

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

CHAPTER 272
HOUSE BILL 2639

AN ACT

AMENDING SECTIONS 17-101 AND 17-231, ARIZONA REVISED STATUTES; AMENDING TITLE 17, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 17-251; AMENDING SECTIONS 17-261 AND 17-273, ARIZONA REVISED STATUTES; AMENDING SECTION 17-340, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 113, SECTION 2; AMENDING SECTIONS 17-341, 17-371, 28-921 AND 41-2752, ARIZONA REVISED STATUTES; REPEALING SECTION 17-340, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 282, SECTION 2; BLENDING MULTIPLE ENACTMENTS; 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~~ 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 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. "DOMICILE" MEANS A PERSON'S TRUE, FIXED AND PERMANENT HOME AND
22 PRINCIPAL RESIDENCE. PROOF OF DOMICILE IN THIS STATE MAY BE SHOWN AS
23 PRESCRIBED BY RULE BY THE COMMISSION.

24 ~~7-~~ 8. "Falconry" means the sport of hunting or taking quarry with a
25 trained raptor.

26 ~~8-~~ 9. "Fishing" means to lure, attract or pursue aquatic wildlife in
27 such a manner that the wildlife may be captured or killed.

28 ~~9-~~ 10. "Fur dealer" means any person engaged in the business of
29 buying for resale the raw pelts or furs of wild mammals.

30 ~~10-~~ 11. "Guide" means a person who does any of the following:

31 (a) Advertises for guiding services.

32 (b) Holds himself out to the public for hire as a guide.

33 (c) Is employed by a commercial enterprise as a guide.

34 (d) Accepts compensation in any form commensurate with the market
35 value in this state for guiding services in exchange for aiding, assisting,
36 directing, leading or instructing a person in the field to locate and take
37 wildlife.

38 (e) Is not a landowner or lessee who, without full fair market
39 compensation, allows access to the landowner's or lessee's property and
40 directs and advises a person in taking wildlife.

41 ~~11-~~ 12. "License year" means the twelve-month period between January 1
42 and December 31, inclusive.

43 ~~12-~~ "Nonresident" means a citizen of the United States or an alien who
44 has not been a bona fide resident of the state of Arizona for six months
45 immediately preceding the date of application for a license.

1 13. "NONRESIDENT", FOR THE PURPOSES OF APPLYING FOR A LICENSE, PERMIT,
2 TAG OR STAMP, MEANS A CITIZEN OF THE UNITED STATES OR AN ALIEN WHO IS NOT A
3 RESIDENT.

4 ~~13.~~ 14. "Open season" means the time during which wildlife may be
5 lawfully taken.

6 ~~14.~~ 15. "Possession limit" means the maximum limit, in number or
7 amount of wildlife, which may be possessed at one time by any one person.

8 ~~15. "Resident" means a person who has been a bona fide resident of the
9 state of Arizona for six months immediately preceding the date of application
10 for a license, or a member of the armed forces who has been stationed in
11 Arizona for a period of thirty days immediately preceding the date of
12 application for a license.~~

13 16. "RESIDENT", FOR THE PURPOSES OF APPLYING FOR A LICENSE, PERMIT, TAG
14 OR STAMP, MEANS A PERSON WHO IS:

15 (a) A MEMBER OF THE ARMED FORCES OF THE UNITED STATES ON ACTIVE DUTY
16 AND STATIONED IN:

17 (i) THIS STATE FOR A PERIOD OF THIRTY DAYS IMMEDIATELY PRECEDING THE
18 DATE OF APPLYING FOR A LICENSE, PERMIT, TAG OR STAMP.

19 (ii) ANOTHER STATE OR COUNTRY BUT WHO LISTS THIS STATE AS THEIR HOME OF
20 RECORD AT THE TIME OF APPLYING FOR A LICENSE, PERMIT, TAG OR STAMP.

21 (b) DOMICILED IN THIS STATE FOR SIX MONTHS IMMEDIATELY PRECEDING THE
22 DATE OF APPLYING FOR A LICENSE, PERMIT, TAG OR STAMP AND WHO DOES NOT CLAIM
23 RESIDENCY PRIVILEGES FOR ANY PURPOSE IN ANY OTHER STATE OR JURISDICTION.

24 ~~16.~~ 17. "Road" means any maintained right-of-way for public
25 conveyance.

