Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

CHAPTER 197

SENATE BILL 1223

AN ACT

AMENDING SECTIONS 5-321, 5-322 AND 5-327, ARIZONA REVISED STATUTES; AMENDING TITLE 5, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 5-328; AMENDING SECTION 17-101, ARIZONA REVISED STATUTES; REPEALING SECTION 17-270, ARIZONA REVISED STATUTES; AMENDING SECTIONS 17-271, 17-272, 17-331 AND 17-332, ARIZONA REVISED STATUTES; REPEALING SECTION 17-333, ARIZONA REVISED STATUTES; AMENDING TITLE 17, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 17-333; REPEALING SECTION 17-333.01, ARIZONA REVISED STATUTES; AMENDING TITLE 17, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 17-333.01; AMENDING SECTION 17-333.02, ARIZONA REVISED STATUTES; REPEALING SECTION 17-333.03, ARIZONA REVISED STATUTES; AMENDING SECTIONS 17-335, 17-335.01, 17-336, 17-338, 17-344, 17-345, 17-346 AND 41-1005, ARIZONA REVISED STATUTES; 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 5-321, Arizona Revised Statutes, is amended to read:

5-321. Numbering; registration fees; exemption from taxation; penalty; procedures

A. Except as provided in section 5-322, the owner of each motorized watercraft requiring numbering by this state shall file an application for a registration number with the department, or its agent, on forms approved by the department. Except as provided by rule adopted by the commission, the application shall be signed by the owner of the motorized watercraft and shall be accompanied by a registration fee. ~~levied at the following rates:~~ AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, THE COMMISSION SHALL ESTABLISH BY RULE A REGISTRATION FEE FOR EACH MOTORIZED WATERCRAFT REQUIRING NUMBERING BY THIS STATE.

~~1. Twelve feet and less $20.00~~
~~2. Twelve feet one inch through sixteen feet $22.00~~
~~3. Sixteen feet one inch through twenty feet $30.00~~
~~4. Twenty feet one inch through twenty-six feet $35.00~~
~~5. Twenty-six feet one inch through thirty-nine feet $39.00~~
~~6. Thirty-nine feet one inch through sixty-four feet $44.00~~
~~7. Sixty-four feet one inch and over $66.00~~

B. Pursuant to article IX, section 16, Constitution of Arizona, watercraft are exempt from ad valorem property tax and from license taxes in lieu of property tax.

C. The length of the motorized watercraft shall be measured from the most forward part of the bow excluding the bowsprit or jibboom, over the centerline to the rearmost part of the transom excluding sheer, outboard motor, rudder, handles or other attachments.

D. The commission may assess an additional registration fee, to be collected at the same time and in the same manner as the registration fee imposed by subsection A of this section. The amount of the additional fee shall be determined by the commission and may be imposed in different amounts with respect to resident and nonresident owners. An additional registration fee under this subsection is to be used solely for the purpose of the lower Colorado river multispecies conservation program under section 48-3713.03.

E. ~~Upon~~ ON receipt of the application in approved form with the applicable fees, the department or its agent shall enter the application on the records of its office and issue to the applicant two current annual decals and a certificate of number stating the number issued to the watercraft and the name and address of the owner. The owner shall display the assigned number and the current annual decals in such manner as may be prescribed by rules of the commission. The number and decals shall be maintained in legible condition. The certificate of number or commission approved proof of valid certificate of number, except as provided in section 5-371, shall be available at all times for inspection by a peace officer

whenever the watercraft is in operation. No number issued by another state or the United States coast guard, unless granted exemption or exception pursuant to this chapter, shall be displayed on the watercraft.

F. No person may operate a motorized watercraft on the waterways of this state unless the watercraft displays the assigned number and current annual decals or the person is in possession of a valid thirty-day temporary registration as prescribed by this article.

G. No motorized watercraft shall be purchased, sold or otherwise transferred without assignment by the owner of the current numbering certificate or other documentation as may be prescribed by rules of the commission. Within fifteen days after such transfer, the person to whom such transfer is made shall make application to the department to have the motorized watercraft registered in the person's name by the department, for which the department shall charge a transfer fee ~~of four dollars~~ AS PRESCRIBED IN RULE BY THE COMMISSION. The department shall not issue or transfer a numbering certificate for a motorized watercraft to a person who is subject to the use tax under title 42, chapter 5, article 4 unless the applicable tax has been paid as shown by a receipt from the collecting officer. Persons doing business as marine dealers and licensed as such by this state are not required to register in their name any watercraft in their possession that may be offered for resale.

H. In the event of the loss or destruction of the certificate of number or annual decal, the department shall issue a duplicate to the owner ~~upon~~ ON payment of a fee ~~of two dollars~~ AS PRESCRIBED IN RULE BY THE COMMISSION.

I. The department may issue any certificate of number directly or may authorize any person to act as agent for the issuance of the certificate of number in conformity with this chapter and with any rules of the commission. An agent that contracts with the commission to renew certificates of number by telecommunication may impose additional fees for the services as provided in the contract.

