House Engrossed Senate Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 172

SENATE BILL 1466

AN ACT

AMENDING SECTIONS 17-306 AND 17-309, ARIZONA REVISED STATUTES; AMENDING TITLE 17, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6; 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 17-306, Arizona Revised Statutes, is amended to read:

17-306. Importation, transportation, release or possession of live wildlife; violations; classification

A. No person shall import or transport into ~~the~~ THIS state or sell, trade or release within ~~the~~ THIS state or have in ~~his~~ THE PERSON'S possession any live wildlife except as authorized by the commission or as defined in title 3, chapter 16.

B. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY AND WITHOUT LAWFUL AUTHORITY UNDER STATE OR FEDERAL LAW IMPORT AND TRANSPORT INTO THIS STATE AND RELEASE WITHIN THIS STATE A SPECIES OF WILDLIFE THAT IS LISTED AS A THREATENED, ENDANGERED OR CANDIDATE SPECIES UNDER THE ENDANGERED SPECIES ACT OF 1973 (P.L. 93-205; 87 STAT. 884; 16 UNITED STATES CODE SECTIONS 1531 THROUGH 1544).

C. A PERSON WHO VIOLATES SUBSECTION B OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY.

D. A PERSON WHO VIOLATES SUBSECTION B OF THIS SECTION WITH THE INTENT TO DISRUPT OR INTERFERE WITH THE DEVELOPMENT OR USE OF PUBLIC NATURAL RESOURCES TO ESTABLISH THE PRESENCE OF THE SPECIES IN AN AREA NOT CURRENTLY KNOWN TO BE OCCUPIED BY THAT SPECIES IS GUILTY OF A CLASS 4 FELONY.

Sec. 2. Section 17-309, Arizona Revised Statutes, is amended to read:

17-309. Violations; classification

A. Unless otherwise prescribed by this title, it is unlawful for a person to:

1. Violate any provision of this title or any rule adopted pursuant to this title.

2. Take, possess, transport, RELEASE, buy, sell or offer or expose for sale wildlife except as expressly permitted by this title.

3. Destroy, injure or molest livestock, growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.

4. Discharge a firearm while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident.

5. Take a game bird, game mammal or game fish and knowingly permit an edible portion thereof to go to waste, except as provided in section 17-302.

6. Take big game, except bear or mountain lion, with the aid of dogs.

7. Make more than one use of a shipping permit or coupon issued by the commission.

8. Obtain a license or take wildlife during the period for which the person's license has been revoked or suspended or the person has been denied a license.

9. Litter hunting and fishing areas while taking wildlife.
10. Take wildlife during the closed season.
11. Take wildlife in an area closed to the taking of that wildlife.
12. Take wildlife with an unlawful device.
13. Take wildlife by an unlawful method.
14. Take wildlife in excess of the bag limit.
15. Possess wildlife in excess of the possession limit.
16. Possess or transport any wildlife or parts of the wildlife that was unlawfully taken.
17. Possess or transport the carcass of big game without a valid tag being attached.
18. Use the edible parts of any game mammal or any part of any game bird or nongame bird as bait.
19. Possess or transport the carcass or parts of a carcass of any wildlife that cannot be identified as to species and legality.
20. Take game animals, game birds and game fish with an explosive compound, poison or any other deleterious substances.
21. Import into this state or export from this state the carcass or parts of a carcass of any wildlife unlawfully taken or possessed.

B. Unless a different or other penalty or punishment is specifically prescribed, a person who violates any provision of this title, or who violates or fails to comply with a lawful order or rule of the commission, is guilty of a class 2 misdemeanor.

C. A person who knowingly takes any big game during a closed season or who knowingly possesses, transports or buys any big game that was unlawfully taken during a closed season is guilty of a class 1 misdemeanor.

D. A person is guilty of a class 6 felony who knowingly:

1. Barters, sells or offers for sale any big game or parts of big game taken unlawfully.
2. Barters, sells or offers for sale any wildlife or parts of wildlife unlawfully taken during a closed season.
3. Barters, sells or offers for sale any wildlife or parts of wildlife imported or purchased in violation of this title or a lawful rule of the commission.
4. Assists another person for monetary gain with the unlawful taking of big game.
5. Takes or possesses wildlife while under permanent revocation under section 17-340, subsection B, paragraph 3.

