

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 223
HOUSE BILL 2026

AN ACT

AMENDING SECTIONS 9-283, 9-956, 15-1761 AND 15-1762, ARIZONA REVISED STATUTES; REPEALING SECTIONS 15-1763, 15-1764, 15-1765, 15-1766, 15-1767, 15-1768 AND 15-1769, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-1770 AND 15-1774, ARIZONA REVISED STATUTES; REPEALING SECTION 15-1776, ARIZONA REVISED STATUTES; AMENDING SECTION 32-128, ARIZONA REVISED STATUTES; REPEALING SECTION 33-1309, ARIZONA REVISED STATUTES; AMENDING SECTIONS 37-1303 AND 41-121, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 2.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-151.25; AMENDING SECTIONS 41-1011, 41-1013, 44-1443, 44-1460 AND 44-1460.06, ARIZONA REVISED STATUTES; REPEALING SECTIONS 44-1749 AND 44-1750, ARIZONA REVISED STATUTES; AMENDING SECTION 49-112, ARIZONA REVISED STATUTES; RELATING TO THE SECRETARY OF STATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-283, Arizona Revised Statutes, is amended to
3 read:

4 9-283. Approval of charter; recording and filing; amendment

5 A. ~~Upon~~ ON approval the charter shall become the organic law of the
6 city and supersede any charter then existing and all ordinances
7 inconsistent with the new charter.

8 B. A copy of the charter, certified by the chief executive officer
9 of the city, and authenticated by the seal of the city, together with a
10 statement similarly certified and authenticated setting forth the
11 submission of the charter to the electors and its ratification by them,
12 ~~shall~~, after approval of the charter by the governor, SHALL be ~~made in~~
13 ~~duplicate, and one copy shall be filed in the office of the secretary of~~
14 ~~state and the other~~ FILED in the archives of the city, after being
15 recorded in the office of the county recorder, and thereafter all courts
16 shall take judicial notice of the charter.

17 C. The charter so ratified may be amended by amendments proposed
18 and submitted by the legislative authority of the city to the qualified
19 electors thereof, or by petition as provided in this article, at a general
20 or special election, and ratified by a majority of the qualified electors
21 voting thereon, and approved by the governor as provided in this article
22 for the approval of the charter.

23 Sec. 2. Section 9-956, Arizona Revised Statutes, is amended to
24 read:

25 9-956. Annual audit; report of secretary; sanction

26 A. The board shall cause an annual audit and report of the fund.

27 B. The secretary shall report, using a form approved by the state
28 fire marshal, annually on or before January 1 to the board the condition
29 of the fund and the receipts and disbursements, with a complete list of
30 its beneficiaries and the amounts paid.

31 C. The board shall send a copy of the annual audit and report of
32 the fund to the state fire marshal ~~and the Arizona state library, archives~~
33 ~~and public records.~~

34 D. If the annual pension fund report is not received by January 31
35 by the state fire marshal the participating incorporated city or town or
36 fire district is not eligible to receive its share of fire insurance
37 premium tax monies under section 9-952.

38 Sec. 3. Heading change

39 The article heading of title 15, chapter 13, article 10, Arizona
40 Revised Statutes, is changed from "UNIFORM ATHLETE AGENTS ACT" to "REVISED
41 UNIFORM ATHLETE AGENTS ACT".

42 Sec. 4. Section 15-1761, Arizona Revised Statutes, is amended to
43 read:

44 15-1761. Short title

45 This article may be cited as the REVISED uniform athlete agents act.

1 Sec. 5. Section 15-1762, Arizona Revised Statutes, is amended to
2 read:

3 15-1762. Definitions

4 In this article, unless the context otherwise requires:

5 1. "Agency contract" means an agreement in which a student athlete
6 authorizes a person to negotiate or solicit a professional sports services
7 contract or an endorsement contract on behalf of the student athlete.

8 2. "Athlete agent" means an individual who enters into an agency
9 contract with a student athlete or, directly or indirectly, recruits or
10 solicits a student athlete to enter into an agency contract. Athlete
11 agent includes an individual who represents to the public that the
12 individual is an athlete agent. Athlete agent does not include a spouse,
13 parent, sibling, grandparent or guardian of the student athlete or an
14 individual acting solely on behalf of a professional sports team or a
15 professional sports organization.

