

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Monday, January 23, 2009 – 1:00 p.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 January 22, 2009.

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1. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on HB 2235; Game and Fish Commission; Appointments. The Commission was provided with a copy of the proposed legislation prior to this meeting for review and a copy is attached to these minutes.

Commissioner McLean asked several questions of Mr. Guiles for the record as follows:

Commissioner McLean asked if there any hunting, angling or trapping groups that have indicated any support or opposition to this legislation.

Mr. Guiles replied that he has only seen comments in opposition at this point and not in support. Some groups only expressed concern, but have not taken a formal position.

Commissioner McLean asked if Mr. Guiles has received any information from the primary sponsor or any of the co-sponsors that indicate what the legislation is intended to correct or do.

Mr. Guiles replied that he talked with Representative Weiers and did not get a specific example, but he indicated that a couple of sportsmen requested to see a hunting or hunting/fishing combo as part of the requirement to serve on the Commission.

Commissioner McLean asked if Representative Weiers or anyone else gave any indication as to why angling, trapping or guides licenses have been specifically excluded from the proposed list of qualifying factors.

Mr. Guiles replied that there was no reason given why angling, trapping or guide licenses have been excluded and he may not even be aware that they have been excluded.

Commissioner McLean asked what skills, knowledge or other specific attributes the holder of a hunting or hunting/fishing combo license may have that isn't covered by existing statutory qualifications, especially in light of the fact that a hunting or hunting/fishing combo license is merely purchased and requires no test or specific knowledge to obtain.

Mr. Guiles replied that there are none to his knowledge.

Commissioner McLean asked if a person held a hunting or hunting/fishing combo for many years, but then circumstances such as economic, health, or some other reason like being deployed overseas in the service, might cause a one year lapse in holding a license, that would preclude that person from being a valid applicant or nominee.

Mr. Guiles stated that was correct.

Commissioner McLean asked, in regards to the ten year residency requirement and assuming it does not need to be continuous or immediately preceding the appointment or nomination, if a person could be a resident for many years during youth, move to another state for a lengthy period of time and then return, and that person would be qualified.

Mr. Guiles stated that was correct.

Commissioner McLean asked, in regards to the applications for appointment being made available by the Governor's office to the public no later than the second week in December before appointment, what would happen if the call for applications does not occur until after the second week in December before appointment.

Mr. Guiles stated that they could not be appointed at that point in time according to how the legislation is written.

Commissioner McLean further asked if that would mean that if something happened to a member of the Commission, that member could not be replaced. The Governor would be restrained under this draft legislation from making an appointment for another full year, leaving the Commission one person short.

Mr. Guiles stated that was correct.

Commissioner Freeman asked if the Department could track licenses 100%, to which Assistant Director Harry Seck replied that the Department cannot. So there would not necessarily be any evidence that a person has held licenses in the past.

Commissioner Freeman asked if this bill could be modified as it goes through the process to add other requirements such as a Commissioner must hold a degree in wildlife biology.

Mr. Guiles confirmed that there are points in the legislative process where amendments to the legislation can be offered.

Mr. Guiles advised the Commission that the bills for discussion in Committee have been removed from the Committee agenda so they will not be discussed on Monday, but they could be taken back up at some point in the future. This was at the purview of the Chairman, Representative Konopnicki. The Department has an appointment to meet with Representative Konopnicki next week.

Chairman Hernbrode expressed concerns about even opening Title 17-201, which could cause opportunity for other potential manipulation of the language and the Commission's authority, and further stated that groups should bring these legislative matters to the Commission for discussion prior to moving forward. This legislation was proposed by Sportsmen for Wildlife. It was assigned by their Board on January 12 and the Commission held a regular meeting on January 16, so there is no reason why it could not have been brought to the Commission for discussion.

Motion: McLean moved and Woodhouse seconded THAT THE COMMISSION OPPOSE HB 2235; GAME AND FISH COMMISSION; APPOINTMENTS.

Director Voyles conducted roll call for the vote as follows:

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

Vote: Unanimous

Mr. Guiles briefed the Commission regarding another legislative matter. This morning at the first Legislative Liaison meeting under Governor Brewer, all State Agency Liaisons were asked to go back to their Agencies and evaluate their legislation to determine if they are mission critical. If they are not mission critical, they've asked those agencies to pull back from running those bills so that the Legislature can focus on the State budget crisis and work on the FY09 and FY10 budgets.

The Department proposed two pieces of legislation this year, HB2064 and HB2157. They are scheduled for a Committee hearing next Monday in the House Natural Resources Committee.

Commissioner McLean asked if those bills could be pulled back without withdrawing the bills completely so that those bills could be moved forward later in the session should it become appropriate to do so.

Mr. Guiles stated that he could ask the sponsors of the legislation to hold those until after the FY09 and FY10 budgets have been resolved.

The Commission asked Director Voyles whether either of these two bills were mission critical.

Director Voyles stated that while they were important, they were not mission critical and could be pursued at a later date.