26 ~~17.~~ 18. "Statewide" means all lands except those areas lying within
27 the boundaries of state and federal refuges, parks and monuments, unless
28 specifically provided differently by commission order.

29 ~~18.~~ 19. "Take" means pursuing, shooting, hunting, fishing, trapping,
30 killing, capturing, snaring or netting wildlife or the placing or using of
31 any net or other device or trap in a manner that may result in the capturing
32 or killing of wildlife.

33 ~~19.~~ 20. "Taxidermist" means any person who engages for hire in the
34 mounting, refurbishing, maintaining, restoring or preserving of any display
35 specimen.

36 ~~20.~~ 21. "Traps" or "trapping" means taking wildlife in any manner
37 except with a gun or other implement in hand.

38 ~~21.~~ 22. "Wild" means, in reference to mammals and birds, those species
39 ~~which~~ THAT are normally found in a state of nature.

40 ~~22.~~ 23. "Wildlife" means all wild mammals, wild birds and the nests or
41 eggs thereof, reptiles, amphibians, mollusks, crustaceans and fish, including
42 their eggs or spawn.

43 ~~23.~~ 24. "Zoo" means a commercial facility open to the public where the
44 principal business is holding wildlife in captivity for exhibition purposes.

- 1 B. The following definitions of wildlife shall apply:
2 1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans
3 and soft-shelled turtles.
4 2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn
5 sheep, bison (buffalo), peccary (javelina), mountain lion, tree squirrel and
6 cottontail rabbit.
7 3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn
8 sheep, bison (buffalo), peccary (javelina), bear and mountain lion.
9 4. "Trophy" means:
10 (a) A mule deer buck with at least four points on one antler, not
11 including the eye-guard point.
12 (b) A whitetail deer buck with at least three points on one antler,
13 not including the eye-guard point.
14 (c) A bull elk with at least six points on one antler, including the
15 eye-guard point and the brow tine point.
16 (d) A pronghorn (antelope) buck with at least one horn exceeding or
17 equal to fourteen inches in total length.
18 (e) Any bighorn sheep.
19 (f) Any bison (buffalo).
20 5. Small game are cottontail rabbits, tree squirrels, upland game
21 birds and migratory game birds.
22 6. Fur-bearing animals are muskrats, raccoons, otters, weasels,
23 bobcats, beavers, badgers and ringtail cats.
24 7. Predatory animals are foxes, skunks, coyotes and bobcats.
25 8. Nongame animals are all wildlife except game mammals, game birds,
26 fur-bearing animals, predatory animals and aquatic wildlife.
27 9. Upland game birds are quail, partridge, grouse and pheasants.
28 10. Migratory game birds are wild waterfowl, including ducks, geese and
29 swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves
30 and bandtail pigeons.
31 11. Nongame birds are all birds except upland game birds and migratory
32 game birds.
33 12. Raptors are birds that are members of the order of falconiformes or
34 strigiformes and include falcons, hawks, owls, eagles and other birds that
35 the commission may classify as raptors.
36 13. Game fish are trout of all species, bass of all species, catfish of
37 all species, sunfish of all species, northern pike, walleye and yellow perch.
38 14. Nongame fish are all the species of fish except game fish.
39 15. Trout means all species of the family salmonidae, including
40 grayling.
41 Sec. 2. Section 17-231, Arizona Revised Statutes, is amended to read:
42 17-231. General powers and duties of the commission
43 A. The commission shall:
44 1. Adopt rules and establish services it deems necessary to carry out
45 the provisions and purposes of this title.

