

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Tuesday, April 14, 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
Commissioner William H. McLean

In person:

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

Via telephone:

Assistant Attorney General Shelley Cutts
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 except for Commissioner Elect Jack Husted. This meeting followed an agenda dated April 10, 2009.

* * * * *

1. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on the status of HB 2064: Wildlife Guides; Wasted Game Meat and HB 2157: Wildlife; Aquatic Invasive Species. The Commission was provided with copies of proposed amended language to these bills and a written briefing (attached to these minutes).

The Commission discussed HB 2064 as it related to the definition of a guide, particularly regarding compensation ("accepts compensation in any form in exchange for aiding or assisting any person to locate or take wildlife"). The Commission discussed and confirmed with Ms. Cutts that compensation would not be buying dinner, paying for a hotel room, or providing a tank of gas to a person who accompanies or assists on a hunt. The compensation would have to be commensurate to fair market value of what guides typically charge for these services.

Motion: Martin moved and seconded THAT THE COMMISSION VOTE TO SUPPORT HB 2064 WITH THE AMENDMENTS.

Commissioner McLean suggested amending the motion to be clear that the Commission supported HB 2064 with the amendments as presented at this meeting in case additional amendments were offered on the floor.

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION.

Vote: Unanimous

Amended Motion: Martin moved and seconded THAT THE COMMISSION VOTE TO SUPPORT HB 2064 AS AMENDED AND PRESENTED AT THIS MEETING.

Vote: Unanimous

The Commission discussed HB 2157 and their concerns about the deletion of the Aquatic Invasive Species Fund. This bill would have provided for the implementation of a dedicated funding source, but now instead of monies coming from either the Legislature or the Watercraft Licensing Fund, the monies will come out of the Game and Fish Fund.

Mr. Guiles suggested that he go back to the sponsor of the legislation and ask her to work with the Department in developing or modifying a statutory change to Title 5 to insert Aquatic Invasive Species (AIS) and then the Watercraft Licensing Fund can become eligible for this use.

Commissioner Martin suggested also that something could be placed in the amendment that said monies directed to the Game and Fish Fund from AIS sources would be used for AIS and the Department could keep books on what's coming in and going out regarding those funds.

Motion: McLean moved and Martin seconded THAT THE COMMISSION VOTE TO TABLE THIS MATTER AND DIRECT THE DEPARTMENT TO HAVE DISCUSSIONS WITH THE SPONSOR OF HB 2157 AND OTHERS CONCERNED ABOUT THE BILL'S CURRENT LANGUAGE AND THAT THIS MATTER BE BROUGHT BACK TO THE COMMISSION AT THE NEXT REGULAR COMMISSION MEETING.

Vote: Unanimous

* * * * *

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.

* * * * *

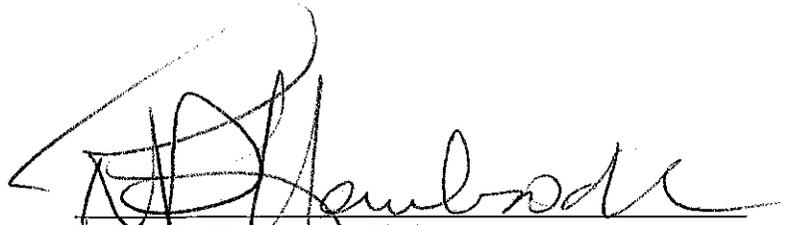
Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

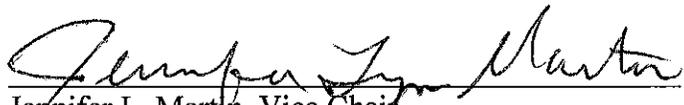
* * * * *

Meeting adjourned at 2:02 p.m.

* * * * *



Robert D. Henbrode, Chair



Jennifer L. Martin, Vice Chair

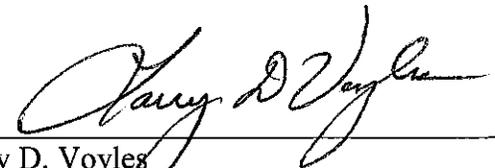
Robert R. Woodhouse, Member



Norman W. Freeman, Member

William H. McLean, Member

ATTEST:



Larry D. Voyles
Secretary and Director

April 10, 2009
Legislative Affairs

Proposed Amended Legislation:

HB2157: wildlife; aquatic invasive species

HB2064: wildlife; guides; wasted meat

This document is designed to prepare the Commission (in advance of the meeting scheduled for 4/14/09) on the proposed amendments to the Department's legislation so that discussion/action/direction is more informed.