J. The owner shall furnish to the department notice of the transfer of all or any part of the owner's interest other than the creation of a security interest in a motorized watercraft numbered in this state pursuant to this chapter or of the destruction or abandonment of such watercraft within fifteen days. Such transfer, destruction or abandonment shall terminate the certificate of number of such watercraft, except that in the case of a transfer of a part interest that does not affect the owner's right to operate such watercraft, the transfer shall not terminate the certificate of number.

K. Any holder of a certificate of number shall notify the department within fifteen days if the holder's address no longer conforms to the address appearing on the certificate and, as a part of such notification, shall furnish the department with the holder's new address. The commission may provide in its rules for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the

alteration of an outstanding certificate to show the new address of the holder.

L. On renewal of any motorized watercraft registration that has not been renewed by the current expiration date, the department shall assess a penalty unless the watercraft ownership has been transferred and the watercraft was not registered subsequent to the expiration date. The commission shall establish the penalty ~~that shall not exceed fifteen dollars~~ BY RULE. If more than twelve months have lapsed since the expiration date of the last registration or renewal, the penalty and back fees are waived.

Sec. 2. Section 5-322, Arizona Revised Statutes, is amended to read:

5-322. Motorized watercraft to be numbered; exceptions

A. All motorized watercraft whether underway, moored or anchored on the waters within the boundaries of the state shall be numbered in accordance with this chapter or rules of the commission in accordance with the federally approved numbering system except:

1. Foreign watercraft temporarily using the waters of the state.

2. Military or public vessels of the United States, except recreational type public vessels.

3. Watercraft used solely as lifeboats.

4. Undocumented watercraft operating under a valid temporary certificate issued pursuant to rules adopted by the commission.

5. Documented watercraft numbered in accordance with the regulations of the United States coast guard.

B. Motorized watercraft owned and operated exclusively by the state or by any political subdivision of the state shall be numbered, but no registration fee shall be paid on the watercraft.

C. All owners of motorized watercraft when in the course of interstate operation displaying a current and valid number issued under an approved federal numbering system of the United States coast guard, a state, the Commonwealth of Puerto Rico, the Virgin Islands, Guam or the District of Columbia shall register such watercraft with the department ~~prior to~~ BEFORE the expiration of the reciprocity period prescribed by rules of the commission.

D. All motorized watercraft, when in the course of interstate operation and not required to be numbered in their state of principal operation, shall comply with the requirements of subsection C of this section.

E. When this state becomes the new state of principal operation of a motorized watercraft displaying a current number issued under a federally approved numbering system, the validity of such number shall be recognized for a period of ninety days. ~~Upon~~ ON expiration of the ninety-day period and ~~prior to~~ BEFORE any subsequent use, the owner shall number any motorized watercraft pursuant to section 5-321.

F. Each dealer or manufacturer in this state engaged in the sale of motorized watercraft using the watercraft for demonstration shall obtain one

or more dealer watercraft certificates of number with the current validating decals. Applications, FEES FOR EACH CERTIFICATE OF NUMBER AND ACCOMPANYING CURRENT DECALS, renewal and display of certificates of number shall be as prescribed in this chapter or by rules of the commission~~, except that the annual fee will be two dollars fifty cents for each certificate of number and accompanying current decals~~.

Sec. 3. Section 5-327, Arizona Revised Statutes, is amended to read:

5-327. Nonresident boating safety infrastructure fees

A. In accordance with section 5-326, the commission shall assess a nonresident boating safety infrastructure fee for each watercraft registered in this state by a nonresident as defined in section 5-301. The fees assessed pursuant to this section shall be paid in addition to the fees required pursuant to section 5-321.

B. For the purposes of section 5-326, subsection A, the commission shall establish ~~the following~~ nonresident boating safety infrastructure fees. ~~for the following watercraft:~~ AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, THE COMMISSION SHALL ESTABLISH BY RULE A NONRESIDENT BOATING SAFETY INFRASTRUCTURE FEE FOR EACH WATERCRAFT REGISTERED IN THIS STATE BY A NONRESIDENT.

~~1. Twelve feet and less $ 80.00~~
~~2. Twelve feet one inch through sixteen feet $ 88.00~~
~~3. Sixteen feet one inch through twenty feet $192.00~~
~~4. Twenty feet one inch through twenty-six feet $224.00~~
~~5. Twenty-six feet one inch through thirty-nine feet $253.00~~
~~6. Thirty-nine feet one inch through sixty-four feet $286.00~~
~~7. Sixty-four feet one inch and over $429.00~~

C. The length of the motorized watercraft shall be measured in the same manner prescribed in section 5-321, subsection C.

D. Unless the person or watercraft qualifies for an exemption pursuant to section 5-326, no person who is subject to this section shall operate or grant permission to operate a watercraft within the boundaries of this state unless that watercraft displays a valid nonresident boating safety infrastructure decal in conformance with the rules adopted pursuant to section 5-326.

Sec. 4. Title 5, chapter 3, article 3, Arizona Revised Statutes, is amended by adding section 5-328, to read:

5-328. Fee limitation

THE DEPARTMENT MAY ESTABLISH FEES PURSUANT TO SECTIONS 5-321, 5-322 AND 5-327, BUT THE TOTAL AMOUNT OF FEES COLLECTED IN ANY FISCAL YEAR MAY NOT EXCEED FIFTY PER CENT MORE THAN THE AMOUNT APPROPRIATED FROM THE WATERCRAFT LICENSING FUND FOR FISCAL YEAR 2012-2013.