E. A peace officer who knowingly fails to enforce a lawful rule of the commission or this title is guilty of a class 2 misdemeanor.

Sec. 3. Title 17, chapter 4, Arizona Revised Statutes, is amended by adding article 6, to read:

ARTICLE 6. LIVESTOCK LOSS BOARD

17-491. Livestock loss board; members; terms; compensation; annual report; board termination

A. THE LIVESTOCK LOSS BOARD IS ESTABLISHED TO ADDRESS THE DEPREDATION OF WOLVES ON LIVESTOCK OPERATIONS. THE LIVESTOCK LOSS BOARD CONSISTS OF THE FOLLOWING MEMBERS:

1. THE DIRECTOR OF THE ARIZONA DEPARTMENT OF AGRICULTURE OR THE DIRECTOR'S DESIGNEE.

2. THE DIRECTOR OF THE ARIZONA GAME AND FISH DEPARTMENT OR THE DIRECTOR'S DESIGNEE.

3. THREE MEMBERS WHO REPRESENT THE LIVESTOCK INDUSTRY, WHO HAVE KNOWLEDGE AND EXPERIENCE WITH WILDLIFE IMPACTS AND MANAGEMENT AND WHO ARE APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211.

4. TWO MEMBERS WHO REPRESENT WILDLIFE CONSERVATION OR WILDLIFE MANAGEMENT, WHO HAVE KNOWLEDGE AND EXPERIENCE WITH LIVESTOCK PRODUCTION OR MANAGEMENT AND WHO ARE APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211.

5. ONE MEMBER WHO IS A LIVESTOCK AUCTION MARKET OWNER AND WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

6. ONE MEMBER WHO IS A FACULTY MEMBER AT A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS, WHO HAS EXPERTISE IN AGRICULTURAL AND LIFE SCIENCES AND WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.

B. THE INITIAL MEMBERS OF THE LIVESTOCK LOSS BOARD WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS 3, 4, 5 AND 6 OF THIS SECTION SHALL ASSIGN THEMSELVES BY LOT TO TERMS OF TWO AND FOUR YEARS IN OFFICE. ALL SUBSEQUENT MEMBERS SERVE FOUR-YEAR TERMS OF OFFICE. THE CHAIRPERSON SHALL NOTIFY THE GOVERNOR'S OFFICE, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THESE APPOINTMENTS.

C. A MAJORITY OF THE MEMBERS CONSTITUTE A QUORUM.

D. THE LIVESTOCK LOSS BOARD SHALL ANNUALLY ELECT A CHAIRPERSON FROM ITS MEMBERS.

E. MEMBERS OF THE LIVESTOCK LOSS BOARD ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

F. THE LIVESTOCK LOSS BOARD SHALL SUBMIT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON OR BEFORE DECEMBER 31 OF EACH YEAR A REPORT OF THE NUMBER OF APPLICATIONS FOR COMPENSATION, THE TOTAL AMOUNT OF MONIES PROVIDED TO LANDOWNERS, LESSEES AND LIVESTOCK OPERATORS THAT YEAR AND ANY RECOMMENDATIONS. THE LIVESTOCK LOSS BOARD SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE.

G. THE BOARD ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2023 PURSUANT TO SECTION 41-3103.

17-492. Powers and duties

A. THE LIVESTOCK LOSS BOARD SHALL:

1. ESTABLISH AND IMPLEMENT PROCEDURES TO COMPENSATE LANDOWNERS, LESSEES OR LIVESTOCK OPERATORS FOR WOLF DEPREDATION ON LIVESTOCK.

2. ESTABLISH REQUIREMENTS FOR LANDOWNERS, LESSEES AND LIVESTOCK OPERATORS TO REPORT AND DEMONSTRATE WOLF DEPREDATION ON LIVESTOCK.

