

Legislative Summary

49TH LEGISLATURE

2009



1st Regular Session

Fiscal Crisis, Logjams and Inertia

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One of the longest and certainly most challenging sessions in the history of the Arizona State Legislature. Exceeding the deadline of June 30th, midnight; the Legislature provided a FY-2010 budget package to the Governor during the early morning hours of July 1st.

The Arizona Game and Fish Department maintains stasis with regard to its fiscal capacities this session, and continues to maintain projects and personnel into the 2010 fiscal calendar. The total appropriations for the Game and Fish Fund increased 12% over FY-2009, and the Watercraft Licensing Fund was saved during the 11th hour near devastation.

Other State Agencies have not weathered the storm as fortunately. With a sharp decline in state's revenues and the largest deficit the state has ever faced; drastic reductions in agency spending, and fund balance transfers have created large reductions in state-wide personnel and state program and service availabilities.

Upon convening the 1st Regular Session, Legislative Leaders addressed the state's

fiscal crisis by announcing the intentions of getting right down to business by first addressing the shortfalls of the FY-2009 deficit. This arduous process was achieved on the early outset of the session. Senate President, Bob Burns then announced his intention to continue holding the policy legislation until the body reached an FY-2010 budget resolution. On June 4th, the Legislature passed a budget package that did not coincide with the Governor's fiscal agenda, which included a 5-point plan for stabilizing Arizona's unstable economy. Leadership did not forward the budget package to the Governor, but instead held the bills. During a lawsuit, which ensued over the course of the following few weeks, Leadership decided to open the 'flood gates' for all of the policy legislation that was held the entire session in the upper chamber.

The final month of the 1st Regular Session was difficult to follow, given the late nights of hearings and floor sessions and the logjam of bills that the legislature worked through.

And here we sit, the beginning of August, and the Legislature is still in session with no final resolution for the state's fiscal fate.....

AGFD
Legislative/Government Affairs
Staff

Tony Guiles
Legislative Liaison/Government Affairs

Simone Westbrook Hall
Asst. Legislative Liaison/Government
Affairs

Game and Fish
Commissioner Legislative
Representatives

Bob Hernbrode, Commissioner
Chairman

Jennifer Martin, Commissioner
Vice Chair

Session Highlights

Legislature Convenes 1st Regular Session	January 12th
Legislature Adjourns <i>sine die</i>	July 1st, 7:31 AM
Days of Session	170
Bills Signed	191
Bills Vetoed	22
General Effective Date	September 30th
Bills Introduced	1133
Legislature Convenes <i>3rd Special Session</i>	July 6th
Adjourns Special	??

2009 Legislative Accomplishments

- Secured a \$35M FY-2010 Game and Fish Fund appropriation. An increase of \$3.7M (12%) over the FY2009 appropriation.
- Restored \$2.4M to the Department's Watercraft Licensing Fund as a floor amendment within the general appropriations trailer bill, which without would have inhibited all watercraft law enforcement activity in FY-2010.
- Prevented multiple hearings in the House Natural Resources and Rural Affairs Committee for HB2235, a bill the Commission chose to oppose at the beginning of the 1st Regular Session.
- Successfully passed HB2157 (its introductory session), a new statutory authority to manage aquatic invasive species in the state. Working with stakeholders, compromised-out acceptable language throughout the legislative process.
- Secured a special convening of the Legislature's Joint Committee on Capital Review, after initially being denied a special hearing, so that we could secure funding for 3 capital projects totaling \$2M after having failed to submit requests on-time.
- Informed Governor's staff as to the legislative implications regarding legislative authorities to appropriate federal funds, and various state agency reporting requirements.



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FY-2010 Department Budget

CALCULATION FOR TOTAL APPROPRIATION AMOUNT	SB1188/HB2643 General Appropriations/Trailer Bills
FY 2009 Appropriation:	\$31,178,500
Less adjustment for one-time FY 2009 items:	(1,736,900)
Add FY 2010 approved requests:	5,457,500
Total FY 2010 Appropriation :	34,899,100

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The Arizona Game and Fish Department was relatively successful in receiving the Commission approved appropriation request for the 2010 fiscal year, which largely appeared in the feed/trailer bill approved by the Legislature and signed by the Governor in the 1st Regular Session.