Sec. 5. 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 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.

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

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

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

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.

12. "LICENSE CLASSIFICATION" MEANS A TYPE OF LICENSE, PERMIT, TAG OR STAMP AUTHORIZED UNDER THIS TITLE AND PRESCRIBED BY THE COMMISSION BY RULE TO TAKE, HANDLE OR POSSESS WILDLIFE.

~~12.~~ 13. "License year" means the twelve-month period between January 1 and December 31, inclusive, OR A DIFFERENT TWELVE-MONTH PERIOD AS PRESCRIBED BY THE COMMISSION BY RULE.

~~13.~~ 14. "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.

~~14.~~ 15. "Open season" means the time during which wildlife may be lawfully taken.

~~15.~~ 16. "Possession limit" means the maximum limit, in number or amount of wildlife, ~~which~~ THAT may be possessed at one time by any one person.

~~16.~~ 17. "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 WHO IS 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~~ THE PERSON'S 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.

~~17.~~ 18. "Road" means any maintained right-of-way for public conveyance.

~~18.~~ 19. "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.

~~19.~~ 20. "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.

~~20.~~ 21. "Taxidermist" means any person who engages for hire in the mounting, refurbishing, maintaining, restoring or preserving of any display specimen.

~~21.~~ 22. "Traps" or "trapping" means taking wildlife in any manner except with a gun or other implement in hand.

~~22.~~ 23. "Wild" means, in reference to mammals and birds, those species that are normally found in a state of nature.

~~23.~~ 24. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs or spawn.

25. "YOUTH" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE.

~~24.~~ 26. "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. 6. Repeal

Section 17-270, Arizona Revised Statutes, is repealed.

Sec. 7. Section 17-271, Arizona Revised Statutes, is amended to read:

17-271. Wildlife endowment fund

A. ~~A~~ THE wildlife endowment fund is established to be used by the commission for wildlife conservation and management purposes. The fund consists of:

1. Revenues from sales of lifetime ~~hunting and fishing~~ licenses ~~as provided by section 17-335.01~~ AND BENEFACTOR LICENSES.

2. Gifts, grants and contributions specifically designated for the fund.

3. Interest and investment income derived from monies in the fund as provided by subsection C of this section.

B. Monies in the wildlife endowment fund are:

1. Subject to annual appropriation by the legislature pursuant to section 35-143.01.

2. Exempt from lapsing under section 35-190.

C. The commission shall administer the wildlife endowment fund. On notice from the commission the state treasurer shall invest and divest monies in the wildlife endowment fund as provided by section 35-313, and monies earned from investment shall be credited to the fund. On July 1 of each year the department of administration shall transfer from the wildlife endowment fund to the game and fish fund an amount equal to the interest and investment income deposited in the wildlife endowment fund during the preceding fiscal year.

Sec. 8. Section 17-272, Arizona Revised Statutes, is amended to read:

17-272. Voluntary contributions in lieu of property taxes

A. If the commission purchases real property and if the property was subject to taxation, or was exempt from taxation under section 42-11114 or 42-11115, at the time of purchase, ~~then,~~ notwithstanding any other law, the commission may make voluntary contributions of money to the state, the county, the municipality, school districts, a community college district and any other special taxing district organized under title 48 in which the property is located. On or before April 1 of each year in which the commission elects to make voluntary contributions under this section, the commission shall notify the county assessor of the county in which the property is located of its election to make a voluntary contribution pursuant to this section. Contributions under this section:

1. May be made from the game, nongame, fish and endangered species fund, the conservation development fund, ~~the waterfowl conservation fund,~~ the Arizona game and fish commission heritage fund or any other source of monies available to and budgeted by the commission, except that monies from the heritage fund may be used only with respect to property acquired pursuant to section 17-298.

2. Are subject to legislative appropriation if legislative appropriation is required for the particular source of monies.

B. The department shall consult with the assessor of the county in which the property is located and determine the assessed valuation of the property and the amount of the contribution under this section. Each year the contribution shall be computed assuming classification as class two property pursuant to section 42-12002 and shall be valued each year as agricultural land pursuant to section 42-13101. The assessed valuation used to compute the contribution shall not be increased from one tax year to the next tax year by more than two per cent.

C. The amount of the contribution shall be determined by applying the current aggregate tax rate to the determined valuation.

D. The county treasurer shall collect and the commission shall pay the amount of contribution under this section at the same time and in the same manner as ad valorem property taxes are collected and paid.

E. The county treasurer shall distribute the monies received under this section to the various taxing jurisdictions in which the property is located in the same manner as property taxes are distributed.

F. This section does not apply to, and the commission shall not make contributions with respect to, lands acquired for fish hatcheries, game farms, firing ranges, reservoir sites, administrative sites or rights-of-way to fishing waters.

Sec. 9. Section 17-331, Arizona Revised Statutes, is amended to read:

17-331. License or proof of purchase required; violation of child support order

A. Except as provided by this title, RULES PRESCRIBED BY THE COMMISSION or commission order, a person shall not take any wildlife in this state without a valid license or a commission approved proof of purchase. The person shall carry the license or proof of purchase and produce it ~~upon~~ ON request to any game ranger, wildlife manager or peace officer.

