Senate Engrossed

**FILED**
**KEN BENNETT**
**SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 22

# SENATE BILL 1200

AN ACT

AMENDING TITLE 17, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 17-202; RELATING TO THE ARIZONA GAME AND FISH COMMISSION APPOINTMENT RECOMMENDATION BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 17, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 17-202, to read:

17-202. Arizona game and fish commission appointment recommendation board

A. THE ARIZONA GAME AND FISH COMMISSION APPOINTMENT RECOMMENDATION BOARD IS ESTABLISHED CONSISTING OF MEMBERS APPOINTED BY THE GOVERNOR PURSUANT TO THIS SECTION AND SECTION 38-211. THE BOARD SHALL CONSIST OF ONE PERSON WHO HAS BEEN A RESIDENT OF THIS STATE FOR AT LEAST FIVE YEARS FROM EACH OF THE FOLLOWING QUALIFYING GROUPS:

1. ONE MEMBER DESIGNATED BY THE BOARD OF DIRECTORS OF AN ORGANIZATION THAT IS QUALIFIED PURSUANT TO SECTION 501(c)(3) OR 501(c)(4) OF THE INTERNAL REVENUE CODE, WHOSE MEMBERSHIP CONSISTS OF A SIGNIFICANT CROSS-SECTION OF WILDLIFE CONSERVATION AND SPORTSMEN ORGANIZATIONS FROM THROUGHOUT THE STATE, THAT DOES NOT HAVE AN AFFILIATION OR CHARTER WITH A NATIONAL WILDLIFE CONSERVATION OR SPORTSMAN'S ORGANIZATION AND THAT HAS BEEN IN EXISTENCE FOR AT LEAST FIVE YEARS.

2. ONE MEMBER DESIGNATED BY THE BOARD OF DIRECTORS OF AN ORGANIZATION THAT IS QUALIFIED PURSUANT TO SECTION 501(c)(3) OR 501(c)(4) OF THE INTERNAL REVENUE CODE WHOSE ARTICLES OF INCORPORATION OR BYLAWS STIPULATE THAT THE MISSION OR PURPOSE OF THE ORGANIZATION IS TO INCREASE, SUSTAIN OR OTHERWISE CONSERVE WILD TURKEY, DEER, ELK, PRONGHORN (ANTELOPE), BIGHORN SHEEP, DUCKS, QUAIL AND FISH AND THAT HAS BEEN IN EXISTENCE FOR AT LEAST FIVE YEARS.

3. ONE MEMBER DESIGNATED BY THE BOARD OF DIRECTORS OF AN ORGANIZATION THAT IS QUALIFIED PURSUANT TO SECTION 501(c)(3) OR 501(c)(4) OF THE INTERNAL REVENUE CODE WHOSE ARTICLES OF INCORPORATION OR BYLAWS DEFINE IT AS A SPORTSMAN'S ORGANIZATION WHOSE MEMBERSHIP IS PRIMARILY CONFINED TO A SPECIFIC GEOGRAPHIC AREA OR REGION OF THE STATE OR AN ORGANIZATION DESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION OR IS A CHAPTER OR AFFILIATE OF A NATIONAL SPORTSMAN'S CONSERVATION OR SHOOTING ORGANIZATION AND THAT HAS BEEN IN EXISTENCE FOR AT LEAST FIVE YEARS.

4. ONE MEMBER DESIGNATED BY THE BOARD OF DIRECTORS OF AN ORGANIZATION THAT IS QUALIFIED PURSUANT TO SECTION 501(c)(3) OR 501(c)(4) OF THE INTERNAL REVENUE CODE THAT IS STATEWIDE, WHOSE MEMBERSHIP IS COMPRISED OF CATTLEMEN OR RANCHERS AND THAT HAS BEEN IN EXISTENCE FOR AT LEAST FIVE YEARS.

5. ONE MEMBER OF THE GENERAL PUBLIC OR ONE MEMBER OF A NONGAME ORGANIZATION THAT IS QUALIFIED PURSUANT TO SECTION 501(c)(3) OR 501(c)(4) OF THE INTERNAL REVENUE CODE.

B. EXCEPT AS OTHERWISE PROVIDED BY LAW, MEMBERS OF THE BOARD SERVE FIVE YEAR TERMS OF OFFICE. A BOARD MEMBER MUST MAINTAIN CONTINUOUS MEMBERSHIP IN THE ORGANIZATION THE MEMBER REPRESENTED WHEN APPOINTED DURING THE ENTIRE TERM OF OFFICE. THE GOVERNOR MAY REMOVE A MEMBER OF THE BOARD FOR INEFFICIENCY, CONFLICT OF INTEREST, NEGLECT OF DUTY OR MISCONDUCT IN OFFICE AND REPLACE THE MEMBER WITH AN INDIVIDUAL FROM THE SAME ORGANIZATION

REPRESENTED BY THE FORMER MEMBER. IF A BOARD MEMBER DIES, RESIGNS OR IS REMOVED FROM OFFICE, THE GOVERNOR SHALL APPOINT AN INDIVIDUAL TO FILL THE VACANCY WITHIN THIRTY DAYS FROM THE SAME ORGANIZATION REPRESENTED BY THE FORMER MEMBER.