- 1 2. Establish broad policies and long-range programs for the
2 management, preservation and harvest of wildlife.
- 3 3. Establish hunting, trapping and fishing rules and prescribe the
4 manner and methods which may be used in taking wildlife.
- 5 4. Be responsible for the enforcement of laws for the protection of
6 wildlife.
- 7 5. Prescribe grades, qualifications and salary schedules for
8 department employees.
- 9 6. Provide for the assembling and distribution of information to the
10 public relating to wildlife and activities of the department.
- 11 7. Prescribe rules for the expenditure, by or under the control of the
12 director, of all funds arising from appropriation, licenses, gifts or other
13 sources.
- 14 8. Exercise such powers and duties necessary to carry out fully the
15 provisions of this title and in general exercise powers and duties which
16 relate to adopting and carrying out policies of the department and control of
17 its financial affairs.
- 18 9. Prescribe procedures for use of department personnel, facilities,
19 equipment, supplies and other resources in assisting search or rescue
20 operations on request of the director of the division of emergency
21 management.
- 22 10. Cooperate with the Arizona-Mexico commission in the governor's
23 office and with researchers at universities in this state to collect data and
24 conduct projects in the United States and Mexico on issues that are within
25 the scope of the department's duties and that relate to quality of life,
26 trade and economic development in this state in a manner that will help the
27 Arizona-Mexico commission to assess and enhance the economic competitiveness
28 of this state and of the Arizona-Mexico region.
- 29 B. The commission may:
 - 30 1. Conduct investigations, inquiries or hearings in the performance of
31 its powers and duties.
 - 32 2. Establish game management units or refuges for the preservation and
33 management of wildlife.
 - 34 3. Construct and operate game farms, fish hatcheries, fishing lakes or
35 other facilities for or relating to the preservation or propagation of
36 wildlife.
 - 37 4. Expend funds to provide training in the safe handling and use of
38 firearms and safe hunting practices.
 - 39 5. Remove or permit to be removed from public or private waters fish
40 which hinder or prevent propagation of game or food fish and dispose of such
41 fish in such manner as it may designate.
 - 42 6. Purchase, sell or barter wildlife for the purpose of stocking
43 public or private lands and waters and take at any time in any manner
44 wildlife for research, propagation and restocking purposes or for use at a
45 game farm or fish hatchery and declare wildlife salable when in the public
46 interest or the interest of conservation.

1 7. Enter into agreements with the federal government, with other
2 states or political subdivisions of the state and with private organizations
3 for the construction and operation of facilities and for management studies,
4 measures or procedures for or relating to the preservation and propagation of
5 wildlife and expend funds for carrying out such agreements.

6 8. Prescribe rules for the sale, trade, importation, exportation or
7 possession of wildlife.

8 9. Expend monies for the purpose of producing publications relating to
9 wildlife and activities of the department for sale to the public and
10 establish the price to be paid for annual subscriptions and single copies of
11 such publications. All monies received from the sale of such publications
12 shall be deposited in the game and fish publications revolving fund.

13 10. Contract with any person or entity to design and produce artwork on
14 terms which, in the commission's judgment, will produce an original and
15 valuable work of art relating to wildlife or wildlife habitat.

16 11. Sell or distribute the artwork authorized under paragraph 10 of
17 this subsection on such terms and for such price as it deems acceptable.

18 12. Consider the adverse and beneficial short-term and long-term
19 economic impacts on resource dependent communities, small businesses and the
20 state of Arizona, of policies and programs for the management, preservation
21 and harvest of wildlife by holding a public hearing to receive and consider
22 written comments and public testimony from interested persons.

23 13. Adopt rules relating to range operations at public shooting ranges
24 operated by and under the jurisdiction of the commission, including the hours
25 of operation, the fees for the use of the range, the regulation of groups and
26 events, the operation of related range facilities, the type of firearms and
27 ammunition that may be used at the range, the safe handling of firearms at
28 the range, THE required safety equipment for a person using the range, the
29 sale of firearms, ammunition and shooting supplies at the range, and the
30 authority of range officers to enforce these rules, to remove violators from
31 the premises and to refuse entry for repeat violations.

32 14. SOLICIT AND ACCEPT GRANTS, GIFTS OR DONATIONS OF MONEY OR OTHER
33 PROPERTY FROM ANY SOURCE, WHICH MAY BE USED FOR ANY PURPOSE CONSISTENT WITH
34 THIS TITLE.

35 C. The commission shall confer and coordinate with the director of
36 water resources with respect to the commission's activities, plans and
37 negotiations relating to water development and use, restoration projects
38 under the restoration acts pursuant to chapter 4, article 1 of this title,
39 where water development and use are involved, the abatement of pollution
40 injurious to wildlife and in the formulation of fish and wildlife aspects of
41 the director of water resources' plans to develop and utilize water resources
42 of the state and shall have jurisdiction over fish and wildlife resources and
43 fish and wildlife activities of projects constructed for the state under or
44 pursuant to the jurisdiction of the director of water resources.