B. A certificate of noncompliance with a child support order issued pursuant to section 25-518 invalidates any license or proof of purchase issued to the support obligor for taking wildlife in this state and prohibits the support obligor from applying for any additional licenses issued by an automated drawing system under this title.

C. On receipt of a certificate of compliance with a child support order from the court pursuant to section 25-518 and without further action:

1. Any license or proof of purchase issued to the support obligor for taking wildlife that was previously invalidated by a certificate of noncompliance and that has not otherwise expired shall be reinstated.

2. Any ineligibility to apply for any license issued by an automated drawing system shall be removed.

Sec. 10. Section 17-332, Arizona Revised Statutes, is amended to read:

17-332. Form and contents of license; duplicate licenses; period of validity

A. Licenses and license materials shall be prepared by the department and MAY BE furnished and charged to dealers authorized to issue licenses. The license shall be issued in the name of the department ~~and countersigned by an issuing dealer~~. Except as provided by rule adopted by the commission, each license shall be signed by the licensee in ink on the face of the license and any license not signed is invalid. With each license authorizing the taking of big game the department shall provide such tags as the commission may prescribe, which the licensee shall attach to the big game animal in such manner as prescribed by the commission. The commission shall limit the number of big game permits issued to nonresidents in a random drawing to ten per cent or fewer of the total hunt permits, but in extraordinary circumstances, at a public meeting the commission may increase

the number of permits issued to nonresidents in a random drawing if, on separate roll call votes, the members of the commission unanimously:

1. Support the finding of a specifically described extraordinary circumstance.

2. Adopt the increased number of nonresident permits for the hunt.

B. The commission shall issue with each license a shipping permit entitling the holder of the license to a shipment of game or fish as provided by article 4 of this chapter.

C. It is unlawful, except as provided by the commission, for any person to apply for or obtain in any one license year more than one original license permitting the taking of big game. A duplicate license or tag may be issued by the department or by a license dealer if the person requesting such license or tag furnishes the information deemed necessary by the commission. ~~A fee of four dollars shall be collected for each duplicate license or tag issued.~~

D. No license or permit is transferable, nor shall such license or permit be used by anyone except the person to whom such license or permit was issued, except that:

1. A person may transfer the person's big game permit or tag to a qualified organization for use by a minor child who has a life-threatening medical condition or by a minor child who has a permanent physical disability. The commission may prescribe the manner and conditions of transferring and using permits and tags under this paragraph. If a physically disabled child is under fourteen years of age, the child must satisfactorily complete the Arizona hunter education course or another comparable hunter education course that is approved by the director. For the purposes of this paragraph:

(a) "Disability" means a permanent physical impairment that substantially limits one or more of the child's major life activities requiring the assistance of another person or a mechanical device for physical mobility.

(b) "Qualified organization" means a nonprofit organization that is qualified under section 501(c)(3) of the United States internal revenue code and that affords opportunities and experiences to children with life-threatening medical conditions or with physical disabilities.

2. A parent, grandparent or legal guardian may allow the parent's, grandparent's or guardian's minor child or minor grandchild to use the parent's, grandparent's or guardian's big game permit or tag to take big game pursuant to the following requirements:

(a) The parent, grandparent or guardian must transfer the permit or tag to the child in a manner prescribed by the commission.

(b) The parent or guardian must accompany the child in the field or, if a grandparent allows a minor grandchild to use the grandparent's permit or tag, the grandparent, the parent or the child's guardian must accompany the

child in the field. ~~In either case, the adult must be within fifty yards of the child when the animal is taken.~~

(c) The child must possess a ~~class F, class G, class K, class M or class N~~ VALID HUNTING license and, if under fourteen years of age, must satisfactorily complete the Arizona hunter education course or another comparable hunter education course that is approved by the director.

(d) Any big game that is taken counts toward the child's bag limit.

E. No refunds may be made for the purchase of a license or permit.

F. Licenses are valid for a license year ~~and expire on December 31 except for special licenses issued by the commission, complimentary licenses as provided by section 17-336, resident and nonresident trapping licenses, sport falconry licenses and classes B, C and D licenses as provided in section 17-333 and lifetime class A, F and G licenses and lifetime trout stamps as provided in section 17-335.01. Trapping licenses are valid from July 1 through June 30 of the following year~~ AS PRESCRIBED IN RULE BY THE COMMISSION. Lifetime licenses ~~and lifetime trout stamps~~ AND BENEFACTOR LICENSES are valid for the lifetime of the licensee.

Sec. 11. Repeal

Section 17-333, Arizona Revised Statutes, is repealed.

Sec. 12. Title 17, chapter 3, article 2, Arizona Revised Statutes, is amended by adding a new section 17-333, to read:

17-333. License classifications; fees; annual report; review

A. THROUGH JULY 1, 2019, THE COMMISSION SHALL PRESCRIBE BY RULE LICENSE CLASSIFICATIONS THAT ARE VALID FOR THE TAKING OR HANDLING OF WILDLIFE, FEES FOR LICENSES, PERMITS, TAGS AND STAMPS AND APPLICATION FEES.

B. THE COMMISSION MAY TEMPORARILY REDUCE OR WAIVE ANY FEE PRESCRIBED BY RULE UNDER THIS TITLE ON THE RECOMMENDATION OF THE DIRECTOR.

