hovatter  
Deputy Director Bob Broscheid

Via telephone:

Assistant Attorney General Jim Odenkirk

Chairman Hernbrode 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 20, 2009.

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## 1. State and Federal Legislation

**Presenter:** Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on an amendment to HB 2235; Game and Fish Commission; Appointments, printed on February 18, 2009, and offered by Representative Jerry Weiers. This amendment may be offered in Committee later today. The Commission was provided with a copy of the amendment prior to this meeting for review (attached to these minutes).

In a teleconference meeting dated January 23, 2009, the Commission voted unanimously to oppose HB 2235. Mr. Guiles discussed with the Commission some of the changes from the original introduced version and the proposed amendment. Discussion included the following issues:

- In regards to “at least four of the Commissioners must...have held a valid hunting, fishing or combination hunting and fishing license for at least five of the preceding seven years”, the Department does not have the ability to track all licenses sold by dealers, so it would be up to the person applying for a Commission position to keep and have proof of all their licenses
- Regarding the deadline for applications, as well as other language in the bill, it is ambiguous and not clear.

Commissioner Freeman asked the Commission if they really wanted to go down the path of wordsmithing and finding a compromise when new or amended legislation was not where they wanted to go. He understood that the Commission was opposed to changes to ARS 17-201 because they believed in the current Commission system as it is.

Commissioner Martin stated that the current statute is sufficient and shouldn't be changed, and further that there was no reason to make applying for a Commission position more restrictive and exclusive.

Commissioner McLean added that the system is not broken and does not need fixed. The current statute has worked well over the years and even if there is some room for potential compromise, this isn't it.

The Commission was in consensus and further discussed with Mr. Guiles that the Legislative Liaison Commissioners or their designee would plan to address the Legislature if possible on this item on behalf of the Commission.

Commissioner McLean stated that he may testify if possible for his own reasons and not on behalf of the Commission.

Mr. Odenkirk confirmed that Commissioner McLean could do that.

**Motion:** Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO OPPOSE THE PROPOSED AMENDMENT TO HOUSE BILL 2235 AND RECONFIRM ITS OPPOSITION TO HOUSE BILL 2235.

Director Voyles conducted roll call as follows:

- Commissioner Hernbrode – Aye
- Commissioner Martin – Aye
- Commissioner Woodhouse – Aye
- Commissioner Freeman – Aye
- Commissioner McLean – Aye

**Vote:** Unanimous

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2. Call to the Public

There were no members of the public present.

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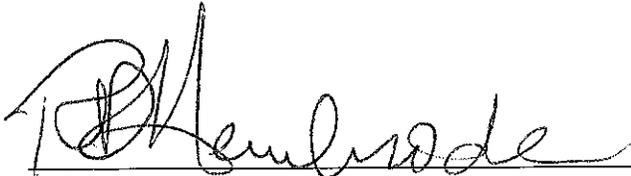
**Motion:** Martin moved and McLean seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

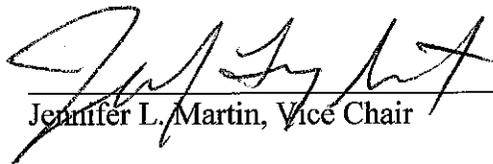
**Vote:** Unanimous

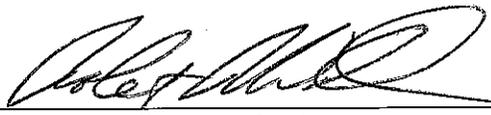
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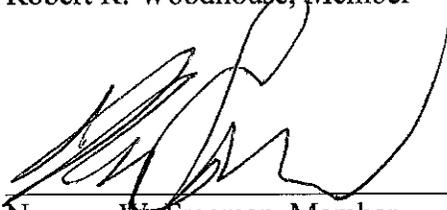
Meeting adjourned at 9:38 a.m.

