Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

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)

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

Section 1. Section 17-101, Arizona Revised Statutes, is amended to read:

17-101. Definitions

A. In this title, unless the context otherwise requires:

1. "Angling" means the taking of fish by one line and not to exceed two hooks, by one line and one artificial lure, which may have attached more than one hook, or by one line and not to exceed two artificial flies or lures.

2. "Bag limit" means the maximum limit, in number or amount, of wildlife ~~which~~ THAT may lawfully be taken by any one person during a specified period of time.

3. "Closed season" means the time during which wildlife may not be lawfully taken.

4. "Commission" means the Arizona game and fish commission.

5. "Department" means the Arizona game and fish department.

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

7. "DOMICILE" MEANS A PERSON'S TRUE, FIXED AND PERMANENT HOME AND PRINCIPAL RESIDENCE. PROOF OF DOMICILE IN THIS STATE MAY BE SHOWN AS PRESCRIBED BY RULE BY THE COMMISSION.

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

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

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

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

(a) Advertises for guiding services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. The following definitions of wildlife shall apply:

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

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

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

4. "Trophy" means:

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

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

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

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

(e) Any bighorn sheep.

(f) Any bison (buffalo).

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. Section 17-231, Arizona Revised Statutes, is amended to read:

17-231. <u>General powers and duties of the commission</u>

A. The commission shall:

1. Adopt rules and establish services it deems necessary to carry out the provisions and purposes of this title.

2. Establish broad policies and long-range programs for the management, preservation and harvest of wildlife.

3. Establish hunting, trapping and fishing rules and prescribe the manner and methods which may be used in taking wildlife.

4. Be responsible for the enforcement of laws for the protection of wildlife.

5. Prescribe grades, qualifications and salary schedules for department employees.

6. Provide for the assembling and distribution of information to the public relating to wildlife and activities of the department.

7. Prescribe rules for the expenditure, by or under the control of the director, of all funds arising from appropriation, licenses, gifts or other sources.

8. Exercise such powers and duties necessary to carry out fully the provisions of this title and in general exercise powers and duties which relate to adopting and carrying out policies of the department and control of its financial affairs.

9. Prescribe procedures for use of department personnel, facilities, equipment, supplies and other resources in assisting search or rescue operations on request of the director of the division of emergency management.

10. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

B. The commission may:

1. Conduct investigations, inquiries or hearings in the performance of its powers and duties.

2. Establish game management units or refuges for the preservation and management of wildlife.

3. Construct and operate game farms, fish hatcheries, fishing lakes or other facilities for or relating to the preservation or propagation of wildlife.

4. Expend funds to provide training in the safe handling and use of firearms and safe hunting practices.

5. Remove or permit to be removed from public or private waters fish which hinder or prevent propagation of game or food fish and dispose of such fish in such manner as it may designate.

6. Purchase, sell or barter wildlife for the purpose of stocking public or private lands and waters and take at any time in any manner wildlife for research, propagation and restocking purposes or for use at a

game farm or fish hatchery and declare wildlife salable when in the public interest or the interest of conservation.

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

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

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

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

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

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

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

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

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

fish and wildlife activities of projects constructed for the state under or pursuant to the jurisdiction of the director of water resources.

D. The commission may enter into one or more agreements with a multi-county water conservation district and other parties for participation in the lower Colorado river multispecies conservation program under section 48-3713.03, including the collection and payment of any monies authorized by law for the purposes of the lower Colorado river multispecies conservation program.

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

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

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

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

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

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

17-261. Game and fish fund

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

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

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

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

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

A. The firearms safety and ranges fund is established consisting of monies transferred to the fund pursuant to section 42-5029, subsection D,

paragraph 4, subdivision ~~(e)~~ (a), ITEM (iii) and revenues derived from the sale or lease of real property owned by the commission and acquired for or used for the purpose of providing public shooting ranges AND MONIES RECEIVED FROM THE SALE OF GOODS AND SERVICES FROM COMMISSIONED-OWNED SHOOTING RANGES EXCEPT FOR PROGRAM INCOME ASSOCIATED WITH FEDERAL GRANTS. The Arizona game and fish commission shall administer the fund which is continuously appropriated. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. Interest earned on monies in the fund shall be credited to the fund.

