

REFERENCE TITLE: **Arizona wildlife conservation service**

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

HB 2125

Introduced by
Representative Patterson

AN ACT

**AMENDING SECTIONS 17-101, 17-201, 17-211 AND 17-214, ARIZONA REVISED
STATUTES; RELATING TO WILDLIFE MANAGEMENT.**

(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~~ WILDLIFE CONSERVATION
16 SERVICE commission.

17 5. "Department" means the Arizona ~~game and fish department~~ WILDLIFE
18 CONSERVATION SERVICE.

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

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

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

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

29 10. "Guide" means a person who, for pay, aids or assists any person in
30 taking wildlife.

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

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

36 13. "Open season" means the time during which wildlife may be lawfully
37 taken.

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

40 15. "Resident" means a person who has been a bona fide resident of the
41 state of Arizona for six months immediately preceding the date of application
42 for a license, or a member of the armed forces who has been stationed in
43 Arizona for a period of thirty days immediately preceding the date of
44 application for a license.

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

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

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

8 19. "Taxidermist" means any person who engages for hire in the
9 mounting, refurbishing, maintaining, restoring or preserving of any display
10 specimen.

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

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

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

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

20 B. The following definitions of wildlife shall apply:

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

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

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

28 4. "Trophy" means:

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

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

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

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

37 (e) Any bighorn sheep.

38 (f) Any bison (buffalo).

39 5. Small game are cottontail rabbits, tree squirrels, upland game
40 birds and migratory game birds.

41 6. Fur-bearing animals are muskrats, raccoons, otters, weasels,
42 bobcats, beavers, badgers and ringtail cats.

43 7. Predatory animals are foxes, skunks, coyotes and bobcats.

44 8. Nongame animals are all wildlife except game mammals, game birds,
45 fur-bearing animals, predatory animals and aquatic wildlife.

46 9. Upland game birds are quail, partridge, grouse and pheasants.

1 10. Migratory game birds are wild waterfowl, including ducks, geese and
2 swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves
3 and bandtail pigeons.

4 11. Nongame birds are all birds except upland game birds and migratory
5 game birds.

6 12. Raptors are birds that are members of the order of falconiformes or
7 strigiformes and include falcons, hawks, owls, eagles and other birds that
8 the commission may classify as raptors.

9 13. Game fish are trout of all species, bass of all species, catfish of
10 all species, sunfish of all species, northern pike, walleye and yellow perch.

11 14. Nongame fish are all the species of fish except game fish.

12 15. Trout means all species of the family salmonidae, including
13 grayling.

14 Sec. 2. Section 17-201, Arizona Revised Statutes, is amended to read:

15 17-201. Arizona wildlife conservation service and commission;
16 members; appointment; removal; meetings

17 A. The laws of the state relating to wildlife shall be administered by
18 the ~~game and fish department~~ ARIZONA WILDLIFE CONSERVATION SERVICE. Control
19 of the department is vested in the ~~game and fish~~ ARIZONA WILDLIFE
20 CONSERVATION SERVICE commission. The commission shall consist of five
21 members, appointed by the governor pursuant to section 38-211. Not more than
22 three members shall be members of the same political party, and no two
23 members may be residents of the same county. Members shall be well informed
24 on the subject of wildlife and requirements for its conservation.
25 Appointments shall be for a term of five years and shall expire on the third
26 Monday in January of the appropriate year.

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

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

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

43 Sec. 3. Section 17-211, Arizona Revised Statutes, is amended to read:

44 17-211. Director; selection; removal; powers and duties; employees

45 A. The commission shall appoint a director of the Arizona ~~game and~~
46 ~~fish department~~ WILDLIFE CONSERVATION SERVICE, who shall be the chief

1 administrative officer of the ~~game and fish~~ department. The director shall
2 receive compensation as determined pursuant to section 38-611. The director
3 shall be selected on the basis of administrative ability and general
4 knowledge of wildlife management. The director shall act as secretary to the
5 commission, and shall serve for a term of five years, but may be removed by
6 the commission, after A public hearing, for inefficiency, neglect of duty or
7 misconduct in office. If the director is removed, the commission shall make,
8 in its minutes, a complete statement of the proceedings and all charges made
9 against the director, and its findings. The director shall not hold any
10 other office, and shall devote the entire time to the duties of office.