Proposed changes to this legislation is as a result of concern and advice of legislators and stakeholders. Most saliently, when concerns arise, the first course of action by legislative staff is to defend the position of the Commission and original language of a respective bill. Inherent to the legislative process, some concerns are unalterable and this paper explains those concerns and recent negotiations with legislators and stakeholders.

At this point, changes to both bills would be in the form of a floor amendment. Both HB2157 and HB2064 have had committee hearings in the House, and received do pass recommendations.

As of 4/10/09, HB2064 has been calendared for the House Rules Committee, and once it has passed that Committee, it will be subject to floor action and amendments.

HB2157 (The AIS Bill)

Specifically, Representative Kavanagh, Approps. Chair, and Representative McLain, the bill's primary sponsor, are confirmed as feeling satisfied with the following proposed changes.

Using the unofficial final Kavanagh amend (attached to email):

1. Page 1, lines 22 and 23: This is an unsubstantial change. In the original bill, this language was 17-255.01 (B)(3). Kavanagh thought the authority given the Department could be abused, and was 'overly broad.' His concerns were overcome, and the language was re-inserted by committee staff, but included in subsection (B)(2).
2. Page 1, line 32: 'checkpoints' stricken. This word is loathed by conservative leadership. A few of those members asked that the word be stricken. However, the ability for the Department to inspect boats would still exist under this same subsection as written: 'authorize and establish lawful inspections of watercraft....'
3. Page 1, lines 38-40: This change was a compromise as Kavanagh did not want to have law enforcement officers force persons to pay a fee to decontaminate their watercraft. We compromised and suggested that persons would not be required to decontaminate their watercraft, et.al. on-

site IF the station charged a fee AND until decontaminated, cannot place into a water body.

4. Page 2, lines 4 and 9-10: This language is part of added exemptions in a later section. It would prohibit educational institutions and public aquariums (that hold a lawful permit and are exempted from this article) from placing any AIS into waters of the state.
5. Page 2, line 9: 'transport in this state' stricken. Concerns from members about potential incidental occurrences and again, as being an 'overly broad' prohibition. Changed to read: 'Place in waters of this state'
6. Page 2, lines 10-11: 'in which aquatic invasive species are not present' stricken. This language was not part of the originally introduced bill, and ultimately we convinced the concerned members that the addition of this language would harm the intent of this new article.
7. Page 2, lines 28 and 34. 'game and fish fund.' This was necessary to add commensurate with striking the section relating to the AIS fund (see no. 9 below):
8. Page 2, lines 32-33: 'not to exceed fifty dollars.' Meets concerns of members wanting a 'cap' for state to charge persons to decontaminate their watercraft, et.al.
9. Page 2, lines 38-52: The AIS Fund-stricken. This is at the behest of members, particularly the sponsor, who feel that the addition of this fiscal imposition to the state (under this economic climate) would not withstand the scrutiny of the current conservative majority of the legislature. This is considered by the Department's legislative staff as a viable political reality. With the addition of this section, the bill would also need to be heard before the conservative appropriations committees in both chambers, and would likely die and potentially bring unwanted fiscal attention to the Department in a time of an economic crisis. In an effort to hold the Department harmless to the monetary burdens set forth by an establishment of a program; the bill states that the Director 'may' establish a program, as opposed to 'shall.' Another option the Commission may choose to consider is to return with a bill in a future session amending the existing watercraft fund to include authorization for AIS.
10. Page 3, lines 13-15: This is an exemption added for research institutions and public aquariums that hold an appropriate permit issued by the Department.

HB2064 (Guides, Wasted Meat bill)

This bill's proposed changes are far fewer. Some individuals seem to shout the loudest. Suzanne Gilstrap had contacted the House Natural Resources Committee Chair, Representative Konopnicki to express her issue with the bill, and asked for the Chair to halt the bill's movement. After discussions with both, the following change was offered to replace Page 1, lines 33-34:

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

Despite being assured that the originally offered language would be subject to the common sense scrutiny of a law enforcement officer, the Commission, and a judge in the event of an issued citation, it was felt that genuine 'family and friends' would be held liable under the bill's original language.

