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REFERENCE TITLE: sale of big game tags

State of Arizona House of Representatives Fiftieth Legislature Second Regular Session 2012

## **HB 2072**

Introduced by Representative Weiers JP

AN ACT

AMENDING TITLE 17, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 17-347; RELATING TO BIG GAME TAGS AND PERMITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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Be it enacted by the Legislature of the State of Arizona: Section 1. Title 17, chapter 3, article 2, Arizona Revised Statutes, is amended by adding section 17-347, to read:

## 17-347. <u>Big game tags: sale in bulk to qualified nonprofit organization: definitions</u>

- A. EACH YEAR THE DEPARTMENT SHALL RESERVE CERTAIN HUNT TAGS FOR TAKING BIG GAME SPECIES AS SPECIFIED IN SUBSECTION B OF THIS SECTION FOR A QUALIFIED ORGANIZATION TO RESELL RIGHTS TO THE RESERVED TAGS BY AUCTION AND RAFFLE AT AN ANNUAL SPORTSMEN EXPOSITION IN THIS STATE UNDER THE AUSPICES OF THE QUALIFIED ORGANIZATION AND AT ANNUAL BANQUETS IN THIS STATE OF ANY OF ITS CHAPTERS. THE PROCEEDS OF RESALE SHALL BE USED AS AUTHORIZED IN THIS SECTION. WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL CONTRACT WITH THE QUALIFIED ORGANIZATION THAT HAS MADE THE REQUISITE PAYMENT AND ADVANCE DEPOSIT UNDER SUBSECTION C OF THIS SECTION. THE ORIGINAL CONTRACT SHALL SPECIFY THE TERMS AND CONDITIONS CONSISTENT WITH THIS SECTION FOR SALE IN BULK OF RIGHTS TO RESERVED TAGS, FOR THE QUALIFIED ORGANIZATION TO EXERCISE ITS AUTHORITY TO RESELL RIGHTS TO THE TAGS AT THE ANNUAL SPORTSMEN EXPOSITION AND COUNTY BANQUETS AND FOR THE DEPARTMENT TO ISSUE THE RESERVED TAGS AFTER RESALE.
- B. TAGS WHOSE RIGHTS ARE SOLD FOR RESALE BY AUCTION OR RAFFLE AND THAT ARE RESERVED FOR ISSUE BY THE DEPARTMENT AFTER RESALE SHALL BE KNOWN AS GOVERNOR TAGS, LEGISLATOR TAGS AND SPORTSMEN TAGS AS FOLLOWS:
- 1. GOVERNOR TAGS SHALL BE RESERVED FOR RESALE BY AUCTION, SHALL BE SPECIES SPECIFIC AND SHALL BE VALID FOR THAT SPECIES FOR ANY HUNT AREA WITH ANY LEGAL WEAPON FOR THREE HUNDRED SIXTY-FIVE DAYS BEGINNING AUGUST 15 OF EACH YEAR. GOVERNOR TAGS SHALL BE ISSUED IN THE FOLLOWING NUMBERS FOR ALL OF THE FOLLOWING BIG GAME SPECIES:
- (a) TWO TAGS FOR EACH OF THE FOLLOWING SPECIES: ELK, MULE DEER, WHITETAIL DEER, BISON (BUFFALO) AND BEAR.
- (b) ONE TAG FOR EACH OF THE FOLLOWING SPECIES: DESERT BIGHORN SHEEP, ROCKY MOUNTAIN BIGHORN SHEEP, PRONGHORN (ANTELOPE), MERRIAM'S TURKEY, RIO GRANDE TURKEY AND GOULD'S TURKEY.
- 2. LEGISLATOR TAGS SHALL BE RESERVED FOR RESALE BY AUCTION, SHALL BE SPECIES SPECIFIC AND SHALL BE VALID FOR ANY OPEN SEASON FOR THAT SPECIES FOR A SPECIFIC HUNT AREA WITH THE LEGAL WEAPON ALLOWED FOR THAT SEASON. LEGISLATOR TAGS SHALL BE ISSUED IN THE FOLLOWING NUMBERS FOR ALL OF THE FOLLOWING BIG GAME SPECIES AND APPLY TO ALL OF THE FOLLOWING HUNT AREAS:
- (a) AT LEAST TEN TAGS, AND AT LEAST ONE TAG FOR EACH HUNT AREA, FOR BULL ELK IN HUNT AREAS THAT OFFER ALL OF THE FOLLOWING THREE TYPES OF HUNTS:
  - (i) EARLY ARCHERY BULL ELK HUNTS.
- (ii) EITHER EARLY MUZZLELOADER BULL ELK HUNTS OR EARLY RIFLE BULL ELK HUNTS.
  - (iii) LATE BULL ELK HUNTS.
- (b) ONE TAG FOR WHITETAIL DEER FOR EACH HUNT AREA THAT OFFERS LATE HUNTS.