45 D. The commission may enter into one or more agreements with a
46 multi-county water conservation district and other parties for participation

1 in the lower Colorado river multispecies conservation program under section
2 48-3713.03, including the collection and payment of any monies authorized by
3 law for the purposes of the lower Colorado river multispecies conservation
4 program.

5 Sec. 3. Title 17, chapter 2, article 3, Arizona Revised Statutes, is
6 amended by adding section 17-251, to read:

7 17-251. Geospatial data and geographic information system
8 services; wildlife species location information;
9 disclosure or inspection; definitions

10 A. GEOSPATIAL DATA THAT THE DEPARTMENT RECEIVES, MAINTAINS, SHARES OR
11 STORES IS NOT SUBJECT TO DISCLOSURE OR INSPECTION UNDER TITLE 39, CHAPTER 1,
12 ARTICLE 2 IF THE DEPARTMENT PROVIDES GEOSPATIAL DATA TO THE PUBLIC THROUGH
13 GEOGRAPHIC INFORMATION SYSTEM SERVICES.

14 B. WILDLIFE SPECIES LOCATION INFORMATION IS NOT SUBJECT TO DISCLOSURE
15 OR INSPECTION UNDER TITLE 39, CHAPTER 1, ARTICLE 2 FOR WILDLIFE SPECIES
16 LOCATION INFORMATION ON PRIVATE PROPERTY OR WHEN THE DEPARTMENT DETERMINES
17 THAT DISCLOSURE OR INSPECTION OF THE INFORMATION MAY CAUSE HARM TO ANY
18 WILDLIFE SPECIES.

19 C. FOR THE PURPOSES OF THIS SECTION, "GEOSPATIAL DATA" AND "GEOGRAPHIC
20 INFORMATION SYSTEM" HAVE THE SAME MEANING AS PRESCRIBED IN SECTION 37-171.

21 Sec. 4. Section 17-261, Arizona Revised Statutes, is amended to read:

22 17-261. Game and fish fund

23 On or before the fifth day of each month the department shall deposit,
24 pursuant to sections 35-146 and 35-147, the ~~money~~ MONIES received from
25 licenses, ~~FROM THE SALE OF GOODS OR SERVICES AT LOCATIONS OTHER THAN AT~~
26 ~~SHOOTING RANGES THAT THE COMMISSION OWNS AND OPERATES~~ or from any other
27 source under this title in a special fund known as the game and fish fund,
28 which is set aside, appropriated and made available to the commission in
29 carrying out the provisions of this title, and ~~such funds~~ THE MONIES shall be
30 used for no other purpose. Expenditures of ~~such funds~~ THE MONIES shall be
31 under control of the budget laws of ~~the~~ THIS state and no ~~money~~ MONIES shall
32 be expended from ~~such funds~~ THE FUND except:

33 1. By the annual budget and to match federal grants for wildlife
34 restoration as provided for by the legislature.

35 2. For emergency purposes not to exceed twenty-five thousand dollars
36 in any one fiscal year when authorized by the governor and the department of
37 administration.

38 Sec. 5. Section 17-273, Arizona Revised Statutes, is amended to read:

39 17-273. Firearms safety and ranges fund; uses; criteria

40 A. The firearms safety and ranges fund is established consisting of
41 monies transferred to the fund pursuant to section 42-5029, subsection D,
42 paragraph 4, subdivision ~~(e)~~ (a), ITEM (iii) and revenues derived from the
43 sale or lease of real property owned by the commission and acquired for or
44 used for the purpose of providing public shooting ranges ~~AND MONIES RECEIVED~~
45 ~~FROM THE SALE OF GOODS AND SERVICES FROM COMMISSIONED-OWNED SHOOTING RANGES~~
46 ~~EXCEPT FOR PROGRAM INCOME ASSOCIATED WITH FEDERAL GRANTS.~~ The Arizona game

1 and fish commission shall administer the fund which is continuously
2 appropriated. Monies in the fund are exempt from the provisions of section
3 35-190 relating to lapsing of appropriations. Interest earned on monies in
4 the fund shall be credited to the fund.

