

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

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

CHAPTER 77

HOUSE BILL 2157

AN ACT

AMENDING SECTION 5-323, ARIZONA REVISED STATUTES; 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. Section 5-323, Arizona Revised Statutes, is amended to
3 read:

4 5-323. Disposition of fees

5 Each month monies received from the registration fees received under
6 this chapter for the numbering of watercraft shall be deposited, pursuant to
7 sections 35-146 and 35-147, in a fund designated as the watercraft
8 registration fee clearing account. Each month, on notification by the
9 department, the state treasurer shall distribute the monies in the clearing
10 account as follows:

11 1. All revenues collected from the registration fees collected
12 pursuant to section 5-321, subsection A, paragraphs 1 and 2 shall be
13 allocated as follows:

14 (a) Sixty-five per cent shall be deposited in a special fund to be
15 known as the watercraft licensing fund. The watercraft licensing fund is to
16 be used by the department for administering and enforcing this chapter, and
17 providing an information and education program relating to boating and
18 boating safety AND ADMINISTERING ANY AQUATIC INVASIVE SPECIES PROGRAM
19 ESTABLISHED UNDER THIS TITLE OR TITLE 17. These monies are subject to
20 legislative appropriation.

21 (b) Thirty-five per cent of such revenues shall be further allocated
22 as follows:

23 (i) Fifteen per cent to the state lake improvement fund to be used as
24 prescribed by section 5-382.

25 (ii) Eighty-five per cent to the law enforcement and boating safety
26 fund to be used as prescribed by section 5-383.

27 2. All revenues collected from any additional registration fees
28 collected pursuant to section 5-321, subsection C shall be paid to an account
29 designated by a multi-county water conservation district established under
30 title 48, chapter 22 to be used solely for the lower Colorado river
31 multispecies conservation program and for no other purpose.

32 Sec. 2. Title 17, chapter 2, Arizona Revised Statutes, is amended by
33 adding article 3.1, to read:

34 ARTICLE 3.1. AQUATIC INVASIVE SPECIES

35 17-255. Definition of aquatic invasive species

36 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "AQUATIC
37 INVASIVE SPECIES":

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

41 2. DOES NOT INCLUDE:

42 (a) ANY NONINDIGENOUS SPECIES LAWFULLY OR HISTORICALLY INTRODUCED INTO
43 THIS STATE FOR SPORT FISHING RECREATION.