16 3. "Athletic director" means an individual responsible for
17 administering the overall athletic program of an educational institution
18 or, if an educational institution has separately administered athletic
19 programs for male students and female students, the athletic program for
20 males or the athletic program for females.

21 ~~4. "Contact" means a direct or indirect communication between an~~
22 ~~athlete agent and a student athlete to recruit or solicit the student~~
23 ~~athlete to enter into an agency contract.~~

24 ~~5.~~ 4. "Endorsement contract" means an agreement under which a
25 student athlete is employed or receives consideration to use on behalf of
26 the other party any value that the student athlete may generate because of
27 publicity, reputation, following or fame that was obtained because of
28 athletic ability or performance.

29 ~~6.~~ 5. "Intercollegiate sport" means a sport that is played at the
30 collegiate level and for which eligibility requirements for participation
31 by a student athlete are established by a national association for the
32 promotion or regulation of collegiate athletics.

33 ~~7.~~ 6. "Person" means an individual, a corporation, a business
34 trust, an estate, a trust, a partnership, a limited liability company, an
35 association, a joint venture, a government, a governmental subdivision, a
36 government agency, a government instrumentality, a public corporation or
37 any other legal or commercial entity.

38 ~~8.~~ 7. "Professional sports services contract" means an agreement
39 under which an individual is employed, or agrees to render services, as a
40 player on a professional sports team, with a professional sports
41 organization or as a professional athlete.

42 ~~9.~~ 8. "Record" means information that is inscribed on a tangible
43 medium or that is stored in an electronic format or any other medium and
44 that is retrievable in perceivable form.

1 ~~10. "Registration" means registration as an athlete agent pursuant~~
2 ~~to this article.~~

3 ~~11. "State" means a state of the United States, the District of~~
4 ~~Columbia, Puerto Rico, the United States Virgin Islands or any territory~~
5 ~~or insular possession subject to the jurisdiction of the United States.~~

6 ~~12.~~ 9. "Student athlete" means an individual who engages in, is
7 eligible to engage in or may be eligible in the future to engage in any
8 intercollegiate sport. If an individual is permanently ineligible to
9 participate in a particular intercollegiate sport, the individual is not a
10 student athlete for purposes of that sport.

11 Sec. 6. Repeal

12 Sections 15-1763, 15-1764, 15-1765, 15-1766, 15-1767, 15-1768 and
13 15-1769, Arizona Revised Statutes, are repealed.

14 Sec. 7. Section 15-1770, Arizona Revised Statutes, is amended to
15 read:

16 15-1770. Required form of contract

17 A. An agency contract shall be a record that is signed or otherwise
18 authenticated by the parties.

19 B. An agency contract shall state or contain the following:

20 1. The amount and method of calculating the consideration to be
21 paid by the student athlete for services to be provided by the athlete
22 agent under the contract and any other consideration the athlete agent has
23 received or will receive from any other source for entering into the
24 contract or for providing the services.

25 2. The name of any person ~~who is not listed in the application for~~
26 ~~registration or renewal of registration and~~ who will be compensated
27 because the student athlete signed the agency contract.

28 3. A description of any expenses that the student athlete agrees to
29 reimburse the athlete agent.

30 4. A description of the services to be provided to the student
31 athlete.

32 5. The duration of the contract.

33 6. The date of the execution of the contract.

34 C. An agency contract shall contain, in close proximity to the
35 signature of the student athlete, a conspicuous notice in bold-faced type
36 in capital letters that states the following:

37 Warning to Student Athlete

38 If you sign this contract:

39 1. You may lose your eligibility to compete as a
40 student athlete in your sport.

41 2. If you have an athletic director, within 72 hours
42 after entering into this contract or before the next athletic
43 event in which ~~the student athlete~~ YOU may participate,
44 whichever comes first, both you and your athlete agent must
45 notify your athletic director.

1 3. You may cancel this contract within 14 days after
2 signing it. Cancellation of this contract may not reinstate
3 your eligibility.

4 D. An agency contract that does not conform to this section is
5 voidable by the student athlete. If a student athlete voids an agency
6 contract, the student athlete is not required to pay any consideration
7 under the contract or to return any consideration that was received from
8 the athlete agent and that was given to induce the student athlete to
9 enter into the contract.

10 E. The athlete agent shall give a copy of the signed or otherwise
11 authenticated agency contract to the student athlete at the time of
12 execution.