On July 1st, the Governor called for a 3rd Special Session to address provisions that she vetoed in the budget package passed in the 1st Regular Session. Currently, the Legislature continues efforts to resolve an outstanding \$3B deficit, and fill in the appropriations gaps left by vetoed provisions of the budget. This has been particularly challenging for this Legislature and the Executive Branch, as there has been little agreement on how to cope with the outstanding deficit and how or if to seek solutions by generating increased state revenues. This 49th Legislature has basically been in continual session, and currently has no 'final' budget product, and so the Department's legislative staff continues to remain vigilant on the legislative actions that have perpetuated in this most unprecedented course.

Department-Related Budget Bills:

[SB1188](#): general appropriations FY 2009-2010

[HB2643](#): general appropriations; 2009-2010; trailer

[SB1027](#): capital outlay FY 2009-2010



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Detailed Bill Language (HB2643):

Sec. 41. GAME AND FISH DEPARTMENT 2009-10

FTE positions	\$273.5
Operating lump sum appropriation	\$33,811,200
Pittman - Robertson/Dingell – Johnson act	\$3,808,000
Performance incentive pay program	\$346,800*
Lower Colorado multispecies conservation	\$350,000
Watercraft grant program	\$250,000
Watercraft safety education program	\$1,175,000

Lump sum reduction	(1,410,900)
Total appropriation - game and fish department	\$39,741,000
Fund sources:	
Game and fish fund	\$ 34,899,100
Waterfowl conservation fund	\$43,400
Wildlife endowment fund	\$16,000
Watercraft licensing fund	\$4,452,600
Game, nongame, fish and endangered species fund	\$329,900

Performance measures:

Per cent of the public surveyed rating watercraft safety as "good" or "excellent"	80
Per cent of anglers surveyed reporting they were satisfied with their angling experiences	81

In addition to the \$3,808,000 for the Pittman - Robertson/Dingell - Johnson act line item, the lump sum appropriation includes \$50,000 for cooperative fish and wildlife research which may be used for the purpose of matching federal and apportionment funds.

The \$300,000 from the game and fish fund and \$46,800 from the watercraft licensing fund in fiscal year 2009-2010 for the performance incentive pay program line item shall be used for personal services and employee-related expenditures associated with the department's performance incentive pay program. This appropriation is a continuing appropriation and is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

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Commissioner Confirmations

Norm Freeman, Chino Valley

Senate Confirmation – February 3, 2009

Norm Freeman of Chino Valley brings a diverse background to the commission, with experience in business, technology development, broadcast and land use issues. He is the founder of Elemental Technology, a firm that developed wildlife tracking software for wildlife biologists and regulatory bodies. In 1994, he founded "Wildflight," a privately funded operation to relocate wildlife using corporate or private aircraft. He has been extensively involved with the California Condor Recovery Team. His technology experience includes the development of telemetry and control systems for high-efficiency irrigation and municipal water systems, and the development of software and tracking technology for loyalty-building marketing programs for professional sports teams. He grew up in the family radio business and worked in television as a director and engineer. He serves as a board member of the Chino Valley Irrigation District, is a member of the board of directors of the Yavapai County Farm Bureau, is a former vice chair of the Chino Valley Planning and Zoning Commission, and is a member of the NRA.



Jack Husted, Springerville

Senate Confirmation – April 16, 2009

Jack Husted of Springerville was confirmed as a member of the Arizona Game and Fish Commission by the Arizona Senate on Thursday, April 16, 2009 following appointment by Governor Jan Brewer. He has a broad background in both the public and private sectors. He has experience and expertise in local government and law enforcement, having served as a Deputy County Sheriff in Pima County, as a Reserve Game Ranger for the Arizona Game and Fish Department, and as a Town Councilman for the Town of Eagar. Beyond his public service, he is a successful small business owner. Throughout his adult life, Mr. Husted has been very active in his community. He has served on several boards, including the Northern Arizona Council of Governments, the Arizona State Transportation Board, and the Springerville-Eagar Chamber. He also offers his time as a Deacon/Elder of the Community Presbyterian Church in Springerville. A third-generation Arizonan and lifelong hunter and sportsman, Mr. Husted is affiliated with several wildlife organizations. His family also has long-standing ties to ranching in the State of Arizona. Mr. Husted resides in Springerville with his wife and has two grown children.



1st Regular Session Policy Legislation

The Commission approved 2 legislative proposals for the Department to introduce and advance in the 49th's 1st Regular Session. The Arizona State House of Representatives began the session relatively normally with regard to referring policy legislation for committee assignment(s), holding hearings, and calendaring several bills for consideration in COW. Through the course of the session, business in the House regarding policy legislation became less consistent, and through intermittent special sessions to deal with FY-2009 budget fixes, the House advanced less of its policy legislation than most other sessions in the past.