5 B. The Arizona game and fish commission shall use monies in the fund
6 on shooting ranges open to the public and operated by government or nonprofit
7 entities for the following purposes:

- 8 1. Shooting range engineering and studies.
- 9 2. Noise abatement.
- 10 3. Safety enhancement.
- 11 4. Shooting range design.
- 12 5. New shooting range sites and construction.
- 13 6. Shooting range relocation.
- 14 7. SHOOTING SPORTS PROGRAMS.
- 15 8. INVENTORY FOR SALE AT RANGES.

16 ~~7.~~ 9. Other projects OR EXPENSES that are necessary to operate and
17 maintain a shooting range under good practices and management.

18 C. The director of the Arizona game and fish department shall consult
19 with the state land commissioner to identify eligible state trust land
20 suitable for the location or relocation of shooting ranges.

21 D. The Arizona game and fish commission may accept and spend private
22 grants, gifts and contributions to assist in carrying out this section.

23 Sec. 6. Section 17-340, Arizona Revised Statutes, as amended by Laws
24 2011, chapter 113, section 2, is amended to read:

25 17-340. Revocation, suspension and denial of privilege of
26 taking wildlife; notice; violation; classification

27 A. ~~Upon~~ ON conviction or after adjudication as a delinquent juvenile
28 as defined in section 8-201 and in addition to other penalties prescribed by
29 this title, the commission, after a public hearing, may revoke or suspend a
30 license issued to any person under this title and deny the person the right
31 to secure another license to take or possess wildlife for a period of not to
32 exceed five years for:

- 33 1. Unlawful taking, unlawful selling, unlawful offering for sale,
34 unlawful bartering or unlawful possession of wildlife.
- 35 2. Careless use of firearms which has resulted in the injury or death
36 of any person.
- 37 3. Destroying, injuring or molesting livestock, or damaging or
38 destroying growing crops, personal property, notices or signboards, or other
39 improvements while hunting, trapping or fishing.
- 40 4. Littering public hunting or fishing areas while taking wildlife.
- 41 5. Knowingly allowing another person to use the person's big game tag,
42 except as provided by section 17-332, subsection D.
- 43 6. A violation of section 17-303, 17-304 or 17-341 OR SECTION 17-362,
44 SUBSECTION A.

1 7. A VIOLATION OF SECTION 17-309, SUBSECTION A, PARAGRAPH 5 INVOLVING
2 A WASTE OF EDIBLE PORTIONS OTHER THAN MEAT DAMAGED DUE TO THE METHOD OF
3 TAKING AS FOLLOWS:

4 (a) UPLAND GAME BIRDS, MIGRATORY GAME BIRDS AND WILD TURKEY: BREAST.

5 (b) DEER, ELK, PRONGHORN (ANTELOPE), BIGHORN SHEEP, BISON (BUFFALO)
6 AND PECCARY (JAVELINA): HIND QUARTERS, FRONT QUARTERS AND LOINS.

7 (c) GAME FISH: FILLETS OF THE FISH.

8 ~~7.~~ 8. A violation of section 17-309, subsection A, paragraph 1
9 involving any unlawful use of aircraft to take, assist in taking, harass,
10 chase, drive, locate or assist in locating wildlife.

11 B. On conviction or after adjudication as a delinquent juvenile and in
12 addition to any other penalties prescribed by this title:

13 1. For a first conviction or a first adjudication as a delinquent
14 juvenile, for unlawfully taking or wounding wildlife at any time or place,
15 the commission, after a public hearing, may revoke, suspend or deny a
16 person's privilege to take wildlife for a period of up to five years.

17 2. For a second conviction or a second adjudication as a delinquent
18 juvenile, for unlawfully taking or wounding wildlife at any time or place,
19 the commission, after a public hearing, may revoke, suspend or deny a
20 person's privilege to take wildlife for a period of up to ten years.

21 3. For a third conviction or a third adjudication as a delinquent
22 juvenile, for unlawfully taking or wounding wildlife at any time or place,
23 the commission, after a public hearing, may revoke, suspend or deny a
24 person's privilege to take wildlife permanently.

25 C. A person who is assessed civil damages under section 17-314 shall
26 not apply for or obtain a license during the pendency of an action for
27 damages, while measures are pursued to collect damages or prior to the full
28 payment of damages.

29 D. On receiving a report from the licensing authority of a state which
30 is a party to the wildlife violator compact, adopted under chapter 5 of this
31 title, that a resident of this state has failed to comply with the terms of a
32 wildlife citation, the commission, after a public hearing, may suspend any
33 license issued under this title to take wildlife until the licensing
34 authority furnishes satisfactory evidence of compliance with the terms of the
35 wildlife citation.