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- (c) ONE TAG FOR MULE DEER FOR EACH HUNT AREA THAT OFFERS A GENERAL SEASON HUNT AND IS LOCATED NORTH OF THE COLORADO RIVER.
- (d) TWO TAGS FOR ANTELOPE VALID FOR ALL HUNT NUMBERS AS THE COMMISSION SPECIFIES IN ANY OF REGIONS 1, 2, 3 AND 5 AS IN EXISTENCE ON JANUARY 1, 2012, EXCEPT THAT BOTH TAGS SHALL NOT BE FROM THE SAME REGION.
- 3. SPORTSMEN TAGS SHALL BE RESERVED FOR RESALE BY RAFFLE AND SHALL BE VALID FOR A SPECIFIC HUNT NUMBER. SPORTSMEN TAGS SHALL BE ISSUED IN THE FOLLOWING NUMBERS FOR ALL OF THE FOLLOWING BIG GAME SPECIES AND APPLY TO ALL OF THE FOLLOWING HUNT NUMBERS:
- (a) ONE TAG FOR EACH HUNT NUMBER FOR MULE DEER AND ONE TAG FOR EACH HUNT NUMBER FOR WHITETAIL DEER.
- (b) AT LEAST TWENTY-ONE BULL ELK TAGS FOR EARLY BULL ELK HUNTS AS FOLLOWS:
- (i) AT LEAST EIGHT TAGS FOR RIFLE BULL ELK HUNTS WITH AT LEAST ONE TAG FOR EACH HUNT NUMBER.
- (ii) AT LEAST FIVE TAGS FOR MUZZLELOADER BULL ELK HUNTS COMPRISING AT LEAST ONE TAG FOR EACH BULL ELK HUNT NUMBER.
- (iii) EIGHT TAGS FOR ARCHERY-ONLY BULL ELK HUNTS COMPRISING ONE TAG FOR EACH OF THE FOLLOWING EIGHT HUNT AREAS AS IN EXISTENCE ON JANUARY 1, 2012: 1, 3A/3C, 8, 9, 10, 22, 23 AND 27.
- (c) TEN TAGS FOR LATE BULL ELK HUNTS FROM THE GENERAL SEASON WITH NOT MORE THAN ONE TAG IN ANY HUNT NUMBER AS THE COMMISSION SPECIFIES.
- (d) TWO PRONGHORN (ANTELOPE) TAGS FROM THE GENERAL SEASON COMPRISING ONE TAG FOR EACH OF HUNT AREAS 10 AND 19A AS IN EXISTENCE ON JANUARY 1, 2012.
- (e) FOURTEEN SPRING MERRIAM'S TURKEY TAGS WITH NOT MORE THAN TWO TAGS FOR EACH HUNT AREA AS THE COMMISSION SPECIFIES AND WITH HUNT DATES OCCURRING IN APRIL OR MAY.
- (f) TWENTY-FIVE PECCARY (JAVELINA) TAGS COMPRISING TEN TAGS FROM THE GENERAL SEASON, TEN TAGS FROM THE ARCHERY SEASON AND FIVE TAGS FROM THE HAM SEASON AS THE COMMISSION SPECIFIES. NOT MORE THAN TWO OF THE TWENTY-FIVE TAGS SHALL BE FOR THE SAME HUNT AREA.
  - (g) FIFTY ANTLERLESS ELK TAGS AS THE COMMISSION SPECIFIES.
- (h) EXCEPT AS PROVIDED BY SUBDIVISION (f) OF THIS PARAGRAPH, THE DEPARTMENT SHALL RESERVE NO LEGISLATOR OR SPORTSMEN TAGS FOR HUNT NUMBERS THAT ARE EXCLUSIVELY FOR C.H.A.M.P. HUNTS, HAM HUNTS OR JUNIORS HUNTS AS DESIGNATED BY THE DEPARTMENT OR FOR HUNTS ASSIGNED BY THE DEPARTMENT ONLY FOR BONUS POINTS.
- C. THE DEPARTMENT AND THE QUALIFIED ORGANIZATION MUST ENTER INTO THE ORIGINAL CONTRACT WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. THE ORIGINAL CONTRACT SHALL PROVIDE THAT THE DEPARTMENT SHALL SELL IN BULK TO THE QUALIFIED ORGANIZATION THE RIGHTS TO RESELL ALL THE TAGS SPECIFIED IN SUBSECTION B OF THIS SECTION NOT LATER THAN SEPTEMBER 1 OF EACH YEAR BEGINNING IN 2013. THE DATE IN THE ORIGINAL CONTRACT FOR THE FIRST SALE IN BULK SHALL NOT BE LATER THAN OCTOBER 1, 2012, UNLESS THE PARTIES MUTUALLY AGREE ON A LATER DATE. FOR THE ORIGINAL CONTRACT AND EACH CONTRACT