The Senate sat the entire session on a logjam of policy bills, most of which had not even been 1st read or assigned to committee(s) until after the beginning of June, when the Senate President decided to release the policy legislation from its proverbial flood gates. The entire month of June was spent pushing an extraordinary amount of legislation through hearings and floor actions in both chambers. Despite the long hours for the entire final month of session, there was simply not enough time for committees and the respective bodies to consider all of the bills and striker amendments that were introduced. Both chambers were constrained by the necessary legislative process, despite suspension of rules to allow for a more expeditious process.

To the disappointment of many, this time constraint prevented movement of many bills and strikers or the unsuccessful completion of the legislative process.

The Department was able to shepherd 1 of the 2 introduced bills through the legislative process. A very conservative estimate of legislation that will be enacted into law is approximately 15% derived from all bills introduced this session. This conservative estimate also does not take into account the approximate 400 striker amendments introduced throughout the 1st Regular Session, increasing the amount of provisions to monitor and address.



2009 Commission Approved – Department Legislation (Support)

HB2157 wildlife; aquatic invasive species (AIS)

Disposition:

Signed by the Governor - July 10, 2009

Filed in the Secretary of State's Office - July 10, 2009: *Chapter 77*

Effective Date – September 30, 2009

Sponsors:

MCLAIN P GOODALE P JONES P
PANCRAZI P AGUIRRE P TOBIN C
WEIERS JP C NELSON C

Background:

Representative Andy Tobin asked the Department to help him address the possibility of prescribing specific statutory authorities in dealing with nuisance species such as the quagga mussels that were becoming more prevalent in certain water bodies in Arizona.

Provisions:

Defines aquatic invasive species, and allows the AGFD Director to establish an AIS program, which includes identifying a list of infected waters and species. Authorizes the Department to establish criteria for the movement of potential conveyance equipment, and inspect those potential conveyances for aquatic invasive species for the purposes of necessary decontamination and for the prevention of spread and infecting other water bodies. Establishes prohibitions and penalties for movement, possession and release of identified aquatic invasive species, which is exclusive of whether an official program is established by the Department.

The language of the originally introduced legislation was also amended to include an exemption for certain entities whose normal course of business could cause an unintended incurrence of penalties. These exemptions were compromised-out throughout the legislative process.

Action History:

House

1st Read - 1/20/09

Committee Assignment/Committee Action:

Natural Resources – 1/20/09 3/02/09 – Do Pass as amended, (7-0-1)

3/02/09 – NRRRA Amendment

Rules – 1/20/09 4/20/09 – Constitutional & Proper, (8-0-0)

Appropriations – 1/20/09 3/19/09 – Withdrawn



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2nd Read: 1/21/09

Majority Caucus – 4/20/09

Minority Caucus – 4/21/09

COW – 5/06/09

Kavanagh Substitute Floor Amendment to NRRRA Amend – Adopted

3rd Read – 6/11/09

Passed, (36-9-5)

Transmit to Senate – 6/11/09

Senate

1st Read – 6/12/09

2nd Read – 6/15/09

Committee Assignment/Committee Action:

NRIPD – 6/12/09 6/22/09 – Do Pass as amended, (7-0-0)

6/22/09 – NRIPD Amendment

Rules – 6/12/09 6/25/09 – Constitutional & Proper

Majority Caucus – 6/26/09

Minority Caucus – 6/26/09

COW Action 1 – 6/26/09, Retained

COW Action 2 – 6/27/09, Gould Floor Amendment – Adopted

3rd Read – 7/01/09 (2:45AM)

Passed, (16-12-2)

Transmit back to House – 7/01/09

House (Part 2 – Concurrence Process)

Majority Caucus – 7/01/09

Minority Caucus – 7/01/09

Concurrence Recommended

House Concurrence – 7/01/09

Final Read – 7/01/09

Passed, (37-5-18)

Transmitted to Governor- 7/01/09

Signed by Governor – 7/10/09

Chaptered – 7/10/09

Senate Engrossed Version, **Chapter 77**

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HB2064: wildlife; guides; wasted meat

Disposition:

Dead - Held up in the House awaiting 3rd Read. This bill, while the provisions are relatively innocuous and non-contentious, this session was simply not conducive of moving policy legislation that did not rise to the level of 'critical' importance to members and leadership. Given the President's decision to hold all legislation until post-budget disposition, there was simply not enough time for policy legislation to receive proper input and consideration that would have otherwise been given.