13 Sec. 8. Section 15-1774, Arizona Revised Statutes, is amended to
14 read:

15 15-1774. Prohibited conduct; violation; classification

16 A. It is unlawful for an athlete agent, with the intent to induce a
17 student athlete to enter into an agency contract, to engage in any of the
18 following conduct:

19 1. Give any materially false or misleading information or make a
20 materially false promise or representation.

21 2. Furnish anything of value to a student athlete before the
22 student athlete enters into the agency contract.

23 3. Furnish anything of value to any individual other than the
24 student athlete or another ~~registered~~ athlete agent.

25 B. It is unlawful for an athlete agent to intentionally commit any
26 of the following conduct:

27 ~~1. Initiate contact with a student athlete unless the athlete agent~~
28 ~~is registered with the secretary of state pursuant to this article.~~

29 ~~2.~~ 1. Refuse or fail to retain or permit inspection of the records
30 required to be retained by section 15-1773.

31 ~~3. Fail to register if required by section 15-1764.~~

32 ~~4. Provide materially false or misleading information in an~~
33 ~~application for registration or renewal of registration.~~

34 ~~5.~~ 2. Predate or postdate an agency contract.

35 ~~6.~~ 3. Fail to notify a student athlete before the student athlete
36 signs or otherwise authenticates an agency contract for a particular sport
37 that the signing or authentication may make the student athlete ineligible
38 to participate as a student athlete in that sport.

39 C. A person who violates this section is guilty of a class 1
40 misdemeanor.

41 Sec. 9. Repeal

42 Section 15-1776, Arizona Revised Statutes, is repealed.

1 Sec. 10. Section 32-128, Arizona Revised Statutes, is amended to
2 read:

3 32-128. Disciplinary action; letter of concern; judicial
4 review

5 A. The board may take the following disciplinary actions, in
6 combination or alternatively:

- 7 1. Revocation of a certification or registration.
- 8 2. Suspension of a certification or registration for a period of
9 not more than three years.
- 10 3. Imposition of an administrative penalty of not more than two
11 thousand dollars for each violation of this chapter or rules adopted
12 pursuant to this chapter.
- 13 4. Imposition of restrictions on the scope of the registrant's
14 practice.
- 15 5. Imposition of peer review and professional education
16 requirements.
- 17 6. Imposition of probation requirements that are best adapted to
18 protect the public safety, health and welfare and that may include a
19 requirement for restitution payments to professional services clients or
20 to other persons suffering economic loss resulting from violations of this
21 chapter or rules adopted pursuant to this chapter.
- 22 7. Issuance of a letter of reprimand informing a person regulated
23 under this chapter of a violation of this chapter or rules adopted by the
24 board.

25 B. The board may issue a letter of concern if the board believes
26 there is insufficient evidence to support disciplinary action against the
27 registrant or home inspector but sufficient evidence for the board to
28 notify the registrant or home inspector of the board's concern. A letter
29 of concern is a public document.

30 C. The board may take disciplinary action against the holder of a
31 certificate or registration under this chapter who is charged with the
32 commission of any of the following acts:

- 33 1. Fraud or misrepresentation in obtaining a certificate of
34 qualification, whether in the application or qualification examination.
- 35 2. Gross negligence, incompetence, bribery or other misconduct in
36 the practice of the profession.
- 37 3. Aiding or abetting an unregistered or uncertified person to
38 evade this chapter or knowingly combining or conspiring with an
39 unregistered or uncertified person, or allowing one's registration or
40 certification to be used by an unregistered or uncertified person or
41 acting as agent, partner, associate or otherwise of an unregistered or
42 uncertified person, with intent to evade this chapter.
- 43 4. Violation of this chapter or board rules.
- 44 5. Failing to pay a collaborating registered professional within
45 seven calendar days after the registrant receives payment from a client

1 unless specified otherwise contractually between the prime professional
2 and the collaborating registered professional. For the purposes of this
3 paragraph, "collaborating registered professional" means a registered
4 professional with whom the prime professional has a contract to perform
5 professional services.

6 D. The board may make investigations, employ investigators and
7 expert witnesses, appoint members of advisory committees and conduct
8 hearings to determine whether a disciplinary action should be taken
9 against the holder of a certificate or registration under this chapter.

