

**Arizona Game and Fish Department  
Legislative Communication  
Effectiveness Evaluation**



**46<sup>th</sup> Legislature (2003)  
First Regular Session**

## Introduction

It is important to periodically evaluate our ability to communicate our position on issues with the state legislature. The legislative voting record on these issues is one way to measure our effectiveness in communicating our position. The following is a list of legislative voting records from the first regular session (2003) for issues on which the Game and Fish Commission has taken a formal position. A brief summary of the bills/issues is also included.

### Key to the Tables on the Following Pages

**S** = Legislator signed on as a sponsor of the particular legislation.

**+** = Voted with the formal position taken by the Commission.

**-** = Voted against the formal position taken by the Commission.

**\*** = No vote was taken in Committee or on the floor, or the member was absent when the vote was taken.

**Agreement/Actions** = Number of times legislators voted in agreement with the Commission's position versus the number of times legislators actually voted on Department policy.

**% Agreement** = Agreement between legislators voting record and Commission positions on the issues. This number is derived by dividing the number of a legislator's actions (votes and/or sponsorship) that agrees with the Commission position by the total number of actions taken by the legislator on these issues.

**Note:** This scorecard is not intended to be used in judging legislators, but rather, our ability to effectively communicate our position on issues. Also, these calculations do not take into account work that goes on behind the scene on legislative issues (i.e., helping a bill be heard and debated).

## Members of the 46<sup>th</sup> Legislature (2002-2003)

(R) = Republican; (D) = Democrat

<u>DISTRICT</u>	<u>SENATOR</u>	<u>REPRESENTATIVES</u>
1	Ken Bennett (R)	Lucy Mason (R) / Tom O'Halleran (R)
2	Jack Jackson, Sr. (D)	Jack Jackson, Jr. (D) / Sylvia Laughter (I)
3	Linda Binder (R)	Joe Hart (R) / Bill Wagner (R)
4	Jack Harper (R)	Tom Boone (R) / Carole Hubbs (R)
5	Jack Brown (D)	Jake Flake (R) / Bill Konopnicki (R)
6	Dean Martin (R)	Ted Carpenter (R) / Clancy Jayne (R)
7	Jim Waring (R)	John Allen (R) / Ray Barnes (R)
8	Carolyn Allen (R)	Michele Reagan (R) / Colette Rosati (R)
9	Robert Burns (R)	Phil Hanson (R) / Bob Stump (R)
10	Jim Weiers (R)	Linda Gray (R) / Doug Quelland (R)
11	Barbara Leff (R)	Deb Gullett (R) / Steve Tully (R)
12	Robert Blendu (R)	Bill Arnold (R) / John Nelson (R)
13	Richard Miranda (D)	Steve Gallardo (D) / John Loredó (D)
14	Bill Brotherton (D)	Debbie McCune Davis(D)/ Robert Meza (D)
15	Ken Chevront (D)	Ken Clark (D) / Wally Straughn (D)
16	Linda Aguirre (D)	Leah Landrum Taylor (D) /Ben Miranda (D)
17	Harry Mitchell (D)	Meg Burton-Cahill (D)/Mark Thompson (R)
18	Mark Anderson (R)	Karen Johnson (R) / Russell Pearce (R)
19	Marilyn Jarrett (R)	Chuck Gray (R) / Gary Pierce (R)
20	Slade Mead (R)	John Huppenthal (R) / Rob Robson (R)
21	Jay Tibshraeny (R)	Warde Nichols (R) / Steve Yarbrough (R)
22	Thayer Verschoor (R)	Andy Biggs (R) / Eddie Farnsworth (R)
23	Pete Rios (D)	Ernest Bustamante (D) Cheryl Chase (D)
24	Robert Cannell (D)	Amanda Aguirre (D) / Jim Carruthers (R)
25	Marsha Arzberger (D)	Manny Alvarez (D) / Jennifer Burns (R)
26	Toni Hellon (R)	Pete Hershberger (R) / Steve Huffman (R)
27	Jorge Luis Garcia (D)	Olivia Cajero Bedford (D)/ Phil Lopes (D)
28	Gabrielle Giffords (D)	David Bradley (D) / Ted Downing (D)
29	Victor Soltero (D)	Linda Lopez (D) / Tom Prezelski (D)
30	Tim Bee (R)	Randy Graf (R) / Marian McClure (R)

**Index of Legislation Enacted into Law  
Laws 2003, 46<sup>th</sup> Legislature, First Regular Session  
Game and Fish Department Final Summary**