The above revised definition would more narrowly define 'compensation' as necessarily commensurate with a market value. Some stakeholders requested that a dollar amount be added, which was overcome with the more broad definition offered above.

REFERENCE TITLE: wildlife; aquatic invasive species

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

HB 2157

Introduced by
Representatives McLain, Goodale, Jones, Pancrazi, Senator Aguirre: Representatives Tobin,
Weiers JP, Senator Nelson

AN ACT

AMENDING TITLE 17, CHAPTER 2, ARIZONA REVISED STATUTES, BY
ADDING ARTICLE 3.1; 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. Title 17, chapter 2, Arizona Revised Statutes, is amended by adding article 3.1, to
3 read:

4 **ARTICLE 3.1. AQUATIC INVASIVE SPECIES**

5 **17-255. Definition of aquatic invasive species**

6 **IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "AQUATIC**
7 **INVASIVE SPECIES":**

8 **1. MEANS ANY AQUATIC SPECIES THAT IS NOT NATIVE TO THE ECOSYSTEM**
9 **UNDER CONSIDERATION AND WHOSE INTRODUCTION OR PRESENCE IN THIS STATE MAY**
10 **CAUSE ECONOMIC OR ENVIRONMENTAL HARM OR HARM TO HUMAN HEALTH.**

11 **2. DOES NOT INCLUDE:**

12 **(a) ANY NONINDIGENOUS SPECIES LAWFULLY OR HISTORICALLY INTRODUCED**
13 **INTO THIS STATE FOR SPORT FISHING RECREATION.**

14 **(b) ANY SPECIES INTRODUCED INTO THIS STATE BY THE DEPARTMENT, BY**
15 **OTHER GOVERNMENTAL ENTITIES OR BY ANY PERSON PURSUANT TO THIS TITLE.**

16 **17-255.01. Aquatic invasive species program; powers**

17 **A. THE DIRECTOR MAY ESTABLISH AND MAINTAIN AN AQUATIC INVASIVE**
18 **SPECIES PROGRAM.**

19 **B. THE DIRECTOR MAY ISSUE ORDERS:**

20 **1. ESTABLISHING A LIST OF AQUATIC INVASIVE SPECIES FOR THIS STATE.**

21 **2. ESTABLISHING A LIST OF WATERS OR LOCATIONS WHERE AQUATIC INVASIVE**
22 **SPECIES ARE PRESENT AND TAKE STEPS NECESSARY TO ERADICATE, ABATE OR**
23 **PREVENT THE SPREAD OF AQUATIC INVASIVE SPECIES WITHIN OR FROM THOSE BODIES**
24 **OF WATER.**

25 **3. ESTABLISHING MANDATORY CONDITIONS AS PROVIDED IN SUBSECTION C ON**
26 **THE MOVEMENT OF WATERCRAFT, VEHICLES, CONVEYANCES OR OTHER EQUIPMENT**
27 **FROM WATERS OR LOCATIONS WHERE AQUATIC INVASIVE SPECIES ARE PRESENT TO**
28 **OTHER WATERS.**

29 **C. IF THE PRESENCE OF AN AQUATIC INVASIVE SPECIES IS SUSPECTED OR**
30 **DOCUMENTED IN THIS STATE, THE DIRECTOR OR AN AUTHORIZED EMPLOYEE OR**
31 **AGENT OF THE DEPARTMENT MAY TAKE ONE OR MORE OF THE FOLLOWING ACTIONS**
32 **TO ABATE OR ELIMINATE THE SPECIES:**

33 **1. AUTHORIZE AND ESTABLISH CHECKPOINTS AND LAWFUL INSPECTIONS OF**
34 **WATERCRAFT, VEHICLES, CONVEYANCES AND OTHER EQUIPMENT TO LOCATE THE**
35 **AQUATIC INVASIVE SPECIES.**