10 E. An investigation may be initiated on receipt of an oral or
11 written complaint. The board, on its own motion, may direct the executive
12 director to file a verified complaint charging a person with a violation
13 of this chapter or board rules and shall give notice of the hearing
14 pursuant to title 41, chapter 6, article 10. The ~~secretary or~~ executive
15 director shall then serve ~~upon~~ ON the accused, by either personal service
16 or certified mail, a copy of the complaint together with notice setting
17 forth the charge or charges to be heard and the time and place of the
18 hearing, which shall not be less than thirty days after the service or
19 mailing of notice.

20 F. A person who has been notified of charges pending against the
21 person shall file with the board an answer in writing to the charges not
22 more than thirty days after service of the complaint and notice of
23 hearing. If a person fails to answer in writing, it is deemed an
24 admission by the person of the act or acts charged in the complaint and
25 notice of hearing. The board may then take disciplinary action pursuant
26 to this chapter without a hearing.

27 G. A disciplinary action may be informally settled by the board and
28 the accused either before or after initiation of hearing proceedings.

29 H. On its determination that any person has violated this chapter
30 or a rule adopted pursuant to this chapter, the board may assess the
31 person with its reasonable costs and expenses, including attorney fees,
32 incurred in conducting the investigation and administrative hearing. All
33 monies collected pursuant to this subsection shall be deposited, pursuant
34 to sections 35-146 and 35-147, in the technical registration fund
35 established by section 32-109 and shall only be used by the board to
36 defray its expenses in connection with investigation related training,
37 disciplinary investigations and hearings. Notwithstanding section
38 35-143.01, these monies may be spent without legislative appropriation.

39 I. The board shall immediately notify the ~~secretary of state and~~
40 clerk of the board of supervisors of each county in the state of the
41 suspension or revocation of a certificate or of the reissuance of a
42 suspended or revoked certificate.

43 J. Except as provided in section 41-1092.08, subsection H, final
44 decisions of the board are subject to judicial review pursuant to title
45 12, chapter 7, article 6.

1 H. The state forester may enter into agreements to utilize private
2 landowners' equipment and personnel if the fire is on or adjacent to such
3 private landowners' property.

4 Sec. 13. Section 41-121, Arizona Revised Statutes, is amended to
5 read:

6 41-121. Duties

7 A. The secretary of state shall:

8 1. Receive bills and resolutions from the legislature, and perform
9 such other duties as devolve on the secretary of state by resolution of
10 the two houses or either of them.

11 2. Keep a register of and attest the official acts of the governor.

12 3. Act as custodian of the great seal of this state.

13 4. Affix the great seal, with the secretary of state's attestation,
14 to public instruments to which the official signature of the governor is
15 attached.

16 5. File in the secretary of state's office receipts for all books
17 distributed by the secretary of state and direct the county recorder of
18 each county to do the same.

19 6. Certify to the governor the names of those persons who have
20 received at any election the highest number of votes for any office, the
21 incumbent of which is commissioned by the governor.

22 7. ~~Publish~~ PROMPTLY CHAPTER slip laws ~~of each act of~~ FILED BY the
23 legislature ~~promptly on passage and approval of such act~~, ELECTRONICALLY
24 PUBLISH AND MAINTAIN THE BILLS, MEMORIALS AND RESOLUTIONS POSTED ON THE
25 SECRETARY OF STATE'S WEBSITE, make such acts available ~~to interested~~
26 ~~persons~~ for a reasonable fee to ~~compensate for~~ INCLUDE the cost of
27 printing and POSTAGE, provide each house of the legislature and the
28 legislative council with a certified copy of each CHAPTERED bill or
29 resolution, ~~showing the chapter or resolution number of each, as each is~~
30 ~~filed in the secretary of state's office~~ AND TRANSFER TO THE CUSTODY OF
31 THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ALL ORIGINAL PAPER
32 COPIES FILED.

33 8. Keep a fee book of fees and compensation of whatever kind and
34 nature earned, collected or charged by the secretary of state, with the
35 date, the name of the payer and the nature of the service in each
36 case. The fee book shall be verified annually by the secretary of state's
37 affidavit entered in the fee book.

38 9. Perform other duties imposed on the secretary of state by law.

39 10. Report to the governor on January 2 each year, and at such
40 other times as provided by law, a detailed account of the secretary of
41 state's official actions taken since the secretary of state's previous
42 report together with a detailed statement of the manner in which all
43 appropriations for the secretary of state's office have been expended.

