

THORPE FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2699

(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2           "Section 1. Title 17, chapter 3, article 1, Arizona Revised Statutes,  
3       is amended by adding section 17-321, to read:

4           17-321. Taking of wolf

5           A LANDOWNER OR LESSEE WHO IS A LIVESTOCK OPERATOR OR THE AGENT OF THE  
6       LANDOWNER OR LESSEE MAY TAKE A WOLF IN SELF-DEFENSE OR THE DEFENSE OF THE  
7       LIVES OF OTHERS, IF THE TAKING IS REPORTED WITHIN TWENTY-FOUR HOURS TO THE  
8       UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION  
9       SERVICE OR A DESIGNATED REPRESENTATIVE OF THE SERVICE."

10 Renumber to conform

11 Line 5, after "17-486." insert "Reimbursement from federal government;"; strike  
12       "programs: removal of" insert "programs: land use agreements"

13 Strike lines 6 through 25, insert:

14           "A. THE ATTORNEY GENERAL SHALL TAKE ALL STEPS NECESSARY TO OBTAIN FROM  
15       THE FEDERAL GOVERNMENT MONIES SUFFICIENT TO PAY FOR ALL REIMBURSEMENTS  
16       PURSUANT TO THIS SECTION, INCLUDING TRACKING FAILURES BY THE FEDERAL  
17       GOVERNMENT TO COMPLY WITH THIS SECTION. THESE MONIES ARE IN ADDITION TO  
18       MONIES RECEIVED BY THE DEPARTMENT FROM THE FEDERAL GOVERNMENT FOR  
19       IMPLEMENTING PROGRAMS FOR THREATENED OR ENDANGERED SPECIES. THE ATTORNEY  
20       GENERAL SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL MONIES  
21       COLLECTED FROM THE FEDERAL GOVERNMENT FOR REIMBURSEMENT IN THE FEDERAL  
22       REIMBURSEMENT FUND ESTABLISHED BY SECTION 17-487.

23           B. THE REIMBURSEMENTS SHALL BE FOR THE USE OF PROPERTY OF THIS STATE  
24       OR PRIVATE PROPERTY OWNERS OR DAMAGE TO THESE PROPERTIES, AT THE CURRENT  
25       MARKET RATES, IN THE CURRENT AREAS OF THE MEXICAN WOLF RECOVERY PROGRAM.  
26       THESE DAMAGES INCLUDE THE COSTS OF INJURY OR DEATH OF LIVESTOCK, INCLUDING  
27       MEDICAL EXPENSES AND DIMINISHED VALUE, AND THE COSTS OF REDUCED VALUE,  
28       REDUCED USE OR LOSS OF USE OF PRIVATE PROPERTY.

1           C. THE ATTORNEY GENERAL SHALL WORK WITH THE STATE LAND DEPARTMENT AND  
2 PRIVATE LANDOWNERS TO ESTABLISH LAND USE AGREEMENTS WITH THE FEDERAL  
3 GOVERNMENT TO COMPENSATE THE STATE AND PRIVATE LANDOWNERS FOR THE USE AND  
4 DIMINUTION IN VALUE OF THEIR LANDS AS A RESULT OF THE MEXICAN WOLF RECOVERY  
5 PROGRAM.

6           D. IF THE FEDERAL GOVERNMENT DOES NOT ENTER INTO LAND USE AGREEMENTS  
7 PURSUANT TO SUBSECTION C OF THIS SECTION OR MAKE THE REIMBURSEMENTS  
8 PRESCRIBED BY THIS SECTION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS  
9 SECTION OR DOES NOT CONTINUE THE LAND USE AGREEMENTS OR MAKE THE  
10 REIMBURSEMENTS IN ANY FOLLOWING YEAR THE LEGISLATURE AT ITS NEXT REGULAR  
11 SESSION SHALL CONSIDER ENACTING LEGISLATION:

12           1. TO PROHIBIT THE CONTINUED PARTICIPATION BY THIS STATE IN THE  
13 MEXICAN WOLF RECOVERY PROGRAM.

14           2. TO REQUIRE THAT MEXICAN WOLVES BE REMOVED FROM ARIZONA STATE LAND  
15 AND PRIVATE LAND AND BE RESTRICTED TO FEDERALLY CONTROLLED LAND."

16 Page 1, Line 28, after "GOVERNMENT" insert "PURSUANT TO SECTION 17-486"

17 Line 32, strike "PROGRAMS" insert "PROGRAM"

18 Strike lines 37 through 45, insert:

19           "Sec. 3. Legislative findings

20           The legislature finds:

21           1. The Fifth Amendment to the United States Constitution establishes  
22 essential constitutional rights and protections of property. The Third  
23 Amendment forbids even a temporary and limited use of property without  
24 permission. Under the Endangered Species Act of 1973, the Mexican Wolf  
25 Recovery program in Arizona has violated the United States Constitution and  
26 Arizona's Enabling Act by imposing nonenumerated federal programs on state  
27 trust lands and private property owners without permission and without just  
28 compensation. In addition, the potential of federal prosecution for harming  
29 a wolf has forced citizens to forfeit their Fifth Amendment right, which  
30 prohibits deprivation of life, liberty or property without due process.

31           2. Unlike most threatened and endangered species programs, the Mexican  
32 Wolf Recovery program does not protect a currently residing native species,

1       but instead introduces a brand new population of dangerous alpha-level  
2       predators and varmints into vast areas of land that have not seen wolves  
3       since the 1930s. Human settlements in these areas have dramatically  
4       increased and changed. Because these wolves have been bred and raised by  
5       humans, on release these predators, unlike wild wolves, have displayed little  
6       or no fear of humans, have congregated near human dwellings and have mated  
7       with domestic dogs. Therefore, these wolves are more unpredictable and  
8       dangerous than wild wolves to humans, family pets and livestock.

9           Sec. 4. Transmittal of this act

10          The secretary of state shall transmit a copy of this act to the  
11       President of the United States, the Secretary of the United States Department  
12       of the Interior and each Member of Congress from this state."

13 Amend title to conform

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BOB THORPE

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3/10/14

9:25 AM

H:laa

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03/07/2014

11:53 AM

C: kcb