<b>Short Title of Legislation</b>	<b>Bill #</b>	<b>Chapter Law #</b>
State Agency Report Repeal	H2049	Chapter 104
Forest Status Reports	H2479	Chapter 245
Wildfires; Fire Bans; Criminal Penalties	H2507	Chapter 156
Wildlife Diseases; Agency Orders	S1282	Chapter 183
Watercraft; Boating While Intoxicated	S1283	Chapter 207

**Index of Legislation Died/ Failed to Pass  
Laws 2003, 46<sup>th</sup> Legislature  
Game and Fish Department Final Summary**

<b>Short Title of Legislation</b>	<b>Bill #</b>	<b>Status</b>
Appropriation of Federal Monies	H2248	VETOED
Watercraft Registration; Transfer; Study	H2298	Died in Committee
Game and Fish; Land Disposition	H2314	Withdrawn
Public Lobbyists; Public Money	HCR 2034	Died in Committee
State Agency Reports; Repeal	S1027	See HB2049
Appropriation of Federal Monies	S1060	Substitute 2248
Buffalo Ranches; Sale	S1292	Died in Committee
Sonoran Desert Peace Park	SM1001	Held in Committee

## **Department-Related Legislation House Bills Enacted into Law 46<sup>th</sup> Regular Session**

### **H2049: State Agency Reports; Repeal (Chapter 104, Laws 2003)**

**(Representative Huppenthal, Senator Mitchell)** Currently, there are numerous statutory reports that must be completed by various state agencies. The law specifies that, in most cases, the Governor, Speaker of the House, and the President of the Senate must receive a copy of the report. In some cases, other chairmen or every member of the Legislature are required to receive a copy. HB 2049 eliminates several of these reports; the programs will not be affected. The Game and Fish Department will no longer have to provide the following reports:

**Publications Revolving Fund** – Provides fund balance, date and amount of each expenditure, publications produced, selling price and quantity sold. *Currently located in ARS 17-269.*

**Off-highway vehicle Recreation Fund** – Discusses monies spent on law enforcement and employee services and the number of full time employees. *Currently located in ARS 28-1176.*

**Signed by Governor Napolitano 4/28/03**

### **H2479: Forest Status Reports (Chapter 245, Laws 2003)**

**(Representatives O’Halleran, Nelson, J Burns, Chase, Gullett, Jackson, jr. McClure, Flake, Hart, Burton Cahill, Hershberger, Bustamante, Hanson, Jayne, Rosati, Laughter, Mason, Huffman, Carruthers, C Gray, Hubbs, Konopnicki; Senators Giffords, Mead, Rios, Cannell)** The State Land Commissioner is required to act as the State Forester (A.R.S. § 37-621). The State Forester is charged with a variety of duties, including preventing and suppressing wildfires on 9.3 million acres of state trust land and 13 million acres of private land. For this purpose, the State Land Department maintains a small group of professional fire management specialists. The Land Department has also formed cooperative agreements to control wildfires with many local fire departments, state and federal agencies and private companies. According to the Land Department, the State Forester regularly collaborates with the Game and Fish Department, the Emergency Management Division, the State Parks Board, the Department of Public Safety and other federal and local governmental agencies in developing strategies for fire management and suppression. H2479 Requires the Director of the Game and Fish Department, the Director of the Emergency Management Division, the State Parks Board and the Director of the Department of Public Safety to collaborate with the State Forester on a presentation to legislative committees regarding forest management, wildfire hazards and prevention and suppression issues. **Signed by Governor Napolitano 5/20/03**

### **H2507: Wildfires; Fire Bans; Criminal Penalties (Chapter 156, Laws 2003)**

**(Representatives Konopnicki, Gullett, Wagner, O’Halleran, Jayne, Pierce, Pearce)**

HB2507 establishes criminal penalties for causing fires on wildlands or for entering or refusing to leave a public building or property in violation of an order or rule established for fire control.

- Classifies criminal penalties for causing an unlawful wildland fire or allowing an unlawful fire to pass beyond a person's property line as follows:
- Causing a wildland fire *with criminal negligence* is classified as a class 2 misdemeanor (4 months/\$750).
- Causing a wildland fire *recklessly* is classified as a class 1 misdemeanor (6 months/\$2500).
- Causing a wildland fire *intentionally* or *knowingly* when the offender should have known that the conduct violated governmental rule; such as a fire ban during periods of extreme fire hazard, is classified as a class 6 felony (1 year/\$150,000).
- Causing a wildland fire *intentionally* that places another person in danger of death or serious injury, or places another person's building or occupied structure in danger of damage is a class 3 felony (3 ½ years/\$150,000).
- Exempts the following events from the definition of reckless wildland burning and associated penalties:
  - Open burning for agricultural purposes.
  - Fire management operations by a political subdivision or conducted with permission of the state forester.
  - Prescribed or controlled burns conducted with written permission by the State Forester.
  - Activities conducted pursuant to state, tribal or federal regulations or policy.
  - Fires for cooking or warming that do not spread in a manner that requires action by a fire control agency and that are not in violation of a fire ban.
  - Declares entering or remaining in a public building or on public property in violation of an order or rule relating to the control of fires to be a class 2 misdemeanor (4 months/\$750). **Signed by Governor Napolitano 5/06/03**