3. ESTABLISH ELIGIBILITY AND APPLICATION REQUIREMENTS TO RECEIVE COMPENSATION FOR WOLF DEPREDATION ON LIVESTOCK.

4. DETERMINE THE COMPENSATION RATE FOR EACH LIVESTOCK ANIMAL DEPREDATED BY WOLVES.

5. RESEARCH AND DEVELOP MEASURES TO PREVENT WOLF DEPREDATION ON LIVESTOCK.

6. ESTABLISH PROCEDURES FOR LANDOWNERS, LESSEES OR LIVESTOCK OPERATORS TO APPEAL DECISIONS OF THE LIVESTOCK LOSS BOARD.

B. THE LIVESTOCK LOSS BOARD MAY:

1. COMPENSATE LANDOWNERS, LESSEES OR LIVESTOCK OPERATORS FOR WOLF DEPREDATION ON LIVESTOCK.

2. IMPLEMENT A PAY-FOR-PRESENCE PROGRAM THAT PROVIDES COMPENSATION FOR THE LANDOWNERS, LESSEES AND LIVESTOCK OPERATORS WHO ALLOW WOLVES TO BE PRESENT ON PRIVATE PROPERTY OWNED OR LEASED BY THE LANDOWNER, LESSEE OR LIVESTOCK OPERATOR AND ACCEPT POTENTIAL WOLF DEPREDATION ON LIVESTOCK. A PAY-FOR-PRESENCE PROGRAM MAY NOT PROVIDE COMPENSATION FOR THE PRESENCE OF WOLVES ON PUBLIC LANDS.

3. COORDINATE WITH THE DEPARTMENT IN AN INVESTIGATION OF WOLF DEPREDATION ON LIVESTOCK AND ANY CORRECTIVE MEASURES TAKEN PURSUANT TO SECTION 17-239.

4. COORDINATE WITH STATE AND FEDERAL WILDLIFE AGENCIES TO VERIFY WOLF DEPREDATION ON LIVESTOCK.

5. COLLABORATE WITH FEDERAL FARM SERVICES AGENCIES IN THIS STATE TO PROMOTE LIVESTOCK COMPENSATION PROGRAMS.

6. ADOPT RULES PURSUANT TO TITLE 41, CHAPTER 6 AS NECESSARY TO ADMINISTER AND ENFORCE THIS SECTION.

17-493. Livestock compensation fund; exemption

A. THE LIVESTOCK COMPENSATION FUND IS ESTABLISHED CONSISTING OF FEDERAL MONIES, LEGISLATIVE APPROPRIATIONS FROM THE STATE GENERAL FUND, PUBLIC AND PRIVATE GRANTS AND PRIVATE DONATIONS RECEIVED FOR THE PURPOSE OF COMPENSATING LANDOWNERS, LESSEES AND LIVESTOCK OPERATORS FOR WOLF DEPREDATION ON LIVESTOCK. MONIES IN THE LIVESTOCK COMPENSATION FUND MAY ALSO BE USED TO COMPENSATE LANDOWNERS, LESSEES AND LIVESTOCK OPERATORS FOR PARTICIPATION IN A PAY-FOR-PRESENCE PROGRAM IMPLEMENTED BY THE LIVESTOCK LOSS BOARD PURSUANT TO SECTION 17-492.

B. THE LIVESTOCK LOSS BOARD SHALL ADMINISTER THE LIVESTOCK COMPENSATION FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE LIVESTOCK LOSS BOARD MAY ACCEPT AND SPEND FEDERAL MONIES, PUBLIC AND PRIVATE GRANTS, GIFTS, CONTRIBUTIONS AND DEVISES TO ASSIST IN CARRYING OUT THE PURPOSES OF THIS ARTICLE. THESE MONIES DO NOT REVERT TO THE STATE GENERAL FUND AT THE END OF A FISCAL YEAR. MONIES IN THE FUND SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, MONIES OTHERWISE APPROPRIATED TO THE DEPARTMENT.

C. MONIES IN THE LIVESTOCK COMPENSATION FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

APPROVED BY THE GOVERNOR APRIL 1, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.

Passed the House March 24, 2015,

by the following vote: 42 Ayes,

14 Nays, 4 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate March 3, 2015,

by the following vote: 22 Ayes,

8 Nays, 0 Not Voting

President of the Senate

Susan Craves
Assistant
Secretary of the Senate

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

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1466

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 20, 20 15

by the following vote: 32 Ayes,

7 Nays, 1 Not Voting

President of the Senate

Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

26th day of March, 20 15

at 4:28 o'clock P. M.

Secretary to the Governor

Approved this 1st day of

April

at 1:48 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 2 day of April, 20 15

at 9:00 o'clock A M.

Secretary of State

S.B. 1466