44 11. Transfer all noncurrent or inactive books, records, deeds and
45 other papers otherwise required to be filed with or retained by the

1 secretary of state to the custody of the Arizona state library, archives
2 and public records.

3 ~~12. Make available to the public, without charge, title 33,~~
4 ~~chapters 10 and 11 on the secretary of state's website.~~

5 ~~13.~~ 12. Accept electronic and digital signatures that comply with
6 section 18-106 for documents filed with and by all state agencies, boards
7 and commissions.

8 ~~14.~~ 13. Meet at least annually with personnel from the federal
9 voting assistance office of the United States department of defense and
10 with county recorders and other county election officials in this state to
11 coordinate the delivery and return of registrations, ballot requests,
12 voted ballots and other election materials to and from absent uniformed
13 and overseas citizens.

14 B. The secretary of state may refuse to perform a service or refuse
15 a filing based on a reasonable belief that the service or filing is being
16 requested for an unlawful, illegitimate, false or fraudulent purpose or is
17 being requested or submitted in bad faith or for the purpose of harassing
18 or defrauding a person or entity. This subsection does not apply to
19 election filings.

20 Sec. 14. Title 41, chapter 1, article 2.1, Arizona Revised
21 Statutes, is amended by adding section 41-151.25, to read:

22 41-151.25. Arizona uniform laws commission; membership;
23 duties; commission termination

24 A. THE ARIZONA UNIFORM LAWS COMMISSION IS ESTABLISHED CONSISTING OF
25 FOUR MEMBERS WHO ARE MEMBERS OF A STATE BAR ASSOCIATION AND WHO ARE
26 APPOINTED BY THE GOVERNOR. THESE MEMBERS ARE IN ADDITION TO THE MEMBERS
27 WHO HAVE ATTAINED LIFE MEMBERSHIP IN THE NATIONAL CONFERENCE OF
28 COMMISSIONERS ON UNIFORM STATE LAWS. THE TERM OF OFFICE OF THE MEMBERS IS
29 SIX YEARS EXCEPT FOR LIFETIME MEMBERS. AN APPOINTMENT TO FILL A VACANCY
30 CAUSED OTHER THAN BY EXPIRATION OF A TERM IS FOR THE REMAINDER OF THE
31 UNEXPIRED TERM.

32 B. MEMBERS OF THE ARIZONA UNIFORM LAWS COMMISSION ARE NOT ELIGIBLE
33 FOR COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT
34 TO TITLE 38, CHAPTER 4, ARTICLE 2.

35 C. THE ARIZONA UNIFORM LAWS COMMISSION SHALL REVIEW EFFORTS
36 NATIONALLY TO ENACT UNIFORM LAWS AND RECOMMEND TO THE GOVERNOR AND THE
37 LEGISLATURE THE ADOPTION OF UNIFORM LEGISLATION THAT THE COMMISSION DEEMS
38 DESIRABLE.

39 D. THE SECRETARY OF STATE MAY MAINTAIN MEMBERSHIP ON THE ARIZONA
40 UNIFORM LAWS COMMISSION. ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE ARIZONA
41 UNIFORM LAWS COMMISSION SHALL SUBMIT A LETTER TO EACH MEMBER OF THE
42 LEGISLATURE THAT INCLUDES A WEBSITE LINK TO THE CURRENT LIST OF THE
43 UNIFORM ACTS THAT IS PREPARED BY THE NATIONAL CONFERENCE OF COMMISSIONERS
44 ON UNIFORM STATE LAWS FOR THE PURPOSE OF INFORMING THE MEMBERS OF THE

1 LEGISLATURE ABOUT CURRENT MODEL LEGISLATION THAT IS AVAILABLE TO THE
2 LEGISLATORS.

3 E. THE COMMISSION ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2025
4 PURSUANT TO SECTION 41-3103.

5 Sec. 15. Section 41-1011, Arizona Revised Statutes, is amended to
6 read:

7 41-1011. Preparation and publication of code and register

8 A. The secretary of state ~~is responsible for the publication~~ SHALL
9 PREPARE and ~~distribution of~~ PUBLISH the code and ~~the~~ register.

10 B. The secretary of state shall prescribe a uniform numbering
11 system, ~~AND HAVE REASONABLE DISCRETION TO DETERMINE THE~~ form and style
12 for ~~all~~ rules filed with and published by ~~that~~ THE office. The secretary
13 of state shall ~~reject rules~~ REFUSE TO ACCEPT A RULE NOTICE OR OTHER NOTICE
14 FILING if ~~they are~~ THE NOTICE OR FILING DOES not ~~in compliance~~ COMPLY with
15 the SECRETARY OF STATE'S prescribed FILING REQUIREMENTS, numbering system,
16 form and style.

