

REFERENCE TITLE: Mexican wolf; taking; reporting

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1211

Introduced by
Senators Griffin, Burges, Farnsworth D; Representatives Gowan, Livingston:
Senators Biggs, Crandell, Reagan, Ward

AN ACT

AMENDING SECTIONS 3-2401 AND 17-302, ARIZONA REVISED STATUTES; AMENDING TITLE 17, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 17-321; RELATING TO THE TAKING AND HANDLING OF WILDLIFE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 3-2401, Arizona Revised Statutes, is amended to
3 read:

4 3-2401. Control of destructive animals and noxious rodents:
5 agreements and cooperation with federal agencies:
6 exception

7 A. The director shall cooperate with the animal and plant health
8 inspection service of the United States department of agriculture in the
9 control and destruction or relocation of predatory wildlife, noxious rodents
10 and related animals that are injurious to livestock, poultry, game,
11 agriculture, other industries and the public health in accordance with
12 organized and systematic plans of the animal and plant health inspection
13 service. For such purposes, the director shall enter into written agreements
14 with the animal and plant health inspection service regarding the methods and
15 procedure to be followed, the extent of supervision to be exercised by the
16 state and federal agencies, respectively, and the use and expenditure of
17 state funds. The director, in cooperation with the animal and plant health
18 inspection service, may also enter into cooperative agreements with other
19 governmental agencies and counties of the state to promote the control and
20 destruction of predatory wildlife, noxious rodents and related animals.

21 B. The authority to destroy predatory wildlife, noxious rodents and
22 related animals does not include big game animals as defined in section
23 17-101, except:

- 24 1. Bear and mountain lion taken pursuant to section 17-302.
25 2. To protect public health and safety.

26 C. NOTWITHSTANDING ANY FEDERAL LAW OR REGULATION TO THE CONTRARY, AN
27 EMPLOYEE OF THE DEPARTMENT MAY TAKE ANY WOLF THAT HAS BEEN DOCUMENTED OR
28 CAUGHT IN THE ACT OF KILLING LIVESTOCK. AN EMPLOYEE OF THE DEPARTMENT IS NOT
29 SUBJECT TO PENALTY UNDER FEDERAL LAW WHILE EXERCISING THE EMPLOYEE'S
30 AUTHORITY PURSUANT TO THIS SUBSECTION. ANY WOLF THAT THREATENS THE PUBLIC
31 HEALTH AND SAFETY IS SUBJECT TO A TAKING UNDER THIS SECTION AND SECTION
32 17-302.

33 Sec. 2. Section 17-302, Arizona Revised Statutes, is amended to read:

34 17-302. Taking of bear, wolf or mountain lion for protection of
35 property; report

36 A. Other provisions of this title notwithstanding, a landowner or
37 lessee, who is a livestock operator, ~~and~~ who has recently had livestock
38 attacked or killed by bear, WOLF or mountain lion, ~~may, if he~~ AND WHO
39 complies with subsection B, ~~OF THIS SECTION~~ MAY lawfully exercise such
40 measures as necessary to prevent further damage from the offending bear, WOLF
41 or MOUNTAIN lion, including the taking of such bear, WOLF or mountain lion in
42 the following manner:

43 1. All traps shall be inspected within seventy-two hours and nontarget
44 animals released without further injury. The department shall provide
45 technical advice and assistance in the release of nontarget bears, WOLVES and

1 MOUNTAIN lions. Nontarget animals THAT ARE seriously injured and unable to
 2 leave the scene ~~upon~~ ON release shall be humanely dispatched. Target bears,
 3 WOLVES and MOUNTAIN lions shall be humanely dispatched immediately.

4 2. Bears, WOLVES and MOUNTAIN lions may be taken only by means of:

5 (a) ~~Leg hold~~ LEGHOLD traps without teeth and with an open jaw spread
 6 not exceeding eight and one-half inches.

7 (b) Leg snares.

8 (c) Firearms.

9 (d) Other legal hunting weapons and devices.

10 3. All traps and snares shall be identified as to the person or agency
 11 setting the trap or snare.