## **Department-Related Legislation**

### **Senate Bills Enacted into Law**

### **46<sup>th</sup> Legislature**

#### **S1282: Wildlife Diseases; Agency Orders (Chapter 183, Laws 2003)**

**(Senators Cannell, Binder; Representatives O'Halleran, Burton Cahill, Carruthers)**  
Establishes procedures for the Director of the Department of Game and Fish (Director) to issue orders to protect the public and wildlife from the threat of disease.

- Allows the Director, if a wildlife disease is suspected or documented in free ranging or captive wildlife, to issue orders that are necessary to minimize or eliminate the threat from the disease.
- Allows the Director to order or direct an employee of the Department to establish quarantine boundaries after notification of and in coordination with the State Veterinarian, destroy wildlife as necessary, control the movement of wildlife, wildlife carcasses or wildlife parts and require any individual who has taken wildlife, who is in possession of wildlife or who maintains wildlife under a license issued by the Department to submit the wildlife or parts for disease testing.
- Allows the Director, on finding there is reason to believe an infectious, contagious or communicable disease is present, to require an employee of the Department to enter any place where wildlife may be located and take custody of the wildlife for purposes of disease testing after obtaining a search warrant when a search warrant is required by law.
- States that a person who violates this section of law is guilty of a class 2 misdemeanor.
- Exempts the Department from rule making procedures only when issuing an order under this bill.
- Requires that a copy of an order issued pursuant to this bill be filed with the Secretary of State for publication in the Arizona Administrative Register.

**Signed by Governor Napolitano 5/09/03**

#### **S1283: Watercraft; Boating While Intoxicated (Chapter 207, Laws 2003)**

**(Senators Cannell, Binder; Representatives Carruthers, Burton Cahill, O'Halleran)**  
Enhances the penalties for a person suspected of operating a motorized watercraft under the influence (OUI) of drugs or alcohol who refuses to take an alcohol or drug analysis test. The legal blood alcohol content (BAC) for the operation of a motorized watercraft is 0.08. A person who has a BAC of 0.15 or higher would be in violation of A.R.S. §5-397 *Operating or in actual physical control of a motorized watercraft while under the extreme influence of intoxicating liquor; trial by jury; sentencing; classification; definition*. Senate Bill 1283 will increase the fine imposed in A.R.S. §5-395.03 from \$300.00 to \$750.00. **Signed by Governor Napolitano 5/12/03**

**Department Related Legislation  
House Bills Died/Failed to Pass  
46<sup>th</sup> Legislature**

**H2248 Substituted for S1060: Appropriation of Federal Monies**

**(Representatives Pearce, Barnes, Biggs, Johnson, Thompson, Farnsworth, Hanson, C Gray, Konopnicki, Graf, Pierce, Jayne, Nichols; Senator Harper)** Authorizes the Legislature to appropriate noncustodial federal monies, the purpose of which must be consistent with federal law. **Vetoed by Governor Napolitano 3/03/03**

**H2298 Watercraft Registration; Transfer; Study**

**(Representative Pierce)** The Transportation and Game and Fish Departments are to conduct a joint study to examine feasibility of transferring responsibility for processing watercraft registration from Game and Fish to the Transportation Department. Preliminary Report is due by September 30, 2003 and final report by the end of November 2003. **Did not receive second read.**

**H2314: Game and Fish; Land Disposition**

**(Representatives Nelson, Pearce)** Provision for the Game and Fish Commission with approval of the Governor and State Land Commissioner to lease exchange, sell, acquire by gift, or other method, is changed to require also approval by a majority of voters voting on a measure referred by the legislature before such transactions may take place. **Withdrawn from House Natural Resources; Agriculture, Federal Mandate-Property 2/12/03**

**HCR 2034: Public Lobbyists; Public Money**

**(Representatives Johnson, C Gray, L Gray, Nichols, Robson, Graf, Allen, Hart, Pearce, Stump, Farnsworth, Barnes, Jayne, Quelland, Thompson; Senators Anderson, Harper, Waring, Bee, Martin, Weiers, Burns, Verschoor)** Prohibits public officers and employees, consultants or independent contractors retained by public officers or employees, state agencies, departments, boards or commissions and political subdivisions from lobbying the Legislature. **Died in Committee.**