36 E. In carrying out ~~the provisions of~~ this section the director shall
37 notify the licensee, within one hundred eighty days after conviction, to
38 appear and show cause why the license should not be revoked, suspended or
39 denied. The notice may be served personally or by certified mail sent to the
40 address appearing on the license.

41 F. The commission shall furnish to license dealers the names and
42 addresses of persons whose licenses have been revoked or suspended, and the
43 periods for which they have been denied the right to secure licenses.

44 G. The commission may use the services of the office of administrative
45 hearings to conduct hearings and to make recommendations to the commission
46 pursuant to this section.

1 H. Except for a person who takes or possesses wildlife while under
2 permanent revocation, a person who takes wildlife in this state, or attempts
3 to obtain a license to take wildlife, at a time when the person's privilege
4 to do so is suspended, revoked or denied under this section is guilty of a
5 class 1 misdemeanor.

6 Sec. 7. Section 17-341, Arizona Revised Statutes, is amended to read:
7 17-341. Violation; classification

8 A. It is unlawful for a person to knowingly PURCHASE, apply for,
9 ACCEPT, ~~or to~~ obtain OR USE, by fraud or misrepresentation a license, ~~or~~
10 permit, TAG OR STAMP to take wildlife and a license or permit so obtained is
11 void and of no effect from the date of issuance thereof.

12 B. Any person who violates this section is guilty of a class 2
13 misdemeanor.

14 Sec. 8. Section 17-371, Arizona Revised Statutes, is amended to read:
15 17-371. Transportation, possession and sale of wildlife and
16 wildlife parts

17 A. A person may transport in his possession his legally taken
18 wildlife, or may authorize the transportation of his legally taken big game,
19 provided such big game or any part thereof has attached thereto a valid
20 transportation permit issued by the department. Such wildlife shall be
21 transported in such manner that it may be inspected by authorized persons
22 upon demand until the wildlife is packaged or stored. Species of wildlife,
23 other than game species, may be transported in any manner unless otherwise
24 specified by the commission. A person possessing a valid license may
25 transport lawfully taken wildlife other than big game given to him but in no
26 event shall any person possess more than one bag or possession limit.

27 B. A holder of a resident license shall not transport from a point
28 within to a point without the state any big game species or parts thereof
29 without first having obtained a special permit issued by the department or
30 its authorized agent.

31 C. Migratory birds may be possessed and transported in accordance with
32 the migratory bird treaty act (40 Stat. 755; 16 United States Code sections
33 703 through 711) and regulations under that act.

34 D. A holder of a sport falconry license may transport one or more
35 raptors that the person lawfully possesses under terms and conditions
36 prescribed by the commission. Regardless of whether a person holds a sport
37 falconry license and as provided by section 17-236, subsection C, the person
38 may transport for sport falconry purposes one or more raptors that are not
39 listed pursuant to the migratory bird treaty act.

40 E. Heads, horns, antlers, hides, feet, ~~or~~ skin of wildlife lawfully
41 taken, or the treated or mounted specimens thereof, may be possessed, sold
42 and transported at any time, except that ~~:-~~

43 ~~1.~~ migratory birds may be possessed and transported only in accordance
44 with federal regulations.

45 ~~2. It is unlawful to sell the heads, horns, hides, feet or skin of~~
46 ~~bighorn sheep taken on or after October 1, 2005, but the department may sell~~

1 ~~heads, horns, hides, feet or skin of bighorn sheep that were illegally taken~~
2 ~~and confiscated by or donated to the department.~~

3 Sec. 9. Section 28-921, Arizona Revised Statutes, is amended to read:

4 28-921. Applicability of equipment requirements

5 A. A person shall not:

6 1. Drive or move and the owner shall not knowingly cause or permit to
7 be driven or moved on a highway a vehicle or combination of vehicles that:

8 (a) Is in an unsafe condition that endangers a person.

9 (b) Does not contain those parts or is not at all times equipped with
10 lamps and other equipment in proper condition and adjustment as required in
11 this article.

12 (c) Is equipped in any manner in violation of this article.

13 2. Do an act forbidden or fail to perform an act required under this
14 article.