C. ALL MONIES COLLECTED PURSUANT TO THIS SECTION SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE GAME AND FISH FUND ESTABLISHED BY SECTION 17-261.

D. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE CHAIRPERSON OF THE SENATE NATURAL RESOURCES AND RURAL AFFAIRS COMMITTEE AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, THAT INCLUDES INFORMATION RELATING TO LICENSE CLASSIFICATIONS, FEES FOR LICENSES, PERMITS, TAGS AND STAMPS AND ANY OTHER FEES THAT THE COMMISSION PRESCRIBES BY RULE. ON OR BEFORE JULY 1, 2019 AND EACH FIFTH YEAR THEREAFTER, THE JOINT LEGISLATIVE AUDIT COMMITTEE SHALL ASSIGN A COMMITTEE OF REFERENCE TO HOLD A PUBLIC HEARING AND REVIEW THE ANNUAL REPORT SUBMITTED BY THE COMMISSION.

Sec. 13. Repeal

Section 17-333.01, Arizona Revised Statutes, is repealed.

Sec. 14. Title 17, chapter 3, article 2, Arizona Revised Statutes, is amended by adding a new section 17-333.01, to read:

17-333.01. Fee limitation

THE DEPARTMENT MAY ESTABLISH FEES PURSUANT TO THIS ARTICLE, BUT THE TOTAL AMOUNT OF LICENSE, PERMIT, TAG AND STAMP FEES COLLECTED IN ANY FISCAL YEAR MAY NOT EXCEED FIFTY PER CENT MORE THAN THE AMOUNT APPROPRIATED FROM THE GAME AND FISH FUND FOR FISCAL YEAR 2012-2013.

Sec. 15. Section 17-333.02, Arizona Revised Statutes, is amended to read:

17-333.02. Trapping license; education; exemption

A. A person applying for a trapping license must successfully complete a trapping education course conducted or approved by the department before being issued a trapping license. The department shall conduct or approve an educational course of instruction in responsible trapping and environmental ethics. The course shall include instruction on the history of trapping, trapping ethics, trapping laws, techniques in safely releasing nontarget animals, trapping equipment, wildlife management, proper catch handling, trapper health and safety and considerations and ethics intended to avoid conflicts with other public land users. A person must pass a written examination to successfully complete the course. The department shall not approve a trapping education course conducted by any person, agency, corporation or other organization for which a fee is charged greater than ~~twenty-five dollars per person~~ AN AMOUNT THE COMMISSION DETERMINES PER PERSON.

B. A person WHO IS born before January 1, 1967 or who has completed, from and after December 31, 1987 and ~~prior to the effective date of this section~~ BEFORE MARCH 1, 1993, the voluntary trapper education course on responsible trapping conducted in cooperation with the Arizona game and fish department is exempt from ~~the provisions of~~ subsection A OF THIS SECTION.

Sec. 16. Repeal

Section 17-333.03, Arizona Revised Statutes, is repealed.

Sec. 17. Section 17-335, Arizona Revised Statutes, is amended to read:

17-335. Blind resident; fishing license exemption

~~A.~~ A blind resident ~~or a resident or nonresident under the age of fourteen years~~ may fish without a license and ~~shall be~~ IS entitled to the same privileges as the holder of a valid license. ~~, except that such person shall be entitled only to one-half the legal bag and possession limit of trout.~~

~~B. A resident or nonresident under the age of fourteen years may, without a license, when accompanied by a person eighteen years of age or older holding a valid Arizona hunting license, take wildlife, except big game species, during open season, but not more than two such children shall accompany a person holding such a license.~~

~~C. No child under the age of fourteen may take big game unless the child has satisfactorily completed the Arizona hunter education course or another comparable hunter education course that is approved by the director.~~

~~D. The proper license shall be required, except as otherwise specified by the commission, for taking of big game species.~~

Sec. 18. Section 17-335.01, Arizona Revised Statutes, is amended to read:

17-335.01. Lifetime license and benefactor license

~~A. The department shall issue lifetime hunting and fishing licenses and trout stamps as provided by this section.~~

~~B. The classes of lifetime licenses are as follows:~~

~~1. Resident lifetime class A, general fishing license, valid for taking all aquatic wildlife, except trout and aquatic wildlife from commission designated urban waters.~~

~~2. Resident lifetime class G, general hunting license, valid for taking small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds.~~

~~3. Resident lifetime class F, combination general hunting and fishing license, valid for taking all aquatic wildlife except from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds.~~

~~4. Resident lifetime trout stamp to validate a lifetime class A general fishing license for taking trout.~~

~~C. The fee for a lifetime license or trout stamp under subsection B of this section is determined according to the age of the applicant as follows:~~

~~Age~~	~~Computation of fee~~
~~0 through 13 years~~	~~seventeen times the maximum fee prescribed by section 17-333 for the equivalent annual license~~
~~14 through 29 years~~	~~eighteen times the maximum fee prescribed by section 17-333 for the equivalent annual license~~
~~30 through 44 years~~	~~sixteen times the maximum fee prescribed by section 17-333 for the equivalent annual license~~
~~45 through 61 years~~	~~fifteen times the maximum fee prescribed by section 17-333 for the equivalent annual license~~
~~62 and older~~	~~eight times the maximum fee prescribed by section 17-333 for the equivalent annual license~~