11 B. The commission shall prepare an examination for the post of
12 director to comply with the requirements of this title. The examination
13 shall be conducted at the offices of the commission at the capital to
14 establish an active list of eligible applicants. The director shall be
15 selected from those scoring satisfactory grades and having other qualities
16 deemed advisable by the commission. The commission may call for additional
17 examinations from time to time for selection of a new list of eligible
18 applicants to fill a vacancy.

19 C. The director may appoint employees necessary to carry out the
20 purposes of this title, when funds for the payment of their salaries are
21 appropriated. Department employees shall be located in different sections of
22 the state where their services are most needed. All appointments must be
23 made in accordance with procedures and qualifications established by the
24 commission. Compensation for persons appointed shall be as determined
25 pursuant to section 38-611. The director may dismiss an employee for
26 inefficiency, neglect of duty or misconduct. Such employee shall be entitled
27 to an appeal before the commission after filing a written request for a
28 hearing within thirty days after the date of discharge. The director shall
29 file in the department office a complete statement of charges made against
30 the employee and the findings after such written request is received. If the
31 employee fails to file such request within the thirty-day period, the right
32 of appeal is waived and the action of the director shall be final.

33 D. The director shall:

34 1. Have general supervision and control of all activities, functions
35 and employees of the department.

36 2. Enforce all provisions of this title, including all commission
37 rules.

38 3. Collaborate with the state forester in presentations to legislative
39 committees on issues associated with forest management and wildfire
40 prevention and suppression as provided by section 37-622, subsection B.

41 E. Game rangers and wildlife managers may, in addition to other
42 duties:

43 1. Execute all warrants issued for a violation of this title.

44 2. Execute subpoenas issued in any matter arising under this title.

1 3. Search without warrant any aircraft, boat, vehicle, box, game bag
2 or other package where there is sufficient cause to believe that wildlife or
3 parts of wildlife are possessed in violation of law.

4 4. Inspect all wildlife taken or transported and seize all wildlife
5 taken or possessed in violation of law, or showing evidence of illegal
6 taking.

7 5. Seize as evidence devices used illegally in taking wildlife and
8 hold them subject to ~~the provisions of~~ section 17-240.

9 6. Generally exercise the powers of peace officers with primary duties
10 the enforcement of this title.

11 7. Seize devices that cannot be lawfully used for the taking of
12 wildlife and are being so used and hold and dispose of them pursuant to
13 section 17-240.

14 Sec. 4. Section 17-214, Arizona Revised Statutes, is amended to read:
15 17-214. Arizona wildlife conservation service reserve; members;
16 powers and duties; compensation

17 A. The commission may establish a volunteer organization known as the
18 Arizona ~~game and fish department~~ WILDLIFE CONSERVATION SERVICE reserve and
19 prescribe the qualifications for membership. Members of the reserve serve at
20 the pleasure of the director who has general supervision and control of all
21 reserve activities.

22 B. The reserve shall assist the department as an auxiliary body and
23 perform such duties in the areas of education, conservation and enforcement
24 as the commission prescribes by rule ~~or regulation~~. The director may
25 designate qualified reservists as peace officers in the same manner and with
26 the same powers as game rangers and wildlife managers. Such reservists are
27 not entitled to participate in the public safety personnel retirement system
28 pursuant to title 38, chapter 5, article 4.

29 C. Members of the reserve are not eligible to receive compensation but
30 are eligible for reimbursement of expenses pursuant to title 38, chapter 4,
31 article 2. Members of the reserve are deemed to be employees of this state
32 for the purpose of coverage under Arizona workers' compensation pursuant to
33 title 23, chapter 6.

34 Sec. 5. Transition

35 Notwithstanding any provision of this act, the Arizona wildlife
36 conservation service may retain and use signage, printed and painted property
37 and other insignia of the Arizona game and fish department through December
38 31, 2016.

39 Sec. 6. Conforming changes

40 The Arizona legislative council staff shall prepare draft legislation
41 to conform Arizona Revised Statutes to the changes made by this act for
42 consideration in the fiftieth legislature, second regular session.