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THEREAFTER, THE GOVERNOR TAGS SOLD IN BULK SHALL BE FOR THE THREE HUNDRED SIXTY-FIVE DAY PERIOD BEGINNING THE FOLLOWING AUGUST 15, AND THE LEGISLATOR AND SPORTSMEN TAGS SOLD IN BULK SHALL BE FOR HUNT SEASONS AS SPECIFIED BY THE DEPARTMENT THAT ARE IN THE ONE-YEAR PERIOD BEGINNING THE FOLLOWING JULY 1. AS A CONDITION TO NEGOTIATING THE ORIGINAL CONTRACT BETWEEN THE DEPARTMENT AND THE QUALIFIED ORGANIZATION UNDER SUBSECTION A OF THIS SECTION, A QUALIFIED ORGANIZATION SHALL PAY THE DEPARTMENT:

- 1. A NONREFUNDABLE ONE-TIME FEE OF TEN THOUSAND DOLLARS FOR THE COST TO THE DEPARTMENT TO IMPLEMENT AND ADMINISTER THIS SECTION.
- 2. FOR THE FIRST BULK SALE OF RIGHTS TO RESELL TAGS AN ADVANCE DEPOSIT OF TWENTY-FIVE THOUSAND DOLLARS, WHICH SHALL BE APPLIED AS A CREDIT TOWARD THE AMOUNT DUE FROM THE QUALIFIED ORGANIZATION UNDER SUBSECTION D, PARAGRAPH 2 OF THIS SECTION.
- D. NOT LATER THAN SEPTEMBER 1 OF EACH YEAR BEGINNING IN 2013, THE DEPARTMENT AND THE QUALIFIED ORGANIZATION SHALL ENTER INTO AN ADDENDUM TO THE ORIGINAL CONTRACT TO CONFORM THE CONTRACT TO THE CURRENT FEES FOR TAGS. THE ORIGINAL CONTRACT AND THE ANNUAL ADDENDA ARE SUBJECT TO THE FOLLOWING CONDITIONS:
- 1. THE RIGHTS TO THE TAGS SHALL BE SOLD TO THE QUALIFIED ORGANIZATION AT THE GENERALLY APPLICABLE RESIDENT FEE FOR THOSE HUNT TAGS AS SPECIFIED AND PUBLISHED FOR THE APPLICABLE SEASON.
- 2. THE RIGHT TO RESELL THE RIGHTS TO THE TAGS FOR ISSUANCE BY THE DEPARTMENT AFTER RESALE VESTS IN THE QUALIFIED ORGANIZATION ON PAYMENT IN FULL OF THE TOTAL RESIDENT FEES FOR ALL TAGS RIGHTS TO WHICH ARE SOLD TO IT IN BULK.