17 C. The secretary of state shall ASSIGN TITLES AND CHAPTERS TO
18 AGENCIES AND prepare, arrange and correlate ~~all~~ rules and other text as
19 necessary ~~for the publication of~~ WHEN PUBLISHING the code and ~~the~~
20 register. The secretary of state may not alter the sense, meaning or
21 effect of any rule but may renumber rules and parts of rules, rearrange
22 rules, change reference numbers to agree with renumbered rules and parts
23 of rules, substitute the proper rule number for "the preceding rule" and
24 similar terms, delete figures if they are merely a repetition of written
25 words, change capitalization for the purpose of uniformity and correct
26 manifest clerical or typographical errors. With the consent of the
27 attorney general, the secretary of state may remove from the code a
28 provision of a rule that a court of final appeal declares unconstitutional
29 or otherwise invalid and a rule made by an agency that is abolished if the
30 rule is not transferred to a successor agency. THE SECRETARY OF STATE
31 SHALL REMOVE A RULE FROM THE CODE WHEN NOTIFIED BY THE GOVERNOR'S
32 REGULATORY REVIEW COUNCIL THAT THE RULE HAS EXPIRED PURSUANT TO SECTION
33 41-1056, SUBSECTION J.

34 Sec. 16. Section 41-1013, Arizona Revised Statutes, is amended to
35 read:

36 41-1013. Register

37 A. The secretary of state shall ELECTRONICALLY publish the register
38 at least once each month, ~~including the information that is provided AND~~
39 INCLUDE THE CONTENTS LISTED under subsection B of this section. ~~and that~~
40 ~~is~~ THE SECRETARY OF STATE SHALL PUBLISH THE NOTICES THAT ARE filed with
41 the secretary of state during the preceding thirty days. ~~The secretary of~~
42 ~~state shall publish an index to the register at least twice each year.~~
43 THE REGISTER SHALL INCLUDE A TABLE OF CONTENTS AND A CUMULATIVE INDEX.

- 1 B. The register shall contain THE FOLLOWING:
- 2 ~~1. A schedule of the time, date and place of all hearings on~~
- 3 ~~proposed repeals, makings or amendments of rules.~~
- 4 ~~2. Each governor's executive order.~~
- 5 ~~3. Each governor's proclamation of general applicability and each~~
- 6 ~~statement filed by the governor in granting a commutation, pardon or~~
- 7 ~~reprieve or stay or suspension of execution where a sentence of death is~~
- 8 ~~imposed.~~
- 9 ~~4. A summary of each attorney general's opinion.~~
- 10 ~~5. Each governor's appointment of state officials and board and~~
- 11 ~~commission members.~~
- 12 ~~6. A table of contents.~~
- 13 ~~7. The notice and agency summary of each docket opening.~~
- 14 ~~8. The full text and accompanying preamble of each proposed rule.~~
- 15 ~~9. The full text and accompanying preamble of each final rule.~~
- 16 ~~10. The full text and accompanying preamble of each emergency rule.~~
- 17 ~~11. Supplemental notices of a proposed rule.~~
- 18 1. NOTICES OF RULEMAKING DOCKET OPENINGS, INCLUDING THE SUBJECT
- 19 MATTER OF THE RULES UNDER CONSIDERATION.
- 20 2. NOTICES OF PROPOSED RULEMAKING.
- 21 3. NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING.
- 22 4. NOTICES OF PROPOSED EXEMPT RULEMAKING FOR AGENCIES THAT ARE
- 23 EXEMPT FROM THE REQUIREMENTS OF CHAPTER 6 OF THIS TITLE BUT THAT ARE
- 24 REQUIRED TO PUBLISH THE NOTICE IN THE REGISTER.
- 25 5. NOTICES OF ORAL PROCEEDINGS IF THE ORAL PROCEEDING WAS NOT
- 26 LISTED IN THE NOTICE OF RULEMAKING DOCKET OPENING AS PROVIDED IN SECTION
- 27 41-1021, SUBSECTION B, PARAGRAPH 5.
- 28 6. NOTICES OF FINAL EXEMPT RULEMAKING FOR AGENCIES THAT ARE EXEMPT
- 29 FROM THE REQUIREMENTS OF CHAPTER 6 OF THIS TITLE. FOR THE PURPOSES OF
- 30 THIS PARAGRAPH, "FINAL EXEMPT RULEMAKING" MEANS RULEMAKING IN WHICH AN
- 31 AGENCY RECEIVED PUBLIC COMMENT ON THE RULEMAKING REGARDLESS OF WHETHER THE
- 32 PROPOSED RULEMAKING WAS PUBLISHED IN THE REGISTER OR ELSEWHERE BY THE
- 33 AGENCY AS REQUIRED IN THE EXEMPTION.
- 34 7. NOTICES OF EXEMPT RULEMAKING FOR AGENCIES THAT HAVE A ONE-TIME
- 35 EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 6 OF THIS TITLE OR THAT ARE
- 36 EXEMPT PURSUANT TO SECTION 41-1005. FOR THE PURPOSES OF THIS PARAGRAPH,
- 37 "EXEMPT RULEMAKING" MEANS A RULEMAKING IN WHICH AN AGENCY DID NOT PUBLISH
- 38 A NOTICE OF PROPOSED RULEMAKING AND THE AGENCY WAS NOT REQUIRED TO CONDUCT
- 39 A PUBLIC HEARING OR RECEIVE PUBLIC COMMENTS.
- 40 ~~12.~~ 8. Proposed and final notices of expedited rulemaking and
- 41 notices that an objection was received regarding a proposed expedited
- 42 rulemaking.
- 43 ~~13. A summary of council action on each rule.~~
- 44 ~~14. The full text of any exempt final rule filed with the secretary~~
- 45 ~~of state pursuant to section 41-1005, subsection C.~~