~~D. An additional class of lifetime license is resident lifetime wildlife benefactor class F, combination general hunting and fishing license, valid for taking all aquatic wildlife except from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds. The fee for a resident lifetime wildlife benefactor class F, combination general hunting and fishing license is one thousand dollars. The difference between one thousand dollars and the~~

~~fee the licensee would otherwise pay for a resident lifetime class F license under subsections B and C of this section:~~

~~1. Is considered a donation to this state for continued management, protection and conservation of this state's wildlife.~~

~~2. Shall be credited to the wildlife endowment fund established by section 17-271.~~

~~3. Is tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations.~~

~~E. Lifetime licenses and trout stamps may be issued only at offices of the department. An applicant for a lifetime license or trout stamp shall provide proof of age and residency as prescribed by the commission.~~

A. FOR THE PURPOSES OF THIS TITLE, THE COMMISSION MAY PRESCRIBE BY RULE A LIFETIME LICENSE AND A BENEFACTOR LICENSE AND PRIVILEGES ASSOCIATED WITH THE TAKING AND HANDLING OF FISH AND WILDLIFE IN THIS STATE PURSUANT TO SECTION 17-333. ALL MONIES DERIVED FROM THE SALE OF LIFETIME LICENSES AND BENEFACTOR LICENSES SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE WILDLIFE ENDOWMENT FUND ESTABLISHED BY SECTION 17-271.

~~F.~~ B. A lifetime ~~licenses~~ LICENSE, BENEFACTOR LICENSE and trout ~~stamps~~ STAMP may be denied or suspended pursuant to, and for the offenses described in, section 17-340.

~~G.~~ C. A lifetime ~~licenses~~ LICENSE, BENEFACTOR LICENSE and trout ~~stamps remain~~ STAMP REMAIN valid if the licensee subsequently resides outside this state, but the licensee must pay the nonresident fee to purchase any additional PRIVILEGES, INCLUDING stamps, permits and tags required to hunt and fish in this state. Limits set by the commission on issuing nonresident stamps, permits or tags do not apply to stamps, permits or tags sold to a lifetime licensee.

~~H. Except as provided by subsection D, paragraph 2 of this section, monies derived from selling lifetime licenses and trout stamps shall be distributed as follows:~~

~~1. An amount equal to the fee for an equivalent annual license or stamp shall be deposited in the game and fish fund established by section 17-261 for the year in which the lifetime license or trout stamp was sold.~~

~~2. An amount equivalent to two times the maximum fee prescribed by section 17-333 for the equivalent annual license shall be deposited in the conservation development fund established by section 17-282 for the year in which the lifetime license or trout stamp was sold.~~

~~3. The remaining monies shall be deposited in the wildlife endowment fund.~~

Sec. 19. Section 17-336, Arizona Revised Statutes, is amended to read:

17-336. Complimentary and honorary youth licenses

A. The commission may issue a complimentary license to:

1. A pioneer WHO IS seventy years of age or older AND who has been a resident of this state for twenty-five or more consecutive years immediately preceding application for the license. The pioneer license is valid for the

lifetime of the licensee, and the commission shall not require renewal of the license.

2. A veteran of the armed forces of the United States who has been a resident of this state for one year or more immediately preceding application for the license and who is receiving compensation from the United States government for permanent service connected disabilities rated as one hundred per cent disabling.

B. The commission may issue a youth ~~class F~~ license for a reduced fee, as prescribed by the commission, to a resident of this state who is a member of the boy scouts of America who has attained the rank of eagle scout or a member of the girl scouts of the USA who has received the gold award.

Sec. 20. Section 17-338, Arizona Revised Statutes, is amended to read:

17-338. Remission of fees from sale of licenses or permits; violation; classification

A. License dealers shall ~~by the tenth day of each month~~ transmit to the department all license or permit fees collected and furnish such information as the commission ~~may prescribe~~ PRESCRIBES BY RULE. The failure to make such a transmission within thirty days AFTER THE DEADLINE THE COMMISSION PRESCRIBES BY RULE shall be cause to cancel a license dealer's license. The knowing failure to transmit all collected license and permit fees within thirty days is a class 2 misdemeanor.

B. Persons issuing licenses or permits other than the department shall retain as their compensation five per cent of the selling price of each license or permit, except that:

1. Compensation for Arizona, California, Nevada and Utah-Colorado river special use permits shall be established through agreement between the respective states and the commission.

2. License dealers who contract with the commission to sell licenses by telecommunication may impose additional fees for their services as provided in the contract.

Sec. 21. Section 17-344, Arizona Revised Statutes, is amended to read:

17-344. Period of validity of special permits

Arizona-Colorado river special use permits and California-Colorado river special use permits shall be valid from January 1 to December 31, inclusive, OR AS THE COMMISSION PRESCRIBES BY RULE OR ORDER.