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

1 17-255.01. Aquatic invasive species program; powers
2 A. THE DIRECTOR MAY ESTABLISH AND MAINTAIN AN AQUATIC INVASIVE SPECIES
3 PROGRAM.
4 B. THE DIRECTOR MAY ISSUE ORDERS:
5 1. ESTABLISHING A LIST OF AQUATIC INVASIVE SPECIES FOR THIS STATE.
6 2. ESTABLISHING A LIST OF WATERS OR LOCATIONS WHERE AQUATIC INVASIVE
7 SPECIES ARE PRESENT AND TAKE STEPS THAT ARE NECESSARY TO ERADICATE, ABATE OR
8 PREVENT THE SPREAD OF AQUATIC INVASIVE SPECIES WITHIN OR FROM THOSE BODIES OF
9 WATER.
10 3. ESTABLISHING MANDATORY CONDITIONS AS PROVIDED IN SUBSECTION C OF
11 THIS SECTION ON THE MOVEMENT OF WATERCRAFT, VEHICLES, CONVEYANCES OR OTHER
12 EQUIPMENT FROM WATERS OR LOCATIONS WHERE AQUATIC INVASIVE SPECIES ARE PRESENT
13 TO OTHER WATERS.
14 C. IF THE PRESENCE OF AN AQUATIC INVASIVE SPECIES IS SUSPECTED OR
15 DOCUMENTED IN THIS STATE, THE DIRECTOR OR AN AUTHORIZED EMPLOYEE OR AGENT OF
16 THE DEPARTMENT MAY TAKE ONE OR MORE OF THE FOLLOWING ACTIONS TO ABATE OR
17 ELIMINATE THE SPECIES:
18 1. AUTHORIZE AND ESTABLISH LAWFUL INSPECTIONS OF WATERCRAFT, VEHICLES,
19 CONVEYANCES AND OTHER EQUIPMENT TO LOCATE THE AQUATIC INVASIVE SPECIES.
20 2. ORDER ANY PERSON WITH AN AQUATIC INVASIVE SPECIES IN OR ON THE
21 PERSON'S WATERCRAFT, VEHICLE, CONVEYANCE OR OTHER EQUIPMENT TO DECONTAMINATE
22 THE WATERCRAFT, VEHICLE, CONVEYANCE OR EQUIPMENT IN A MANNER PRESCRIBED BY
23 RULE. NOTWITHSTANDING PARAGRAPH 3 OF THIS SUBSECTION, MANDATORY ON-SITE
24 DECONTAMINATION SHALL NOT BE REQUIRED AT A LOCATION WHERE AN ON-SITE CLEANING
25 STATION CHARGES A FEE.
26 3. REQUIRE ANY PERSON WITH A WATERCRAFT, VEHICLE, CONVEYANCE OR OTHER
27 EQUIPMENT IN WATERS OR LOCATIONS WHERE AN AQUATIC INVASIVE SPECIES IS PRESENT
28 TO DECONTAMINATE THE PROPERTY BEFORE MOVING IT TO ANY OTHER WATERS IN THIS
29 STATE OR ANY OTHER LOCATION IN THIS STATE WHERE AQUATIC INVASIVE SPECIES
30 COULD THRIVE.
31 D. AN ORDER ISSUED UNDER SUBSECTION B OR C OF THIS SECTION IS EXEMPT
32 FROM TITLE 41, CHAPTER 6, ARTICLE 3, EXCEPT THAT THE DIRECTOR SHALL PROMPTLY
33 FILE A COPY OF THE ORDER WITH THE SECRETARY OF STATE FOR PUBLICATION IN THE
34 ARIZONA ADMINISTRATIVE REGISTER PURSUANT TO SECTION 41-1013.
35 17-255.02. Prohibitions
36 EXCEPT AS AUTHORIZED BY THE COMMISSION, A PERSON SHALL NOT:
37 1. POSSESS, IMPORT, SHIP OR TRANSPORT INTO OR WITHIN THIS STATE, OR
38 CAUSE TO BE IMPORTED, SHIPPED OR TRANSPORTED INTO OR WITHIN THIS STATE, AN
39 AQUATIC INVASIVE SPECIES.
40 2. NOTWITHSTANDING SECTION 17-255.04, SUBSECTION A, PARAGRAPH 4,
41 RELEASE, PLACE OR PLANT, OR CAUSE TO BE RELEASED, PLACED OR PLANTED, AN
42 AQUATIC INVASIVE SPECIES INTO WATERS IN THIS STATE OR INTO ANY WATER
43 TREATMENT FACILITY, WATER SUPPLY OR WATER TRANSPORTATION FACILITY, DEVICE OR
44 MECHANISM IN THIS STATE.

1 5. ANY STOCK PONDS OR LIVESTOCK WATER FACILITIES OR DISTRIBUTION
2 FACILITIES, INCLUDING FIXED EQUIPMENT AND STRUCTURES RELATED TO THE DELIVERY
3 OF WATER AND ANY DISCHARGES FROM THE SYSTEM.

4 B. THE DIRECTOR MAY CONSULT WITH THE ENTITIES LISTED IN SUBSECTION A
5 OF THIS SECTION TO ASSIST IN THE IMPLEMENTATION OF THIS ARTICLE.

6 C. THIS ARTICLE DOES NOT CREATE ANY EXPRESS OR IMPLIED PRIVATE RIGHT
7 OF ACTION AND MAY BE ONLY ENFORCED BY THIS STATE.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.

Passed the House June 11, 2009

by the following vote: 46 Ayes,

9 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate July 1, 2009

by the following vote: 16 Ayes,

12 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary of State

H.B. 2157

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

July 1, 2009

by the following vote: 37 Ayes,

5 Nays, 18 Not Voting

[Signature]
Speaker of the House
Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
15th day of July, 2009,

at 8:25 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 10th day of

July, 2009,

at 1:02 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2157

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 10 day of July, 2009,

at 4:30 o'clock P. M.

[Signature]
Secretary of State