**Department Related Legislation  
Senate Bills Died/Failed to Pass  
46<sup>th</sup> Legislature**

**S1027: State Agency Reports; Repeal**

**(Senators Mitchell, Mead, Leff, Chevront; Representatives Huppenthal, Burton Cahill)** repeals a series of agency reports while keeping other reports available on a request basis. **Replaced by HB 2049.**

**S1060: Appropriation of Federal Monies**

**(Senators Bennett, Martin, Harper, Burns, Jarrett, Waring, Bee, Brown; Representatives Farnsworth, Pearce, Biggs, Graf, O'Halleran, Quelland, Flake, Robson, Barnes)** Authorizes the Legislature to appropriate noncustodial federal monies, the purpose of which must be consistent with federal law. **Substitute HB2248.**

**S1292: Buffalo Ranches; Sale**

**(Senators Burns, Blendu, Harper; Representative Quelland)** The Arizona Game and Fish Commission is directed to sell the House Rock buffalo ranch and the Raymond buffalo ranch located in Coconino County. **Died in Committee.**

**SM1001: Sonoran Desert Peace Park**

**(Senators Giffords, Miranda, Mitchell, Brotherton, Binder, Tibshraeny, Anderson, Mead; Representative Bradley, Lored, Downing)** A memorial requesting that the United States Congress redesignate federal lands to establish a national park. **Held in Committee.**

**Arizona House of Representatives  
House Voting Record and (%) Agreement  
46<sup>th</sup> Legislature**

Game and Fish Comm. Position	H2049	H2248	H2479	H2507	S1282	S1283	Agreed/ Actions x of x	% Agreed
	Support	Oppose	Support	Support	Support	Support		
Aguirre	+	+	+	+	+	+	6 of 6	100
Alvarez	+	+	+	+	+	+	6 of 6	100
Bradley	+	+	+	+	+	+	6 of 6	100
Burton Cahill	+	+	<b>S+</b>	+	<b>S+</b>	<b>S+</b>	6 of 6	100
Bustamante	+	+	<b>S+</b>	+	+	+	6 of 6	100
Cajero Bedford	+	+	+	+	+	+	6 of 6	100
Chase	+	+	<b>S+</b>	+	+	+	6 of 6	100
Clark	+	+	+	+	+	+	6 of 6	100
Downing	+	+	*	+	+	+	5 of 5	100
Gallardo	+	+	+	+	+	+	6 of 6	100
Hershberger	+	+	<b>S+</b>	+	+	+	6 of 6	100
Jackson, Jr.	+	+	<b>S+</b>	+	+	+	6 of 6	100
Landrum Taylor	+	+	+	+	+	+	6 of 6	100
Lopes	+	*	+	+	+	+	5 of 5	100
Lopez	+	+	+	+	+	+	6 of 6	100
Loredo	+	+	+	+	+	+	6 of 6	100
McCune Davis	*	+	+	+	+	+	5 of 5	100
Meza	+	+	+	+	+	+	6 of 6	100
Miranda	+	+	+	+	+	+	6 of 6	100
Prezelski	+	+	+	+	+	+	6 of 6	100
Straughn	+	+	+	+	+	+	6 of 6	100
Arnold	+	-	+	+	+	+	5 of 6	83
Carruthers	+	-	<b>S+</b>	+	<b>S+</b>	<b>S+</b>	5 of 6	83
L Gray	+	-	+	+	+	+	5 of 6	83
Jayne	+	<b>S-</b>	<b>S+</b>	<b>S+</b>	+	+	5 of 6	83
Nelson	+	-	<b>S+</b>	+	+	+	5 of 6	83
Reagan	+	-	+	+	+	+	5 of 6	83
Thompson	+	<b>S-</b>	+	+	+	+	5 of 6	83
Yarbrough	+	-	+	+	+	+	5 of 6	83
Gullett	*	-	<b>S+</b>	<b>S+</b>	+	+	4 of 5	80
Huffman	*	-	<b>S+</b>	+	+	+	4 of 5	80
Laughter	*	+	<b>S+</b>	+	+	-	4 of 5	80