36 **2. ORDER ANY PERSON WITH AN AQUATIC INVASIVE SPECIES IN OR ON THE**
37 **PERSON'S WATERCRAFT, VEHICLE, CONVEYANCE OR OTHER EQUIPMENT TO**
38 **DECONTAMINATE THE WATERCRAFT, VEHICLE, CONVEYANCE OR EQUIPMENT IN A**
39 **MANNER PRESCRIBED BY RULE NOTWITHSTANDING SECTION 17-255.01, SUBSECTION C,**
40 **PARAGRAPH 3; MANDATORY ON-SITE DECONATMINATIONS SHALL NOT BE REQUIRED**
41 **WHERE ON-SITE CLEANING STATIONS CHARGE A FEE.**

42 **3. REQUIRE ANY PERSON WITH A WATERCRAFT, VEHICLE, CONVEYANCE OR**
43 **OTHER EQUIPMENT IN WATERS OR LOCATIONS WHERE AN AQUATIC INVASIVE SPECIES**
44 **IS PRESENT TO DECONTAMINATE THE PROPERTY BEFORE MOVING IT TO ANY OTHER**
45 **WATERS IN THIS STATE OR ANY OTHER LOCATION IN THIS STATE WHERE AQUATIC**
46 **INVASIVE SPECIES COULD THRIVE.**

47 **D. AN ORDER ISSUED UNDER SUBSECTION B OR C OF THIS SECTION IS EXEMPT**
48 **FROM TITLE 41, CHAPTER 6, ARTICLE 3, EXCEPT THAT THE DIRECTOR SHALL**
49 **PROMPTLY FILE A COPY OF THE ORDER WITH THE SECRETARY OF STATE FOR**
50 **PUBLICATION IN THE ARIZONA ADMINISTRATIVE REGISTER PURSUANT TO SECTION 41-**
51 **1013.**

52 **17-255.02. Prohibitions**

53 **EXCEPT AS AUTHORIZED BY THE COMMISSION, A PERSON SHALL NOT:**

1 1. POSSESS, IMPORT, SHIP OR TRANSPORT INTO OR WITHIN THIS STATE, OR
2 CAUSE TO BE IMPORTED, SHIPPED OR TRANSPORTED INTO OR WITHIN THIS STATE, AN
3 AQUATIC INVASIVE SPECIES.

4 2. NOTWITHSTANDING SECTION 17-255.05, SUBSECTION A, PARAGRAPH 4,
5 RELEASE, PLACE OR PLANT, OR CAUSE TO BE RELEASED, PLACED OR PLANTED, AN
6 AQUATIC INVASIVE SPECIES INTO WATERS IN THIS STATE OR INTO ANY WATER
7 TREATMENT FACILITY, WATER SUPPLY OR WATER TRANSPORTATION FACILITY,
8 DEVICE OR MECHANISM IN THIS STATE.

9 3. ~~TRANSPORT IN THIS STATE~~ NOTWITHSTANDING SECTION 17-255.05,
10 SUBSECTION A, PARAGRAPH 4, PLACE IN ANY WATERS OF THIS STATE ANY EQUIPMENT,
11 WATERCRAFT, VESSEL, VEHICLE OR CONVEYANCE THAT HAS BEEN IN ANY WATER OR
12 LOCATION WHERE AQUATIC INVASIVE SPECIES ARE PRESENT WITHIN THIRTY DAYS
13 BEFORE THE DATE OF TRANSPORTATION WITHOUT FIRST DECONTAMINATING THE
14 EQUIPMENT, WATERCRAFT, VESSEL, VEHICLE OR CONVEYANCE.

15 4. SELL, PURCHASE, BARTER OR EXCHANGE IN THIS STATE AN AQUATIC
16 INVASIVE SPECIES.

17 17-255.03. Violations; civil penalties; classification; cost recovery

18 A. EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, A PERSON WHO
19 VIOLATES THIS ARTICLE IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE
20 THOUSAND DOLLARS.

21 B. A PERSON WHO KNOWINGLY VIOLATES SECTION 17-255.02, PARAGRAPH 2 OR 4
22 IS GUILTY OF A CLASS 6 FELONY. IN ADDITION, THE COMMISSION, OR ANY OFFICER
23 CHARGED WITH ENFORCING THIS ARTICLE IF DIRECTED BY THE COMMISSION, MAY
24 BRING A CIVIL ACTION IN THE NAME OF THIS STATE TO RECOVER DAMAGES AND
25 COSTS AGAINST A PERSON WHO VIOLATES SECTION 17-255.02, PARAGRAPH 2 OR 4.
26 DAMAGES AND COSTS RECOVERED PURSUANT TO THIS SUBSECTION SHALL BE
27 DEPOSITED IN THE AQUATIC INVASIVE SPECIES GAME AND FISH FUND.