1 ~~15.~~ 9. ~~The notice and a summary of~~ NOTICES OF AN AGENCY substantive
2 policy ~~statements and notice and a summary of any guidance document~~
3 ~~publication or revision submitted by an agency~~ STATEMENT. The notice for
4 OF a substantive policy statement shall contain THE NAME AND SUMMARY OF
5 THE POLICY STATEMENT AND the website address where the full text of the
6 document is available, if practicable.

7 ~~16. Notices of oral proceedings, public workshops or other meetings~~
8 ~~on an open rulemaking docket.~~

9 ~~17.~~ 10. ~~A proposal to increase fees for services performed by the~~
10 NOTICES OF INTENT TO INCREASE state museum FEES pursuant to section
11 15-1631.

12 11. NOTICES OF ACTIONS TAKEN BY THE GOVERNOR'S REGULATORY REVIEW
13 COUNCIL.

14 12. NOTICES OF AN AGENCY GUIDANCE DOCUMENT OR REVISIONS TO A
15 GUIDANCE DOCUMENT. THIS NOTICE SHALL CONTAIN THE NAME AND A SUMMARY OF
16 THE GUIDANCE DOCUMENT AND INFORMATION WHERE A PERSON MAY VIEW THE DOCUMENT
17 IN ITS ENTIRETY.

18 13. NOTICES OF EACH AGENCY OMBUDSMAN PURSUANT TO SECTION 41-1006.

19 14. NOTICES OF PUBLIC INFORMATION THAT PERTAIN TO RULEMAKING
20 NOTICES.

21 15. DEADLINES OF THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

22 C. ALL NOTICES LISTED IN SUBSECTION B OF THIS SECTION, EXCEPT THE
23 NOTICES UNDER SUBSECTION B, PARAGRAPHS 1, 5, 9, 10, 11, 12, 13, 14 AND 15
24 OF THIS SECTION, MUST INCLUDE A PREAMBLE AND THE FULL TEXT OF THE RULE
25 BEING PROPOSED, AMENDED, RENUMBERED OR REPEALED.

26 ~~C.~~ D. The register shall be ~~available by subscription and for~~
27 ~~single-copy purchase. The charge for each register or periodic~~
28 ~~subscription shall be a reasonable charge, not to exceed all costs of~~
29 ~~production and distribution of the register~~ PUBLISHED ELECTRONICALLY FOR
30 FREE. THE SECRETARY OF STATE SHALL ESTABLISH A COMMERCIAL-USE FEE
31 PURSUANT TO SECTION 39-121.03. ANY PAPER SUBSCRIPTION IN PLACE AT THE END
32 OF FISCAL YEAR 2016-2017 SHALL BE HONORED UNTIL THE SUBSCRIPTION EXPIRES.