- E. NOTWITHSTANDING SECTION 17-332, SUBSECTION D, THE RIGHTS TO TAGS MAY BE RESOLD BY AUCTION AND RAFFLE AS PROVIDED BY THIS SECTION. THE QUALIFIED ORGANIZATION SHALL ONLY DESIGNATE TO THE DEPARTMENT FOR ISSUANCE OF A TAG INDIVIDUALS WHO HAVE PRESENTED TO THE QUALIFIED ORGANIZATION A VALID HUNTING OR COMBINATION LICENSE, EXCEPT A THREE-DAY CLASS H LICENSE.
- F. UNDER THE RULES OF THE DEPARTMENT AND AS PROVIDED BY THE ORIGINAL CONTRACT BETWEEN THE DEPARTMENT AND QUALIFIED ORGANIZATION, THE DEPARTMENT SHALL ISSUE THE RESERVED TAGS TO INDIVIDUALS WHOM THE QUALIFIED ORGANIZATION DESIGNATES AS HAVING PURCHASED THE RIGHT TO A SPECIFIC RESERVED TAG BY AUCTION OR RAFFLE, SUBJECT TO THE FOLLOWING CONDITIONS:
- 1. NOTHING IN THIS SECTION, INCLUDING SUBSECTION D, PARAGRAPH 2 OF THIS SECTION, REQUIRES THE DEPARTMENT TO ISSUE A LEGISLATOR OR SPORTSMEN TAG IF A HUNT IS NOT ESTABLISHED FOR THE SPECIES AND HUNT AREA FOR WHICH THE TAG WAS RESERVED.
- 2. IF A NONRESIDENT INDIVIDUAL PURCHASES THE RIGHTS TO A TAG BY AUCTION OR RAFFLE, THE DEPARTMENT SHALL NOT ISSUE THE TAG UNTIL THE NONRESIDENT PAYS TO THE DEPARTMENT THE DIFFERENCE BETWEEN THE PUBLISHED RESIDENT FEE AND PUBLISHED NONRESIDENT FEE FOR THE TAG.
- 3. EXCEPT FOR PAYMENT AS REQUIRED BY PARAGRAPH 2 OF THIS SUBSECTION, A NONRESIDENT WHO PURCHASES A TAG BY AUCTION OR RAFFLE AT THE ANNUAL SPORTSMEN

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EXPOSITION IS NOT SUBJECT TO ANY OTHERWISE APPLICABLE RESTRICTION ON ISSUANCE OF THE TAG TO A NONRESIDENT.