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Robert D. Hernbrode, Chair

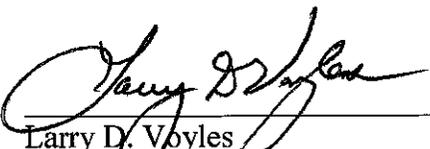
  
Jennifer L. Martin, Vice Chair

  
Robert R. Woodhouse, Member

  
Norman W. Freeman, Member

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William H. McLean, Member

ATTEST:

  
Larry D. Voyles  
Secretary and Director

— AMENDED VERSION —

Be it enacted by the Legislature of the State of Arizona: Section 1. Section 17-201, Arizona Revised Statutes, is amended to read:

17-201. Game and fish department; game and fish commission;  
members; appointment; removal; meetings

A. The laws of the THIS state relating to wildlife shall be administered by the game and fish department. Control of the department is vested in the game and fish commission. The commission shall consist of five members, appointed by the governor pursuant to section 38-211. Not more than three members shall be members of the same political party, and no two members may be residents of the same county. NOTWITHSTANDING SECTION 38-212, THE GOVERNOR SHALL NOT APPOINT A PERSON AS A MEMBER OF THE COMMISSION WITHOUT VERIFYING TO THE SENATE THAT THE NOMINEE HAS A CONTINUOUS RECORDED REGISTRATION PURSUANT TO TITLE 16, CHAPTER 1 WITH THE SAME POLITICAL PARTY OR AS AN INDEPENDENT FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING THE APPOINTMENT.

B. Members OF THE COMMISSION shall be well informed on the subject of wildlife and requirements for its conservation AND MUST DEMONSTRATE TO THE SENATE THAT THEY HAVE HELD A VALID HUNTING OR COMBINATION HUNTING AND FISHING LICENSE IN THIS STATE FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING THE APPOINTMENT AND THAT THEY HAVE BEEN A RESIDENT OF THIS STATE FOR AT LEAST TEN OF THE PRECEDING FIFTEEN YEARS. AT LEAST FOUR OF THE COMMISSIONERS MUST DEMONSTRATE TO THE SENATE ON APPOINTMENT THAT THEY HAVE HELD A VALID HUNTING, FISHING OR COMBINATION HUNTING AND FISHING LICENSE IN THIS STATE FOR AT LEAST FIVE OF THE PRECEDING SEVEN YEARS. Appointments shall be for a term of five years OR FIVE YEARS PLUS THE REMAINDER OF A UNEXPIRED TERM PRECEDING THE FIVE-YEAR APPOINTMENT and shall expire on the third Monday in January of the appropriate year. AN APPLICANT MUST APPLY TO FILL AN EXPIRING TERM OF A MEMBER NOT LATER THAN NOVEMBER 30 OF THE YEAR PRECEDING THE EXPIRATION OF THE TERM. THIS DEADLINE DOES NOT APPLY TO APPLICATIONS TO FILL A VACANCY CAUSED OTHER THA BY EXPIRATION OF A TERN FOR THE UNEXPIRED TERM.

C. APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE PUBLIC RECORDS AND SHALL BE MADE AVAILABLE ON WRITTEN REQUEST TO THE OFFICER RESPONSIBLE FOR GUBERNATORIAL APPOINTMENTS. THE GOVERNOR'S OFFICE SHALL MAKE ALL APPLICATIONS AVAILABLE FOR PUBLIC INSPECTION NOT LATER THAN THE SECOND WEEK IN DECEMBER BEFORE APPOINTMENT OR IMMEDIATELY IN THE CASE OF APPLICATIONS TO FILL A VACANCY CAUSED OTHER THAN BY EXPIRATION OF A TERM FOR THE UNEXPIRED TERM.

D. ~~The governor may,~~ After A public hearing, THE GOVERNOR MAY remove a member for inefficiency, neglect of duty or misconduct in office. ~~Upon~~ ON removal of a member the governor shall file in the office of the secretary of state a complete statement of all charges made against the members and ~~his~~ THE GOVERNOR'S findings thereon, together with a complete record of the proceedings.

E. Each member of the commission while attending general or specific meetings of the commission or while performing official duties for the commission shall receive compensation as determined pursuant to section 38-611. A commission member who is otherwise employed as a public officer shall not receive such payment if it is prohibited by law. Compensation and expenses shall be paid monthly from the game and fish fund.

F. The commission shall have its principal office at the state capitol but meetings may be held at any time or place ~~within the~~ IN THIS state. The commission shall meet at least once quarterly. Meetings may be held at the call of the chairman or majority of the commission. A majority of the commission shall constitute a quorum to transact business.