

REFERENCE TITLE: Arizona wildlife conservation service

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

# HB 2540

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~~ THAT may lawfully be taken by any one person during a  
12 specified 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 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 (e) Is not a landowner or lessee who, without full fair market  
38 compensation, allows access to the landowner's or lessee's property and  
39 directs and advises a person in taking wildlife.  
40 11. "License year" means the twelve-month period between January 1 and  
41 December 31, inclusive.  
42 12. "Nonresident" means a citizen of the United States or an alien who  
43 has not been a bona fide resident of the state of Arizona for six months  
44 immediately preceding the date of application for a license.

- 1           13. "Open season" means the time during which wildlife may be lawfully  
2 taken.
- 3           14. "Possession limit" means the maximum limit, in number or amount of  
4 wildlife, ~~which~~ THAT may be possessed at one time by any one person.
- 5           15. "Resident" means a person who has been a bona fide resident of the  
6 state of Arizona for six months immediately preceding the date of application  
7 for a license, or a member of the armed forces who has been stationed in  
8 Arizona for a period of thirty days immediately preceding the date of  
9 application for a license.
- 10          16. "Road" means any maintained right-of-way for public conveyance.
- 11          17. "Statewide" means all lands except those areas lying within the  
12 boundaries of state and federal refuges, parks and monuments, unless  
13 specifically provided differently by commission order.
- 14          18. "Take" means pursuing, shooting, hunting, fishing, trapping,  
15 killing, capturing, snaring or netting wildlife or the placing or using of  
16 any net or other device or trap in a manner that may result in the capturing  
17 or killing of wildlife.
- 18          19. "Taxidermist" means any person who engages for hire in the  
19 mounting, refurbishing, maintaining, restoring or preserving of any display  
20 specimen.
- 21          20. "Traps" or "trapping" means taking wildlife in any manner except  
22 with a gun or other implement in hand.
- 23          21. "Wild" means, in reference to mammals and birds, those species  
24 ~~which~~ THAT are normally found in a state of nature.
- 25          22. "Wildlife" means all wild mammals, wild birds and the nests or eggs  
26 thereof, reptiles, amphibians, mollusks, crustaceans and fish, including  
27 their eggs or spawn.
- 28          23. "Zoo" means a commercial facility open to the public where the  
29 principal business is holding wildlife in captivity for exhibition purposes.
- 30            B. The following definitions of wildlife shall apply:
- 31            1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans  
32 and soft-shelled turtles.
- 33            2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn  
34 sheep, bison (buffalo), peccary (javelina), mountain lion, tree squirrel and  
35 cottontail rabbit.
- 36            3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn  
37 sheep, bison (buffalo), peccary (javelina), bear and mountain lion.
- 38            4. "Trophy" means:
- 39            (a) A mule deer buck with at least four points on one antler, not  
40 including the eye-guard point.
- 41            (b) A whitetail deer buck with at least three points on one antler,  
42 not including the eye-guard point.
- 43            (c) A bull elk with at least six points on one antler, including the  
44 eye-guard point and the brow tine point.

- 1 (d) A pronghorn (antelope) buck with at least one horn exceeding or  
2 equal to fourteen inches in total length.  
3 (e) Any bighorn sheep.  
4 (f) Any bison (buffalo).  
5 5. Small game are cottontail rabbits, tree squirrels, upland game  
6 birds and migratory game birds.  
7 6. Fur-bearing animals are muskrats, raccoons, otters, weasels,  
8 bobcats, beavers, badgers and ringtail cats.  
9 7. Predatory animals are foxes, skunks, coyotes and bobcats.  
10 8. Nongame animals are all wildlife except game mammals, game birds,  
11 fur-bearing animals, predatory animals and aquatic wildlife.  
12 9. Upland game birds are quail, partridge, grouse and pheasants.  
13 10. Migratory game birds are wild waterfowl, including ducks, geese and  
14 swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves  
15 and bandtail pigeons.  
16 11. Nongame birds are all birds except upland game birds and migratory  
17 game birds.  
18 12. Raptors are birds that are members of the order of falconiformes or  
19 strigiformes and include falcons, hawks, owls, eagles and other birds that  
20 the commission may classify as raptors.  
21 13. Game fish are trout of all species, bass of all species, catfish of  
22 all species, sunfish of all species, northern pike, walleye and yellow perch.  
23 14. Nongame fish are all the species of fish except game fish.  
24 15. Trout means all species of the family salmonidae, including  
25 grayling.