12 4. A livestock operator taking a MOUNTAIN lion, WOLF or bear pursuant
 13 to this section shall notify a department office within five days after
 14 setting traps or initiating pursuit in any manner. The notification for ~~both~~
 15 bears, WOLVES and MOUNTAIN lions shall include information on the number and
 16 kind of livestock attacked or killed and the name and address of the
 17 livestock operator experiencing depredation. Such information shall not be
 18 public information.

19 5. A livestock operator taking a bear, WOLF or MOUNTAIN lion pursuant
 20 to this section shall provide reasonable evidence of having livestock
 21 recently attacked or killed if a person authorized by the director requests
 22 such evidence within forty-eight hours of the department being notified
 23 pursuant to paragraph 4 OF THIS SUBSECTION. Information shall include
 24 location description of sufficient detail to allow the site of depredation
 25 and traps set to be located. Such information shall not be public
 26 information.

27 6. Dogs may be used to facilitate the pursuit of depredating bears,
 28 WOLVES and MOUNTAIN lions.

29 B. A license or tag shall not be required for the taking of a bear,
 30 WOLF or mountain lion under this section, but within ten days after the
 31 taking, the livestock operator shall file a written report with the
 32 department. The location of the take, THE identity of the livestock operator
 33 filing the report and THE location and date of livestock depredation are not
 34 public information. Such report shall also contain the following
 35 information:

36 1. THE name and address of THE livestock operator experiencing
 37 depredation losses.

38 2. THE number, ages and kinds of livestock lost.

39 3. THE numbers and location of bears, WOLVES or MOUNTAIN lions taken.

40 4. THE sex and estimated age of each bear, WOLF or MOUNTAIN lion
 41 taken.

42 5. THE location and date of livestock depredation.

43 C. No portion of an animal taken pursuant to this section shall be
 44 retained or sold by any person except as authorized by the commission.

1 D. No animal trapped or taken alive under this section shall be held
2 in captivity.

3 E. In addition to other penalties provided by law, persons not in
4 compliance with ~~the provisions of~~ this section may be ordered by the
5 department to remove devices not in compliance with the requirements of this
6 section and to cease and desist current pursuit activities intended to take
7 the depredating bear, WOLF or MOUNTAIN lion ~~which the livestock operator has~~
8 ~~failed to comply with the provisions of this section.~~

9 F. A livestock operator entitled to take a bear, WOLF or MOUNTAIN lion
10 under ~~the provisions of~~ this section may contract with another person for the
11 taking of the depredating bear, WOLF or MOUNTAIN lion. The person under
12 contract shall comply with all of the provisions of this section.

13 G. NOTWITHSTANDING ANY FEDERAL LAW OR REGULATION TO THE CONTRARY, A
14 LIVESTOCK OPERATOR IS NOT SUBJECT TO PENALTY UNDER FEDERAL LAW WHILE
15 EXERCISING THE AUTHORITY PURSUANT TO THIS SECTION TO PROTECT PROPERTY.

16 H. ANY BEAR, WOLF OR MOUNTAIN LION THAT THREATENS THE PUBLIC HEALTH OR
17 SAFETY IS SUBJECT TO A TAKING UNDER THIS SECTION.

18 Sec. 3. Title 17, chapter 3, article 1, Arizona Revised Statutes, is
19 amended by adding section 17-321, to read:

20 17-321. Mexican wolf recovery program; DNA profile; reporting

21 THE UNITED STATES FISH AND WILDLIFE SERVICE SHALL:

22 1. PROVIDE TO THE ARIZONA GAME AND FISH DEPARTMENT AND THE ARIZONA
23 DEPARTMENT OF AGRICULTURE A FULL DNA PROFILE ON EACH ANIMAL REINTRODUCED IN
24 THIS STATE AS A PART OF THE MEXICAN WOLF RECOVERY PROGRAM.

25 2. REPORT QUARTERLY TO THE ARIZONA GAME AND FISH DEPARTMENT ALL
26 INCIDENCES IN WHICH A WOLF HARMS, KILLS OR HARASSES A HUMAN.

27 3. REPORT QUARTERLY TO THE ARIZONA DEPARTMENT OF AGRICULTURE ALL
28 INCIDENCES IN WHICH A WOLF HARMS, KILLS OR HARASSES LIVESTOCK.