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

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

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

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

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

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

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

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

1. Unlawful taking, unlawful selling, unlawful offering for sale, unlawful bartering or unlawful possession of wildlife.
2. Careless use of firearms which has resulted in the injury or death of any person.
3. Destroying, injuring or molesting livestock, or damaging or destroying growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.
4. Littering public hunting or fishing areas while taking wildlife.

5. Knowingly allowing another person to use the person's big game tag, except as provided by section 17-332, subsection D.

6. A violation of section 17-303, 17-304 or 17-341 OR SECTION 17-362, SUBSECTION A.

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

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

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

(c) GAME FISH: FILLETS OF THE FISH.

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

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

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

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

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

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

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

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

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

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

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

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

17-341. Violation; classification

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

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

Sec. 8. Section 17-371, Arizona Revised Statutes, is amended to read:

17-371. Transportation, possession and sale of wildlife and wildlife parts

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

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

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

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

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

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

~~2. It is unlawful to sell the heads, horns, hides, feet or skin of bighorn sheep taken on or after October 1, 2005, but the department may sell heads, horns, hides, feet or skin of bighorn sheep that were illegally taken and confiscated by or donated to the department.~~

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

28-921. Applicability of equipment requirements

A. A person shall not:

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

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

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

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

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

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

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

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

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

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

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

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

A. A state agency shall not engage in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing or advertising of goods or services to the public that are also offered by

private enterprise unless specifically authorized by law other than administrative law and executive orders.

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

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

1. The development, operation and management of state parks, historical monuments and hiking or equestrian trails.

2. Correctional industries established and operated by the state department of corrections if the prices charged for products sold by the correctional industries are not less than the actual cost of producing and marketing the product plus a reasonable allowance for overhead and administrative costs.

3. The Arizona office of tourism.

4. The Arizona highways magazine, operated by the department of transportation.

5. Printing and distributing information to the public if the agency is otherwise authorized to do so, and printing or copying public records or other material relating to the public agency's public business and recovering through fees and charges the costs of such printing, copying and distributing.

6. The department of public safety.

7. The construction, maintenance and operation of state transportation facilities.

8. The development, distribution, maintenance, support, licensing, leasing or sale of computer software by the department of transportation.

9. Agreements executed by the Arizona health care cost containment system administration with other states to design, develop, install and operate information technology systems and related services or other administrative services pursuant to section 36-2925.

10. Agreements executed by the department of economic security with other states to design, develop, install and operate support collection technology systems and related services. The department shall deposit, pursuant to sections 35-146 and 35-147, monies received pursuant to this paragraph in the public assistance collections fund established by section 46-295.

11. Educational, vocational, treatment, training or work programs of the department of juvenile corrections and contracts between the department of juvenile corrections and this state, a political subdivision of this state or a private entity in order to provide employment or vocational educational experience.

12. The aflatoxin control technologies of the cotton research and protection council.

13. The lease or sublease of lands or buildings by the department of economic security pursuant to section 41-1958.

14. The Arizona commerce authority.

15. THE ARIZONA GAME AND FISH COMMISSION, BUT ONLY FOR THE SALE OF GOODS OR SERVICES AND NOT FIREARMS.

D. The restrictions on activities that compete with private enterprise contained in subsection A of this section do not apply to community colleges and universities under the jurisdiction of a governing board.

Sec. 11. Repeal

Section 17-340, Arizona Revised Statutes, as amended by Laws 2011, 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.

Passed the House February 23, 2012 by the following vote: 56 Ayes, 0 Nays, 3 Not Voting 1 vacant

Speaker of the House

Chief Clerk of the House

Passed the Senate April 5, 2012 by the following vote: 24 Ayes, 5 Nays, 1 Not Voting

President of the Senate

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

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 12, 2012,

by the following vote: 50 Ayes,

0 Nays, 9 Not Voting 1 vacant

Speaker of the House

Cheryl Laube

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12 day of April, 2012,

at 1:20 o'clock P M.

Secretary to the Governor

Approved this 17th day of

April, 2012,

at 12:02 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17th day of April, 2012,

at 3:36 o'clock P M.

Secretary of State

H.B. 2639