Sec. 22. Section 17-345, Arizona Revised Statutes, is amended to read:

17-345. Surcharges; purposes

In addition to any other fees, the commission may impose and collect:

1. A surcharge ~~of up to three dollars on a class A, B, C, D, F, G, H, I, J, K, L, M or N~~ ON A license ~~and on a trout~~, PERMIT, TAG AND stamp AS THE COMMISSION PRESCRIBES BY RULE. Monies collected pursuant to this paragraph shall be segregated from other fees and deposited in the conservation development fund.

2. Surcharges on Arizona-Colorado river special use permits, California-Colorado river special use permits and Nevada-Colorado river

special use permits issued in this state as provided by sections 17-342, 17-343 and 17-344. The amount of the surcharges shall be determined by the commission. A surcharge under this paragraph is to be used solely for the purpose of the lower Colorado river multispecies conservation program under section 48-3713.03. Any monies collected pursuant to this paragraph shall be segregated from other revenues and deposited, pursuant to sections 35-146 and 35-147, in a fund designated as the Colorado river special use permit clearing account. Each month, on notification by the department, the state treasurer shall pay all of the monies in the clearing account to an account designated by a multi-county county water conservation district established under title 48, chapter 22 to be used solely for the lower Colorado river multispecies conservation program and for no other purpose.

Sec. 23. Section 17-346, Arizona Revised Statutes, is amended to read:

17-346. Special big game license tags

In addition to ~~the regular big game~~ ANY license tags issued under section 17-333, the commission may issue special big game license tags in the name of an incorporated nonprofit organization ~~which~~ THAT is dedicated to wildlife conservation. No more than three special big game license tags may be issued for each species of big game in a license year. Notwithstanding section 17-332, subsection D, an organization ~~which~~ THAT receives special big game license tags issued under this section may sell and transfer them if all proceeds of the sale are used in this state for wildlife management.

Sec. 24. Section 41-1005, Arizona Revised Statutes, is amended to read:

41-1005. Exemptions

A. This chapter does not apply to any:

1. Rule that relates to the use of public works, including streets and highways, under the jurisdiction of an agency if the effect of the order is indicated to the public by means of signs or signals.

2. Order OR RULE of the Arizona game and fish commission ~~that opens, closes or alters seasons or establishes bag or possession limits for wildlife~~ ADOPTED PURSUANT TO SECTION 5-321 OR 5-327 THAT ESTABLISHES A FEE OR SECTION 17-333 THAT ESTABLISHES A LICENSE CLASSIFICATION, FEE OR APPLICATION FEE.

3. Rule relating to section 28-641 or to any rule regulating motor vehicle operation that relates to speed, parking, standing, stopping or passing enacted pursuant to title 28, chapter 3.

4. Rule concerning only the internal management of an agency that does not directly and substantially affect the procedural or substantive rights or duties of any segment of the public.

5. Rule that only establishes specific prices to be charged for particular goods or services sold by an agency.

6. Rule concerning only the physical servicing, maintenance or care of agency owned or operated facilities or property.

7. Rule or substantive policy statement concerning inmates or committed youths of a correctional or detention facility in secure custody or

patients admitted to a hospital, if made by the state department of corrections, the department of juvenile corrections, the board of executive clemency or the department of health services or a facility or hospital under the jurisdiction of the state department of corrections, the department of juvenile corrections or the department of health services.

8. Form whose contents or substantive requirements are prescribed by rule or statute, and instructions for the execution or use of the form.

9. Capped fee-for-service schedule adopted by the Arizona health care cost containment system administration pursuant to title 36, chapter 29.

10. Fees prescribed by section 6-125.

11. Order of the director of water resources adopting or modifying a management plan pursuant to title 45, chapter 2, article 9.

12. Fees established under section 3-1086.

13. Fee-for-service schedule adopted by the department of economic security pursuant to section 8-512.

14. Fees established under sections 41-2144 and 41-2189.

15. Rule or other matter relating to agency contracts.

16. Fees established under section 32-2067 or 32-2132.

17. Rules made pursuant to section 5-111, subsection A.

18. Rules made by the Arizona state parks board concerning the operation of the Tonto natural bridge state park, the facilities located in the Tonto natural bridge state park and the entrance fees to the Tonto natural bridge state park.

19. Fees or charges established under section 41-511.05.

20. Emergency medical services protocols except as provided in section 36-2205, subsection B.

21. Fee schedules established pursuant to section 36-3409.

22. Procedures of the state transportation board as prescribed in section 28-7048.

23. Rules made by the state department of corrections.

24. Fees prescribed pursuant to section 32-1527.

25. Rules made by the department of economic security pursuant to section 46-805.

26. Schedule of fees prescribed by section 23-908.

27. Procedure that is established pursuant to title 23, chapter 6, article 5 or 6.

28. Rules, administrative policies, procedures and guidelines adopted for any purpose by the Arizona commerce authority pursuant to chapter 10 of this title if the authority provides, as appropriate under the circumstances, for notice of an opportunity for comment on the proposed rules, administrative policies, procedures and guidelines.

29. Rules made by a marketing commission or marketing committee pursuant to section 3-414.

30. Administration of public assistance program monies authorized for liabilities that are incurred for disasters declared pursuant to sections 26-303 and 35-192.

31. User charges, tolls, fares, rents, advertising and sponsorship charges, services charges or similar charges established pursuant to section 28-7705.