28 C. THE COURT SHALL ORDER A PERSON FOUND IN VIOLATION OF SECTION
29 17-255.01, SUBSECTION C, PARAGRAPH 2 TO PAY TO THIS STATE ALL COSTS INCURRED BY
30 THIS STATE TO DECONTAMINATE ANY WATERCRAFT, VEHICLE, CONVEYANCE OR
31 OTHER EQUIPMENT ON WHICH AQUATIC INVASIVE SPECIES WERE PRESENT NOT TO
32 EXCEED FIFTY DOLLARS. MONIES PAID PURSUANT TO THIS SUBSECTION SHALL BE
33 DEPOSITED IN THE AQUATIC INVASIVE SPECIES GAME AND FISH FUND.

34 D. THIS SECTION APPLIES REGARDLESS OF WHETHER THE DIRECTOR
35 ESTABLISHES AN AQUATIC INVASIVE SPECIES PROGRAM PURSUANT TO SECTION 17-
36 255.01.

37 17-255.04. Aquatic invasive species fund

38 ~~A. THE AQUATIC INVASIVE SPECIES FUND IS ESTABLISHED CONSISTING OF~~
39 ~~MONIES APPROPRIATED BY THE LEGISLATURE, INCLUDING APPROPRIATION OF~~
40 ~~OTHERWISE UNALLOCATED MONIES FROM THE WATERCRAFT LICENSING FUND,~~
41 ~~MONIES PAID AND RECOVERED FROM CIVIL ACTIONS UNDER THIS ARTICLE AND GIFTS,~~
42 ~~GRANTS AND OTHER CONTRIBUTIONS RECEIVED FOR THE PURPOSES OF ERADICATION,~~
43 ~~RAPID RESPONSE, MANAGEMENT AND EDUCATION EXPENSES UNDER THIS ARTICLE.~~

44 ~~B. THE COMMISSION SHALL ADMINISTER THE FUND. ON NOTICE FROM THE~~
45 ~~COMMISSION, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND~~
46 ~~AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE~~
47 ~~CREDITED TO THE FUND.~~

48 ~~C. MONIES IN THE FUND ARE:~~

- 49 ~~1. APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES OF THIS ARTICLE.~~
50 ~~2. EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF~~
51 ~~APPROPRIATIONS.~~

52 **NRRA COMMITTEE AMENDMENT--AMENDED**

53 17-255.05. Applicability; no private right of action

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

- A. THIS ARTICLE DOES NOT APPLY TO:**
- 1. THE OWNER OR OPERATOR OF ANY SYSTEM OF CANALS, LATERALS OR PIPES AND ANY RELATED OR ANCILLARY FACILITIES, FIXED EQUIPMENT AND STRUCTURES RELATED TO THE DELIVERY OF WATER AND ANY DISCHARGES FROM THE SYSTEM.**
 - 2. THE OWNER OR OPERATOR OF ANY WATER TREATMENT OR DISTRIBUTION FACILITY SYSTEM AND ANY RELATED OR ANCILLARY FACILITIES, FIXED EQUIPMENT AND STRUCTURES AND ANY DISCHARGES FROM THE SYSTEM.**
 - 3. THE OWNER OR OPERATOR OF ANY DRAINAGE, WASTEWATER COLLECTION, TREATMENT OR DISPOSAL FACILITY SYSTEM AND ANY RELATED OR ANCILLARY FACILITIES, FIXED EQUIPMENT AND STRUCTURES AND ANY DISCHARGES FROM THE SYSTEM.**
 - 4. THE OWNER OR OPERATOR OF A PUBLIC OR PRIVATE AQUARIUM AND EDUCATIONAL OR RESEARCH INSTITUTIONS HOLDING A PERMIT PURSUANT TO SECTIONS 17-238 OR 17-306.**
- B. THIS ARTICLE DOES NOT CREATE ANY EXPRESS OR IMPLIED PRIVATE RIGHT OF ACTION AND MAY BE ONLY ENFORCED BY THIS STATE.**
- C. THE DIRECTOR MAY CONSULT WITH THE ENTITIES LISTED IN THIS SECTION TO ASSIST IN THE IMPLEMENTATION OF THE PROVISIONS OF THIS ARTICLE.**