- 4. AN INDIVIDUAL TO WHOM THE DEPARTMENT ISSUES A TAG MAY LATER TRANSFER THE TAG ONLY AS DEPARTMENT ALLOWS BY RULE.
- G. THE TAG IS VALID FOR THE YEAR AND SEASON OF THE HUNT THAT THE COMMISSION PRESCRIBES, EXCEPT FOR GOVERNOR AND LEGISLATOR TAGS AS PRESCRIBED IN SUBSECTION B, PARAGRAPHS 1 AND 2 OF THIS SECTION. THE QUALIFIED ORGANIZATION SHALL NOT RE-SELL TO AN INDIVIDUAL BY RAFFLE THE RIGHTS TO MORE THAN ONE TAG PER SPECIES PER YEAR, EXCEPT THAT FOR THE PURPOSES OF THIS LIMITATION MULE DEER AND WHITETAIL DEER ARE CONSIDERED SEPARATE SPECIES. BIG GAME TAKEN UNDER TAGS ISSUED UNDER THIS SECTION DO NOT COUNT TOWARD NORMAL BAG LIMITS FOR THE SPECIES THAT THE COMMISSION ESTABLISHES. THE DEPARTMENT SHALL NOT IN ANY MANNER RESTRICT PARTICIPATION BY ANY INDIVIDUAL IN THE DEPARTMENT'S ANNUAL DRAWS FOR TAGS BASED ON THE INDIVIDUAL'S POSSESSION OF, OR PARTICIPATION IN THE PROCESS TO PURCHASE RIGHTS TO RESERVED TAGS UNDER THIS SECTION.
- H. THE QUALIFIED ORGANIZATION SHALL FIRST APPLY THE PROCEEDS FROM THE RESALE BY AUCTION AND RAFFLE OF THE RIGHTS TO TAGS TO COVER ALL COSTS ASSOCIATED WITH THE ANNUAL SPORTSMEN EXPOSITION IN THIS STATE AND ANY COUNTY CHAPTER BANQUETS AT WHICH RIGHTS TO TAGS ARE AUCTIONED OR RAFFLED. THE QUALIFIED ORGANIZATION SHALL APPLY THE REMAINING PROCEEDS FROM THE RESALE BY AUCTION AND RAFFLE OF THE RIGHTS TO TAGS IN THIS STATE FOR PROGRAMS TO ACHIEVE ANY OF THE FOLLOWING PURPOSES, INCLUDING THE QUALIFIED ORGANIZATION'S COSTS OF ADMINISTRATION:
- 1. TO SUSTAIN OR CREATE SPORTSMEN EDUCATION AND OUTDOOR PROGRAMS FOR YOUTH OF THIS STATE.
- 2. TO FACILITATE ACCESS FOR SPORTSMEN TO CROSS PRIVATE LANDS ONTO PUBLIC LANDS.
- 3. TO SUSTAIN OR ENHANCE HABITAT IN THIS STATE AND TO INCREASE TARGETED SPECIES POPULATIONS FOR DEER, SHEEP, ELK, PRONGHORN (ANTELOPE) AND TURKEY IN THIS STATE.
- 4. TO FACILITATE PUBLIC EDUCATION AND COMMUNICATIONS PROGRAMS RELATING TO SPORTSMEN AND WILDLIFE ISSUES.
  - 5. TO PROTECT SPORTSMEN HERITAGE.
- 6. TO CONDUCT OTHER PROGRAMS OR ACTIVITIES THAT PROMOTE CONCEPTS CONSISTENT WITH THE NORTH AMERICAN MODEL OF WILDLIFE CONSERVATION.
- I. THE LEGISLATURE FINDS THAT ALL OF THE PURPOSES IN SUBSECTION H, PARAGRAPHS 1 THROUGH 6 OF THIS SECTION COMPLEMENT AND ENHANCE THE DEPARTMENT'S MANAGEMENT OF WILDLIFE IN THE PUBLIC TRUST UNDER THIS TITLE TO INCLUDE CURRENT AND FUTURE PROGRAMS IN THE DEPARTMENT'S STRATEGIC PLAN AND COMPREHENSIVE WILDLIFE CONSERVATION STRATEGY. FOR THE PURPOSES LISTED IN SUBSECTION H OF THIS SECTION, THE QUALIFIED ORGANIZATION MAY USE THE PROCEEDS, SOLELY OR IN CONJUNCTION WITH OTHER ORGANIZATIONS, TO MAKE MATCHING OR OTHER GRANTS TO THE DEPARTMENT AND TO ORGANIZATIONS THAT ARE QUALIFIED PURSUANT TO SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE AND WHOSE ARTICLES