B. Notwithstanding subsection A, paragraph 22 of this section, at such time as the federal highway administration authorizes the privatization of rest areas, the state transportation board shall make rules governing the lease or license by the department of transportation to a private entity for the purposes of privatization of a rest area.

C. Coincident with the making of a final rule pursuant to an exemption from the applicability of this chapter under this section, another statute or session law, the agency shall file a copy of the rule with the secretary of state for publication pursuant to section 41-1012 and provide a copy to the council.

D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the Arizona board of regents and the institutions under its jurisdiction, except that the Arizona board of regents shall make policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed.

E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the Arizona state schools for the deaf and the blind, except that the board of directors of all the state schools for the deaf and the blind shall adopt policies for the board and the schools under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies proposed for adoption.

F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the state board of education, except that the state board of education shall adopt policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed for adoption. In order to implement or change any rule, the state board of education shall provide at least two opportunities for public comment.

Sec. 25. Public meetings

Before January 1, 2014, the Arizona game and fish commission shall hold at least two public meetings before establishing the initial fees authorized by sections 5-321, 5-322 and 5-327, Arizona Revised Statutes, as amended by this act, and the initial license classifications and fees authorized by title 17, chapter 3, article 2, Arizona Revised Statutes, as amended by this act.

Sec. 26. Game and fish commission; continuing license validity; existing rule validity

A. All licenses, stamps, tags and permits that were issued by the Arizona game and fish commission for the taking and handling of wildlife under the rules effective on the effective date of this act are valid for the duration of their terms as provided on the license, stamp, tag or permit.

B. All commission rules effective on the effective date of this act are valid until superseded by rules adopted by the commission pursuant to this act.

Sec. 27. Game and fish commission; continuing fee authority

A. Notwithstanding any other law, through July 1, 2015 or the effective date of the rules adopted by the commission pursuant to this act, whichever is earlier, the Arizona game and fish commission is authorized to collect the following fees for motorized watercraft requiring numbering by this state:

1.	Twelve feet and less	$20.00
2.	Twelve feet one inch through sixteen feet	$22.00
3.	Sixteen feet one inch through twenty feet	$30.00
4.	Twenty feet one inch through twenty-six feet	$35.00
5.	Twenty-six feet one inch through thirty-nine feet	$39.00
6.	Thirty-nine feet one inch through sixty-four feet	$44.00
7.	Sixty-four feet one inch and over	$66.00
8.	Registration transfer fee	$ 4.00
9.	Duplicate certificate of number or annual decal	$ 2.00
10.	Registration expiration penalty	$15.00
11.	Dealer or manufacturer demonstration watercraft certificate of number and annual decal	$ 2.50

B. Notwithstanding any other law, through July 1, 2015 or the effective date of the rules adopted by the commission pursuant to this act, whichever is earlier, the Arizona game and fish commission is authorized to collect the following nonresident boating safety infrastructure fee for each watercraft registered in this state by a nonresident:

1.	Twelve feet and less	$ 80.00
2.	Twelve feet one inch through sixteen feet	$ 88.00
3.	Sixteen feet one inch through twenty feet	$192.00
4.	Twenty feet one inch through twenty-six feet	$224.00
5.	Twenty-six feet one inch through thirty-nine feet	$253.00
6.	Thirty-nine feet one inch through sixty-four feet	$286.00
7.	Sixty-four feet one inch and over	$429.00

C. Notwithstanding any other law, through July 1, 2015 or the effective date of the rules adopted by the commission pursuant to this act, whichever is earlier, in addition to the fees specified in subsections A and B of this section, the Arizona game and fish commission is authorized to collect the fees for licenses, tags, permits and stamps and surcharges

authorized by rules effective as of the date of this act and until those rules are superseded by rules adopted by the commission pursuant to this act.

Sec. 28. Transfer of fund monies

Any monies remaining in the waterfowl conservation fund established by section 17-270, Arizona Revised Statutes, as repealed by this act, on the effective date of this act shall be transferred to the game and fish fund established by section 17-261, Arizona Revised Statutes.

Sec. 29. Game and fish department; financial audit; auditor general

The auditor general shall conduct and complete a financial audit of the Arizona game and fish department. By January 1, 2015, the auditor general shall submit copies of the financial audit to the governor, the president of the senate, the speaker of the house of representatives and the secretary of state.

Sec. 30. Requirements for enactment; two-thirds vote

Pursuant to article IX, section 22, Constitution of Arizona, this act is effective only on the affirmative vote of at least two-thirds of the members of each house of the legislature and is effective immediately on the signature of the governor or, if the governor vetoes this act, on the subsequent affirmative vote of at least three-fourths of the members of each house of the legislature.

APPROVED BY THE GOVERNOR MAY 7, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 8, 2013.

Passed the House April 15, 2013,

by the following vote: 43 Ayes,

10 Nays, 7 Not Voting

with Article IX, Section 22

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate March 6, 2013,

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

with Art. IX, sec. 22

President of the Senate

Charmaine Bellerton

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

2 day of May, 2013,

at 11:22 o'clock A M.

Michaela Howard

Secretary to the Governor

Approved this 7th day of

May 7, 2013,

at 2:12 o'clock P. M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 8th day of May, 2013,

at 9:01 o'clock a M.

Ken Bennett

Secretary of State

S.B. 1223