Sponsors:

KONOPNICKI P

Background:

Given the increased difficulties the Department has encountered in holding individuals accountable for 'guiding' without a license; the Commission approved a statutory change for the definition of 'guide.' This change would allow for reasonable ability to prosecute those genuine offenders. Another provision of this legislation that was approved by the Commission was introduced to deal with another growing problem our officers' face, and that is the wasting of game meat. Currently, there is already an existing statutory provision that makes wasting game meat a Title 17 violation; however, this new legislation would make this violation a 'revocable' offense.

Provisions:

Guide Definition: Amends the definition of guide by extending it to include other compensatory measures as opposed to 'pay' (i.e. monetary) alone. Stipulates that compensation is necessarily commensurate with market value so that sharing or helping a friend would not constitute a violation under this new definition.

Wasting Game Meat: Simply adds this provision to section 17-340, which are the revocation classifications

Action History:

House

1st Read - 1/15/09

Committee Assignment/Committee Action:

Natural Resources – 1/15/09 3/02/09 – Do Pass, (7-0-1)

Rules – 1/15/09 4/13/09 – Constitutional & Proper, (7-0-1)

2nd Read - 1/20/09

Majority Caucus – 4/13/09

Minority Caucus – 4/14/09

Consent Calendar – 4/13/09: Object

COW – 5/12/09, Konopnicki Floor Amendment – Adopted

3rd Read – Never Calendared, Dead



2009 Commission Approved – Department Legislation (Oppose)

HB2235: game and fish commissioners; appointment

Disposition:

Dead - 3/11/09, held in the MAPS committee, by Chairman Weiers as a result of an agreement reached between him and some of the Game and Fish Commissioners to return after session for the purposes of discussing possible alternative language that parties could agree to.

Sponsors:

WEIERS JP P GOWAN P MONTENEGRO C
PATTERSON C

Provisions:

The legislation imposes statutory changes for those applicants whom are interested in serving as an Arizona Game and Fish Commissioner. Applicants must have resided in Arizona for 10 years, must have held a valid hunting/fishing license for the 5 years, and must have maintained their respective political affiliation for 5 consecutive years prior to applying. Also requires that applicants' information provided to the gubernatorial office be available as public record.

Action History:

House

1st Read – 1/20/09

Committee Assignment/Committee Action:

Natural Resources – 1/20/09 3/10/09 – withdrawn

Military Affairs – 3/10/09 3/11/09 - Held

Rules – 1/20/09 N/A

2nd Read – 1/21/09



Other Legislation of Interest

HB2369: noncustodial federal monies; legislative appropriation

Disposition:

Transmitted to Governor – July 1, 2009

Vetoed – July 13, 2009 (No Veto Letter)

Provisions:

Authorizes the Legislature to appropriate non-custodial federal monies and to appropriate lump-sums of monies that may be received when the Legislature is not in session.

SB1318: geospatial data; geographic information council

Disposition:

Signed by the Governor - July 10, 2009

Filed in the Secretary of State's Office - July 10, 2009: *Chapter 74*

Effective Date – September 30, 2009

Provisions:

Statutorily establishes a 35-member GIS Council that currently exists by executive order. Permits GIS data sharing at various levels of government, and delineates several provisions with regard to use and sharing of that data, including: exemptions for liability for data provided by a custodial agency, specifies that no written agreement is required for intra-agency sharing of GIS developed materials, allows the custodial agency of a particular data set to stipulate in writing that redistribution is prohibited.

SB1437: schools; gun safety instructors; certification

Disposition:

Signed by the Governor - July 10, 2009

Filed in the Secretary of State's Office - July 10, 2009: *Chapter 97*

Effective Date – September 30, 2009

Provisions:

This measure will allow firearms instructors to be certified by a national association of firearms owners as opposed to the current statutory provision, which solely cites the Arizona Game and Fish Commission as necessary certifiers.



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HB2401: administrative rules oversight committee

Disposition:

Signed by the Governor - July 13, 2009

Filed in the Secretary of State's Office - July 13, 2009: *Chapter 171*

Effective Date – September 30, 2009

Provisions:

Re-establishes the Administrative Rules Oversight Committee (AROC), which will act as an oversight committee for rules and substantive policy changes developed by state agencies. The committee will consist of 5 members from each chamber of the Legislature and a Governor appointee (who is not an agency director). The committee will address rule making complaints, hold hearings and make comments to agencies regarding rules that are duplicative or time-consuming.