26 Sec. 2. Section 17-201, Arizona Revised Statutes, is amended to read:  
27 17-201. Arizona wildlife conservation service; commission;  
28 members; appointment; removal; meetings

29 A. The laws of the state relating to wildlife shall be administered by  
30 the ~~game and fish department~~ ARIZONA WILDLIFE CONSERVATION SERVICE. Control  
31 of the department is vested in the ~~game and fish~~ ARIZONA WILDLIFE  
32 CONSERVATION SERVICE commission. The commission shall consist of five  
33 members, appointed by the governor pursuant to section 38-211. Not more than  
34 three members shall be members of the same political party, and no two  
35 members may be residents of the same county. Members shall be well informed  
36 on the subject of wildlife and requirements for its conservation.  
37 Appointments shall be for a term of five years and shall expire on the third  
38 Monday in January of the appropriate year.

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

44 C. Each member of the commission while attending general or specific  
45 meetings of the commission or while performing official duties for the

1 commission shall receive compensation as determined pursuant to section  
2 38-611. A commission member who is otherwise employed as a public officer  
3 shall not receive such payment if it is prohibited by law. Compensation and  
4 expenses shall be paid monthly from the game and fish fund.

5 D. The commission shall have its principal office at the state capitol  
6 but meetings may be held at any time or place within the state. The  
7 commission shall meet at least once quarterly. Meetings may be held at the  
8 call of the chairman or majority of the commission. A majority of the  
9 commission shall constitute a quorum to transact business.

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

11 17-211. Director; selection; removal; powers and duties;  
12 employees

13 A. The commission shall appoint a director of the Arizona ~~game and~~  
14 ~~fish department~~ WILDLIFE CONSERVATION SERVICE, who shall be the chief  
15 administrative officer of the ~~game and fish~~ department. The director shall  
16 receive compensation as determined pursuant to section 38-611. The director  
17 shall be selected on the basis of administrative ability and general  
18 knowledge of wildlife management. The director shall act as secretary to the  
19 commission, and shall serve for a term of five years, but may be removed by  
20 the commission, after A public hearing, for inefficiency, neglect of duty or  
21 misconduct in office. If the director is removed, the commission shall make,  
22 in its minutes, a complete statement of the proceedings and all charges made  
23 against the director, and its findings. The director shall not hold any  
24 other office, and shall devote the entire time to the duties of office.

25 B. The commission shall prepare an examination for the post of  
26 director to comply with the requirements of this title. The examination  
27 shall be conducted at the offices of the commission at the capital to  
28 establish an active list of eligible applicants. The director shall be  
29 selected from those scoring satisfactory grades and having other qualities  
30 deemed advisable by the commission. The commission may call for additional  
31 examinations from time to time for selection of a new list of eligible  
32 applicants to fill a vacancy.

33 C. The director may appoint employees necessary to carry out the  
34 purposes of this title, when funds for the payment of their salaries are  
35 appropriated. Department employees shall be located in different sections of  
36 the state where their services are most needed. All appointments must be  
37 made in accordance with procedures and qualifications established by the  
38 commission. Compensation for persons appointed shall be as determined  
39 pursuant to section 38-611. The director may dismiss an employee for  
40 inefficiency, neglect of duty or misconduct. Such employee shall be entitled  
41 to an appeal before the commission after filing a written request for a  
42 hearing within thirty days after the date of discharge. The director shall  
43 file in the department office a complete statement of charges made against  
44 the employee and the findings after such written request is received. If the

1 employee fails to file such request within the thirty-day period, the right  
2 of appeal is waived and the action of the director shall be final.

3 D. The director shall:

4 1. Have general supervision and control of all activities, functions  
5 and employees of the department.

6 2. Enforce all provisions of this title, including all commission  
7 rules.

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

11 E. Game rangers and wildlife managers may, in addition to other  
12 duties:

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

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

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

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

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

23 6. Generally exercise the powers of peace officers with primary duties  
24 the enforcement of this title.

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

28 Sec. 4. Section 17-214, Arizona Revised Statutes, is amended to read:

29 17-214. Arizona wildlife conservation service reserve; members;  
30 powers and duties; compensation

31 A. The commission may establish a volunteer organization known as the  
32 Arizona ~~game and fish department~~ WILDLIFE CONSERVATION SERVICE reserve and  
33 prescribe the qualifications for membership. Members of the reserve serve at  
34 the pleasure of the director who has general supervision and control of all  
35 reserve activities.

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

43 C. Members of the reserve are not eligible to receive compensation but  
44 are eligible for reimbursement of expenses pursuant to title 38, chapter 4,  
45 article 2. Members of the reserve are deemed to be employees of this state

1 for the purpose of coverage under Arizona workers' compensation pursuant to  
2 title 23, chapter 6.

3       Sec. 5. Transition

4       Notwithstanding any provision of this act, the Arizona wildlife  
5 conservation service may retain and use signage, printed and painted property  
6 and other insignia of the Arizona game and fish department through December  
7 31, 2017.

8       Sec. 6. Conforming changes

9       The Arizona legislative council staff shall prepare draft legislation  
10 to conform Arizona Revised Statutes to the changes made by this act for  
11 consideration in the fifty-first legislature, first regular session.