15 B. This article does not prohibit the use of additional parts and
16 accessories on a vehicle if the use is not inconsistent with this article.

17 C. The provisions of this article with respect to equipment on
18 vehicles do not apply to:

19 1. Implements of husbandry, trailers used solely in the operation of a
20 farm for the transportation of the unprocessed fiber products on the farm or
21 from the farm to a cotton gin, road machinery, road rollers or farm tractors
22 except as made applicable by this article.

23 ~~D.~~ Notwithstanding ~~subsection C of this section~~ THIS PARAGRAPH, a farm
24 tractor equipped with an electric lighting system shall display at all times
25 mentioned in section 28-922 a red tail lamp and either multiple beam or
26 single beam head lamps meeting the requirements of sections 28-925, 28-941
27 and 28-943.

28 2. VEHICLES DRIVEN BY ENFORCEMENT OFFICERS OF THE ARIZONA GAME AND
29 FISH DEPARTMENT IN CONDUCTING NIGHT PATROLS AND INVESTIGATING NIGHT POACHING
30 ACTIVITIES.

31 Sec. 10. Section 41-2752, Arizona Revised Statutes, is amended to
32 read:

33 41-2752. State competition with private enterprise prohibited;
34 exceptions

35 A. A state agency shall not engage in the manufacturing, processing,
36 sale, offering for sale, rental, leasing, delivery, dispensing, distributing
37 or advertising of goods or services to the public that are also offered by
38 private enterprise unless specifically authorized by law other than
39 administrative law and executive orders.

40 B. A state agency shall not offer or provide goods or services to the
41 public for or through another state agency or a local agency, including by
42 intergovernmental or interagency agreement, in violation of this section or
43 section 41-2753.

44 C. The restrictions on activities that compete with private enterprise
45 contained in this section do not apply to:

- 1 1. The development, operation and management of state parks,
2 historical monuments and hiking or equestrian trails.
- 3 2. Correctional industries established and operated by the state
4 department of corrections if the prices charged for products sold by the
5 correctional industries are not less than the actual cost of producing and
6 marketing the product plus a reasonable allowance for overhead and
7 administrative costs.
- 8 3. The Arizona office of tourism.
- 9 4. The Arizona highways magazine, operated by the department of
10 transportation.
- 11 5. Printing and distributing information to the public if the agency
12 is otherwise authorized to do so, and printing or copying public records or
13 other material relating to the public agency's public business and recovering
14 through fees and charges the costs of such printing, copying and
15 distributing.
- 16 6. The department of public safety.
- 17 7. The construction, maintenance and operation of state transportation
18 facilities.
- 19 8. The development, distribution, maintenance, support, licensing,
20 leasing or sale of computer software by the department of transportation.
- 21 9. Agreements executed by the Arizona health care cost containment
22 system administration with other states to design, develop, install and
23 operate information technology systems and related services or other
24 administrative services pursuant to section 36-2925.
- 25 10. Agreements executed by the department of economic security with
26 other states to design, develop, install and operate support collection
27 technology systems and related services. The department shall deposit,
28 pursuant to sections 35-146 and 35-147, monies received pursuant to this
29 paragraph in the public assistance collections fund established by section
30 46-295.
- 31 11. Educational, vocational, treatment, training or work programs of
32 the department of juvenile corrections and contracts between the department
33 of juvenile corrections and this state, a political subdivision of this state
34 or a private entity in order to provide employment or vocational educational
35 experience.
- 36 12. The aflatoxin control technologies of the cotton research and
37 protection council.
- 38 13. The lease or sublease of lands or buildings by the department of
39 economic security pursuant to section 41-1958.
- 40 14. The Arizona commerce authority.
- 41 15. THE ARIZONA GAME AND FISH COMMISSION, BUT ONLY FOR THE SALE OF
42 GOODS OR SERVICES AND NOT FIREARMS.
- 43 D. The restrictions on activities that compete with private enterprise
44 contained in subsection A of this section do not apply to community colleges
45 and universities under the jurisdiction of a governing board.
- 46 Sec. 11. Repeal

H.B. 2639

1 Section 17-340, Arizona Revised Statutes, as amended by Laws 2011,
2 chapter 282, section 2, is repealed.

APPROVED BY THE GOVERNOR APRIL 17, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2012.