

REFERENCE TITLE: private enterprise; game; fish; fund

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HB 2068

Introduced by  
Representative Weiers JP

AN ACT

AMENDING TITLE 17, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 17-251; AMENDING SECTION 41-2752, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA GAME AND FISH COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 17, chapter 2, article 3, Arizona Revised Statutes,  
3 is amended by adding section 17-251, to read:

4 17-251. Youth and women's shooting sports fund; exemption

5 A. THE YOUTH AND WOMEN'S SHOOTING SPORTS FUND IS ESTABLISHED  
6 CONSISTING OF FIFTY PER CENT OF THE NET PROFITS FROM THE SALE OF GOODS OR  
7 SERVICES AT SHOOTING RANGES THAT THE COMMISSION OWNS AND OPERATES. THE  
8 COMMISSION SHALL USE THE MONIES IN THE FUND TO ENCOURAGE PARTICIPATION OF  
9 YOUTHS AND WOMEN IN SHOOTING SPORTS. THE MONIES PROVIDED PURSUANT TO THIS  
10 SECTION SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, ANY MONIES THAT WOULD  
11 OTHERWISE BE AVAILABLE FOR THE PURPOSES PRESCRIBED IN THIS SECTION.

12 B. THE COMMISSION SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE  
13 CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
14 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

15 Sec. 2. Section 41-2752, Arizona Revised Statutes, is amended to read:

16 41-2752. State competition with private enterprise prohibited;  
17 exceptions

18 A. A state agency shall not engage in the manufacturing, processing,  
19 sale, offering for sale, rental, leasing, delivery, dispensing, distributing  
20 or advertising of goods or services to the public that are also offered by  
21 private enterprise unless specifically authorized by law other than  
22 administrative law and executive orders.

23 B. A state agency shall not offer or provide goods or services to the  
24 public for or through another state agency or a local agency, including by  
25 intergovernmental or interagency agreement, in violation of this section or  
26 section 41-2753.

27 C. The restrictions on activities that compete with private enterprise  
28 contained in this section do not apply to:

29 1. The development, operation and management of state parks,  
30 historical monuments and hiking or equestrian trails.

31 2. Correctional industries established and operated by the state  
32 department of corrections if the prices charged for products sold by the  
33 correctional industries are not less than the actual cost of producing and  
34 marketing the product plus a reasonable allowance for overhead and  
35 administrative costs.

36 3. The Arizona office of tourism.

37 4. The Arizona highways magazine, operated by the department of  
38 transportation.

39 5. Printing and distributing information to the public if the agency  
40 is otherwise authorized to do so, and printing or copying public records or  
41 other material relating to the public agency's public business and recovering  
42 through fees and charges the costs of such printing, copying and  
43 distributing.

44 6. The department of public safety.

- 1           7. The construction, maintenance and operation of state transportation  
2 facilities.
- 3           8. The development, distribution, maintenance, support, licensing,  
4 leasing or sale of computer software by the department of transportation.
- 5           9. Agreements executed by the Arizona health care cost containment  
6 system administration with other states to design, develop, install and  
7 operate information technology systems and related services or other  
8 administrative services pursuant to section 36-2925.
- 9           10. Agreements executed by the department of economic security with  
10 other states to design, develop, install and operate support collection  
11 technology systems and related services. The department shall deposit,  
12 pursuant to sections 35-146 and 35-147, monies received pursuant to this  
13 paragraph in the public assistance collections fund established by section  
14 46-295.
- 15           11. Educational, vocational, treatment, training or work programs of  
16 the department of juvenile corrections and contracts between the department  
17 of juvenile corrections and this state, a political subdivision of this state  
18 or a private entity in order to provide employment or vocational educational  
19 experience.
- 20           12. The aflatoxin control technologies of the cotton research and  
21 protection council.
- 22           13. The lease or sublease of lands or buildings by the department of  
23 economic security pursuant to section 41-1958.
- 24           14. THE ARIZONA GAME AND FISH COMMISSION, BUT ONLY FOR THE SALE OF  
25 GOODS OR SERVICES AND NOT FIREARMS.
- 26           D. The restrictions on activities that compete with private enterprise  
27 contained in subsection A of this section do not apply to community colleges  
28 and universities under the jurisdiction of a governing board.