C. THREE MEMBERS OF THE BOARD CONSTITUTE A QUORUM. MEETINGS OF THE BOARD SHALL BE HELD AT THE ARIZONA GAME AND FISH DEPARTMENT MAIN OFFICE OR AT A REGIONAL OFFICE AS DETERMINED BY THE BOARD. THE DEPARTMENT SHALL ISSUE A PUBLIC NOTICE AT LEAST ONE WEEK BEFORE THE MEETING.

D. MEMBERS OF THE BOARD ARE NOT ELIGIBLE FOR COMPENSATION FOR THEIR SERVICES OR REIMBURSEMENT OF EXPENSES.

E. THE BOARD SHALL ASSIST THE GOVERNOR BY INTERVIEWING, EVALUATING AND RECOMMENDING CANDIDATES TO FILL VACANCIES ON THE ARIZONA GAME AND FISH COMMISSION AS FOLLOWS:

1. AFTER THE GOVERNOR'S CALL FOR APPLICATIONS FOR AN OPEN POSITION ON THE COMMISSION AND THE APPLICATION PERIOD IS CLOSED, THE GOVERNOR SHALL DELIVER A FINAL LIST OF THE APPLICANTS TO THE BOARD WITHIN FIVE DAYS AFTER THE CLOSE OF THE APPLICATION PERIOD. THE BOARD SHALL REVIEW THE LIST OF APPLICANTS AND THE APPLICATION SUBMITTED BY EACH APPLICANT AND PROCEED TO INTERVIEW, EVALUATE AND RECOMMEND CANDIDATES AS PROVIDED BY THIS SUBSECTION.

2. IF THE BOARD IS CONSIDERING CANDIDATES TO FILL THE OFFICE OF A COMMISSION MEMBER WHOSE DESIGNATED TERM IS ABOUT TO EXPIRE:

(a) ON OR BEFORE NOVEMBER 15 OF EACH YEAR, THE BOARD SHALL HOST A PUBLIC FORUM TO INTERVIEW THE COMMISSION CANDIDATES. THE DEPARTMENT SHALL ISSUE A NOTICE OF THE PUBLIC FORUM AT LEAST FIVE DAYS BEFORE THE SCHEDULED DATE OF THE FORUM.

(b) ON OR BEFORE NOVEMBER 25, THE BOARD SHALL RECOMMEND AT LEAST TWO, BUT NO MORE THAN FIVE, CANDIDATES FROM THE GOVERNOR'S FINAL LIST OF CANDIDATES.

(c) THE GOVERNOR MUST SELECT AND APPOINT A COMMISSIONER FROM THE LIST SUBMITTED BY THE BOARD.

3. IF THE BOARD IS CONSIDERING CANDIDATES FOR A VACANCY RESULTING FROM A COMMISSION MEMBER'S DEATH, RESIGNATION OR REMOVAL FROM OFFICE:

(a) NOT LATER THAN TWO WEEKS AFTER RECEIPT OF THE FINAL LIST OF COMMISSION CANDIDATES FROM THE GOVERNOR, THE BOARD SHALL HOST A PUBLIC FORUM TO INTERVIEW THE CANDIDATES. THE DEPARTMENT SHALL ISSUE A NOTICE OF THE PUBLIC FORUM AT LEAST FIVE DAYS BEFORE THE SCHEDULED DATE OF THE FORUM.

(b) WITHIN ONE WEEK AFTER THE PUBLIC FORUM, THE BOARD SHALL RECOMMEND AT LEAST TWO, BUT NO MORE THAN FIVE, CANDIDATES FROM THE GOVERNOR'S FINAL LIST OF CANDIDATES.

(c) THE GOVERNOR MUST SELECT AND APPOINT A COMMISSIONER FROM THE LIST SUBMITTED BY THE BOARD.

F. THE BOARD SHALL ASSIST THE GOVERNOR TO IDENTIFY COMMISSION APPLICANTS.

Sec. 2. Initial board members; terms of office

A. Notwithstanding section 17-202, subsection A, Arizona Revised Statutes, as added by this act, the governor shall appoint the initial members of the Arizona game and fish commission appointment recommendation board as follows:

1. The member appointed pursuant to section 17-202, subsection A, paragraph 1, Arizona Revised Statutes, shall be appointed to a term of five years.

2. The member appointed pursuant to section 17-202, subsection A, paragraph 2, Arizona Revised Statutes, shall be appointed to a term of four years.

3. The member appointed pursuant to section 17-202, subsection A, paragraph 3, Arizona Revised Statutes, shall be appointed to a term of three years.

4. The member appointed pursuant to section 17-202, subsection A, paragraph 4, Arizona Revised Statutes, shall be appointed to a term of two years.

5. The member appointed pursuant to section 17-202, subsection A, paragraph 5, Arizona Revised Statutes, shall be appointed to a term of one year.

B. All subsequent members shall be appointed to terms of five years.

APPROVED BY THE GOVERNOR APRIL 7, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2010.