UNOFFICIAL
Page and line numbering may not match official version

REFERENCE TITLE: wildlife; guides; wasted meat

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

HB 2064

Introduced by
Representative Konopnicki

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 IN EXCHANGE FOR AIDING OR
34 ASSISTING ANY PERSON TO LOCATE OR TAKE WILDLIFE.
35 11. "License year" means the twelve-month period between January 1 and
36 December 31, inclusive.
37 12. "Nonresident" means a citizen of the United States or an alien who
38 has not been a bona fide resident of the state of Arizona for six months
39 immediately preceding the date of application for a license.
40 13. "Open season" means the time during which wildlife may be lawfully
41 taken.
42 14. "Possession limit" means the maximum limit, in number or amount of
43 wildlife, which may be possessed at one time by any one person.
44 15. "Resident" means a person who has been a bona fide resident of the
45 state of Arizona for six months immediately preceding the date of application

1 for a license, or a member of the armed forces who has been stationed in
2 Arizona for a period of thirty days immediately preceding the date of
3 application for a license.

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

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

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

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

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

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

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

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

24 B. The following definitions of wildlife shall apply:

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

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

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

32 4. "Trophy" means:

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

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

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

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

41 (e) Any bighorn sheep.

42 (f) Any bison (buffalo).

43 5. Small game are cottontail rabbits, tree squirrels, upland game
44 birds and migratory game birds.

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

1 B. On conviction or after adjudication as a delinquent juvenile and in
2 addition to any other penalties prescribed by this title:
3 1. For a first conviction or a first adjudication as a delinquent
4 juvenile, for unlawfully taking or wounding wildlife at any time or place,
5 the commission, after a public hearing, may revoke, suspend or deny a
6 person's privilege to take wildlife for a period of up to five years.
7 2. For a second conviction or a second adjudication as a delinquent
8 juvenile, for unlawfully taking or wounding wildlife at any time or place,
9 the commission, after a public hearing, may revoke, suspend or deny a
10 person's privilege to take wildlife for a period of up to ten years.
11 3. For a third conviction or a third adjudication as a delinquent
12 juvenile, for unlawfully taking or wounding wildlife at any time or place,
13 the commission, after a public hearing, may revoke, suspend or deny a
14 person's privilege to take wildlife permanently.
15 C. In accordance with title 41, chapter 6, article 10 and
16 notwithstanding subsection A of this section, any person who is assessed
17 civil damages under section 17-314 for the unlawful taking or possession of
18 wildlife may be denied the right to secure a license to take wildlife until
19 damages have been paid in full.
20 D. On receiving a report from the licensing authority of a state which
21 is a party to the wildlife violator compact, adopted under chapter 5 of this
22 title, that a resident of this state has failed to comply with the terms of a
23 wildlife citation, the commission, after a public hearing, may suspend any
24 license issued under this title to take wildlife until the licensing
25 authority furnishes satisfactory evidence of compliance with the terms of the
26 wildlife citation.
27 E. In carrying out ~~the provisions of~~ this section the director shall
28 notify the licensee, within one hundred eighty days after conviction, to
29 appear and show cause why the license should not be revoked, suspended or
30 denied. The notice may be served personally or by certified mail sent to the
31 address appearing on the license.
32 F. The commission shall furnish to license dealers the names and
33 addresses of persons whose licenses have been revoked or suspended, and the
34 periods for which they have been denied the right to secure licenses.
35 G. The commission may use the services of the office of administrative
36 hearings to conduct hearings and to make recommendations to the commission
37 pursuant to this section.
38 H. Except for a person who takes or possesses wildlife while under
39 permanent revocation, a person who takes wildlife in this state, or attempts
40 to obtain a license to take wildlife, at a time when the person's privilege
41 to do so is suspended, revoked or denied under this section is guilty of a
42 class 1 misdemeanor.