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OF INCORPORATION OR BYLAWS STIPULATE THAT THE MISSION OR PURPOSE OF THE ORGANIZATION IS TO INCREASE, SUSTAIN OR OTHERWISE CONSERVE SPECIFIC SPECIES OF WILDLIFE. BEGINNING IN 2014, NOT LATER THAN MARCH 31 OF EACH YEAR THE QUALIFIED ORGANIZATION SHALL FILE WITH THE DEPARTMENT A REPORT ADOPTED BY RESOLUTION OF ITS BOARD OF DIRECTORS THAT SPECIFIES FOR THE PRECEDING CALENDAR YEAR THE AMOUNTS OF THE PROCEEDS FROM THE SALE BY AUCTION AND RAFFLE OF RIGHTS TO TAGS AT THE EXPOSITION AND ANNUAL BANQUETS, OF THE COSTS ASSOCIATED WITH THE EXPOSITION AND ANNUAL BANQUETS, OF THE MONIES PAID FOR EACH OF THE SIX PURPOSES LISTED UNDER SUBSECTION H OF THIS SECTION AND OF THE COSTS OF ADMINISTRATION. FOR THE PURPOSES OF THIS SUBSECTION, "STRATEGIC PLAN AND COMPREHENSIVE WILDLIFE CONSERVATION STRATEGY" MEANS THE DEPARTMENT'S "WILDLIFE 2012: STRATEGIC PLAN FOR THE YEARS 2007-2012" AND "ARIZONA'S COMPREHENSIVE WILDLIFE CONSERVATION STRATEGY: 2005-2015" AND THEIR RESPECTIVE SUCCESSOR AND MODIFIED PLANS AND STRATEGIES.

- J. UNLESS DEFINED IN THIS SUBSECTION OR FOR THE PURPOSES OF THIS TITLE, THE TERMS USED IN THIS SECTION HAVE THE MEANINGS PRESCRIBED BY THE DEPARTMENT BY RULE. FOR THE PURPOSES OF THIS SECTION:
- 1. "EARLY BULL ELK HUNTS" MEANS HUNTS FOR ELK WITH HUNT DATES OCCURRING DURING WEEKS 37, 38, 39 OR 40.
- 2. "HUNT AREA" MEANS AN AREA AS DEFINED BY THE COMMISSION AS OF JANUARY 1, 2012 OR AS LATER REDEFINED BUT PERTAINING TO THE SAME OR SIMILAR AREA.
- 3. "HUNT NUMBER" MEANS THE NUMBER ASSIGNED BY COMMISSION ORDER TO ANY HUNT AREA WHERE A LIMITED NUMBER OF HUNT TAGS IS AVAILABLE.
- 4. "LATE BULL ELK HUNTS" MEANS HUNTS FOR BULL ELK WITH HUNT DATES OCCURRING DURING WEEKS 47, 48 OR 49.
- 5. "LATE WHITETAIL DEER HUNTS" MEANS HUNTS FOR WHITETAIL DEER WITH HUNT DATES OCCURRING DURING WEEKS 50, 51 OR 52.
- 6. "QUALIFIED ORGANIZATION" MEANS AN ORGANIZATION THAT IS QUALIFIED PURSUANT TO SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE AND THAT MEETS ALL OF THE FOLLOWING CONDITIONS:
- (a) ITS MEMBERSHIP INCLUDES A SIGNIFICANT CROSS-SECTION OF SPECIES-SPECIFIC WILDLIFE CONSERVATION AND SPORTSMEN ORGANIZATIONS FROM THROUGHOUT THIS STATE.
- (b) IT IS NOT A MEMBER OF, DOES NOT HOLD A CHARTER FROM AND IS NOT A CHAPTER OF A NATIONAL WILDLIFE CONSERVATION OR SPORTSMEN ORGANIZATION.
  - (c) IT HAS BEEN IN EXISTENCE FOR AT LEAST FIVE YEARS.
  - 7. "TAG" MEANS THE APPLICABLE HUNT PERMIT-TAG AS DEFINED BY RULE.
  - Sec. 2. <u>Implementation</u>; exemption from rule making
- A. Within thirty days after the effective date of this act, the Arizona game and fish commission shall adopt any rules that are necessary for the department to timely enter into the original contract and make the sale in bulk of rights to tags for the hunt seasons beginning July 1, 2013 for legislator and sportsmen tags and for the hunting period beginning August 15, 2013 for governor tags.

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B. Except as provided by subsection A of this section, for the purposes of this act the Arizona game and fish commission is exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, for six months after the effective date of this act.

Sec. 3. <u>Emergency</u>

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

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