Game and Fish Comm.	H2049	H2248	H2479	H2507	S1282	S1283	Agreed/ Actions	% Agreed
Position	Support	Oppose	Support	Support	Support	Support	x of x	
McClure	*	-	<b>S+</b>	+	+	+	4 of 5	80
O'Halleran	+	-	<b>S+</b>	<b>S*</b>	<b>S+</b>	<b>S+</b>	4 of 5	80
Allen	+	-	+	+	+	-	4 of 6	67
Barnes	+	<b>S-</b>	+	+	+	-	4 of 6	67
Boone	+	-	+	+	+	-	4 of 6	67
Burns	+	-	<b>S+</b>	+	+	-	4 of 6	67
Carpenter	+	-	+	+	+	-	4 of 6	67
Farnsworth	+	<b>S-</b>	+	+	+	-	4 of 6	67
Flake	+	-	<b>S+</b>	+	+	-	4 of 6	67
Graf	+	<b>S-</b>	+	+	+	-	4 of 6	67
C Gray	+	<b>S-</b>	<b>S+</b>	+	+	-	4 of 6	67
Hanson	+	<b>S-</b>	<b>S+</b>	+	+	-	4 of 6	67
Hart	+	-	<b>S+</b>	+	+	-	4 of 6	67
Hubbs	+	-	<b>S+</b>	+	+	-	4 of 6	67
Huppenthal	<b>S+</b>	-	+	+	+	-	4 of 6	67
Johnson	+	<b>S-</b>	+	+	+	-	4 of 6	67
Nichols	+	<b>S-</b>	+	+	+	-	4 of 6	67
Pearce	+	<b>S-</b>	+	<b>S+</b>	+	-	4 of 6	67
Pierce	+	<b>S-</b>	+	<b>S+</b>	+	-	4 of 6	67
Quelland	-	-	+	+	+	+	4 of 6	67
Rosati	+	-	<b>S+</b>	+	+	-	4 of 6	67
Stump	+	-	+	+	+	-	4 of 6	67
Tully	+	-	+	+	+	-	4 of 6	67
Konopnicki	+	<b>S-</b>	<b>S+</b>	<b>S*</b>	+	-	3 of 5	60
Mason	+	-	<b>S*</b>	+	+	-	3 of 5	60
Robson	*	-	+	+	+	-	3 of 5	60
Wagner	+	-	+	<b>S*</b>	+	-	3 of 5	60
Biggs	-	<b>S-</b>	+	+	+	-	3 of 6	50

**Arizona Senate  
Voting Record and (%) Agreement  
46<sup>th</sup> Legislature**

Game and Fish Comm.	H2049	H2248	H2479	H2507	S1282	S1283	Agreed/ Actions	% Agreed
Position	Support	Oppose	Support	Support	Support	Support	x of x	100
Aguirre	+	+	+	+	+	+	6 of 6	100
Arzberger	+	+	+	+	+	+	6 of 6	100
Blendu	+	*	+	+	+	+	5 of 5	100
Brotherton	+	+	+	+	+	+	6 of 6	100
Brown	+	+	+	+	+	+	6 of 6	100
Cannell	+	+	<b>S+</b>	+	<b>S+</b>	<b>S+</b>	6 of 6	100
Chevront	+	+	*	+	+	+	5 of 5	100
Garcia	+	+	+	+	+	+	6 of 6	100
Giffords	+	+	<b>S*</b>	+	+	+	5 of 5	100
Jackson, Sr.	+	+	*	*	+	+	4 of 4	100
Miranda	+	+	+	+	+	+	6 of 6	100
Mitchell	<b>S+</b>	+	+	+	+	+	6 of 6	100
Rios	+	+	<b>S+</b>	+	+	+	6 of 6	100
Soltero	+	+	+	+	+	+	6 of 6	100
Allen	+	-	+	+	+	+	5 of 6	83
Anderson	+	-	+	+	+	+	5 of 6	83
Bee	+	-	+	+	+	+	5 of 6	83
Bennett	+	-	+	+	+	+	5 of 6	83
Binder	+	-	+	+	<b>S+</b>	<b>S+</b>	5 of 6	83
Burns	+	-	+	+	+	+	5 of 6	83
Harper	+	<b>S-</b>	+	+	+	+	5 of 6	83
Jarrett	+	-	+	+	+	+	5 of 6	83
Leff	+	-	+	+	+	+	5 of 6	83
Martin	+	-	+	+	+	+	5 of 6	83
Mead	+	-	<b>S+</b>	+	+	+	5 of 6	83
Tibshraeny	+	-	+	+	+	+	5 of 6	83
Verschoor	+	-	+	+	+	+	5 of 6	83
Waring	+	-	+	+	+	+	5 of 6	83
Weiers	+	-	+	+	+	+	5 of 6	83
Hellon	*	-	+	+	*	+	3 of 4	75