Motion: McLean moved and Freeman seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT'S LEGISLATIVE LIAISON, THE DIRECTOR, AND THE LEGISLATIVE COMMISSIONERS TO COMMUNICATE TO THE BILL SPONSORS OF HB 2064 AND HB 2157, TO THE CHAIRMAN OF THE HOUSE NATURAL RESOURCES COMMITTEE, TO ANY OTHER MEMBERS OF THE LEGISLATURE, AND TO THE GOVERNOR'S STAFF, THAT IN A SPIRIT OF COOPERATION AND WORKING WITH THE GOVERNOR AND THE LEGISLATURE THAT WE WOULD LIKE OUR BILLS PULLED OFF THE CALENDAR UNTIL SUCH TIME THAT THE FY09 AND FY10 BUDGETS ARE RESOLVED, AND THAT WE MAY BE ASKING THAT THE BILLS BE MOVED FORWARD LATER IN THE LEGISLATIVE SESSION.

Director Voyles conducted roll call for the vote as follows:

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

Vote: Unanimous

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2. Call to the Public

One member of the public joined the meeting after the opening introductions, but did not request to speak to the Commission.

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Chairman Hernbrode requested a briefing and discussion on the Department's budget at the February Commission meeting and a briefing and discussion on baiting at the March Commission meeting.

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

Vote: Unanimous

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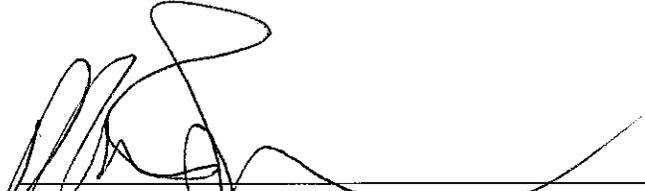
Meeting adjourned at 1:43 p.m.

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Robert D. Hernbrode, Chair

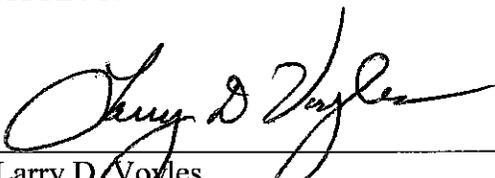

Jennifer L. Martin, Vice Chair


Robert R. Woodhouse, Member


Norman W. Freeman, Member

William H. McLean, Member

ATTEST:


Larry D. Voyles
Secretary and Director

REFERENCE TITLE: game and fish commissioners; appointment

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2235

Introduced by
Representatives Weiers JP, Gowan: Montenegro, Patterson

AN ACT

AMENDING SECTION 17-201, ARIZONA REVISED STATUTES; RELATING TO THE GAME AND FISH COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 17-201, Arizona Revised Statutes, is amended to
3 read:

4 17-201. Game and fish department; game and fish commission;
5 members; appointment; removal; meetings

6 A. The laws of ~~the~~ THIS state relating to wildlife shall be
7 administered by the game and fish department. Control of the department is
8 vested in the game and fish commission. The commission shall consist of five
9 members, appointed by the governor pursuant to section 38-211. Not more than
10 three members shall be members of the same political party, and no two
11 members may be residents of the same county. NOTWITHSTANDING SECTION 38-212,
12 THE GOVERNOR SHALL NOT APPOINT A PERSON AS A MEMBER OF THE COMMISSION WITHOUT
13 VERIFYING TO THE SENATE THAT THE NOMINEE HAS A CONTINUOUS RECORDED
14 REGISTRATION PURSUANT TO TITLE 16, CHAPTER 1 WITH THE SAME POLITICAL PARTY OR
15 AS AN INDEPENDENT FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING THE
16 APPOINTMENT. Members OF THE COMMISSION shall be well informed on the subject
17 of wildlife and requirements for its conservation AND MUST DEMONSTRATE TO THE
18 SENATE THAT THEY HAVE HELD A VALID HUNTING OR COMBINATION HUNTING AND FISHING
19 LICENSE IN THIS STATE FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING THE
20 APPOINTMENT AND THAT THEY HAVE BEEN A RESIDENT OF THIS STATE FOR AT LEAST TEN
21 YEARS. Appointments shall be for a term of five years and shall expire on
22 the third Monday in January of the appropriate year. APPLICATIONS FOR
23 APPOINTMENT TO THE COMMISSION ARE PUBLIC RECORDS AND SHALL BE MADE AVAILABLE
24 ON WRITTEN REQUEST TO THE OFFICER RESPONSIBLE FOR GUBERNATORIAL APPOINTMENTS.
25 THE GOVERNOR'S OFFICE SHALL MAKE ALL APPLICATIONS AVAILABLE FOR PUBLIC
26 INSPECTION NOT LATER THAN THE SECOND WEEK IN DECEMBER BEFORE APPOINTMENT.

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

33 C. Each member of the commission while attending general or specific
34 meetings of the commission or while performing official duties for the
35 commission shall receive compensation as determined pursuant to section
36 38-611. A commission member who is otherwise employed as a public officer
37 shall not receive such payment if it is prohibited by law. Compensation and
38 expenses shall be paid monthly from the game and fish fund.

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