33 ~~D.~~ E. For THE purposes of this section, full text publication in
34 the register includes ~~all~~ new, amended, ~~or added language~~ RENUMBERED,
35 REPEALED and existing language that ~~the proposing~~ AN agency deems
36 necessary for ~~a~~ THE proper understanding of ~~the proposed~~ A rule NOTICE.
37 Rules that are undergoing extensive revision may be reprinted in whole.
38 Existing rule language that is not required for understanding shall be
39 omitted and marked "no change".

40 Sec. 17. Section 44-1443, Arizona Revised Statutes, is amended to
41 read:

42 44-1443. Application for registration

43 A. Subject to the limitations set forth in this article, any person
44 who is domiciled in this state and who adopts and uses a trademark or
45 service mark, or any person who adopts and uses a trademark or service

1 mark in this state, may file in the office of the secretary of state, on a
2 form to be furnished by the secretary of state, an application for
3 registration of that mark setting forth, but not limited to, the following
4 information:

5 1. The name **AND E-MAIL** and business address of the person applying
6 for such registration and, if a corporation, the state of incorporation.

7 2. The goods or services in connection with which the mark is used,
8 the mode or manner in which the mark is used in connection with such goods
9 or services and the class in which such goods or services fall.

10 3. The date when the mark was first used anywhere, and the date
11 when it was first used in this state by the applicant or his predecessor
12 in business.

13 4. A statement that the applicant is the owner of the mark and that
14 no other person has the right to use such mark in this state either in the
15 identical form thereof or in such near resemblance thereto as might be
16 calculated to deceive or to be mistaken therefor.

17 B. The application shall be:

18 1. Signed ~~and verified~~ by the applicant, or by a member of the firm
19 or any officer of the corporation or association applying.

20 2. Accompanied by a specimen or facsimile of such mark ~~in~~
21 ~~triplicate~~ **IN A FORMAT SPECIFIED BY THE SECRETARY OF STATE BY RULE.**

22 Sec. 18. Section 44-1460, Arizona Revised Statutes, is amended to
23 read:

24 **44-1460. Registration of trade name, title or designation**

25 A. Any person, partnership, corporation, firm, association,
26 society, foundation, federation or organization doing business in this
27 state, or any foreign corporation licensed to exercise its corporate
28 powers in this state, may register with the secretary of state, on a form
29 to be furnished by ~~him~~ **THE SECRETARY OF STATE**, the name, title or
30 designation under which such applicant is operating, setting forth, but
31 not limited to, the following information:

32 1. The name **AND E-MAIL** and business address of the applicant for
33 such registration. If the applicant is a corporation, the state of its
34 incorporation shall be disclosed.

35 2. The name, title or designation to be registered.

36 3. The general nature of the business conducted by the applicant.

37 4. The length of time during which the name, title or designation
38 has been used by the applicant in his business operations in this state.

39 B. The applicant or a member or officer of the firm, partnership,
40 corporation, association, society, foundation, federation or other
41 organization shall sign ~~and verify~~ the application.

42 C. A single name, title or designation may be registered ~~upon~~ **ON**
43 each application submitted under ~~the provisions of~~ this article.

1 Sec. 19. Section 44-1460.06, Arizona Revised Statutes, is amended
2 to read:

3 44-1460.06. Electronic filing; acceptance

4 A. Any document that is required to be filed pursuant to this
5 article may be filed in an electronic format that is approved by the
6 secretary of state.

7 B. Any document that is filed in accordance with this section is
8 deemed to comply with:

9 1. The filing requirements of this article.

10 2. The requirement that a filing ~~be verified or~~ be submitted with a
11 written signature.

12 3. Any requirement that the filing be filed under the penalty of
13 perjury.

14 C. The secretary of state may adopt rules requiring that any person
15 that submits a document for filing pursuant to this section also submit a
16 written or printed copy of the document as a prerequisite to the document
17 being deemed filed.

18 D. Except as provided in this section, all civil and criminal
19 statutes applicable to the filing of paper documents apply to all
20 documents filed pursuant to this section.

21 Sec. 20. Repeal

22 Sections 44-1749 and 44-1750, Arizona Revised Statutes, are
23 repealed.

24 Sec. 21. Section 49-112, Arizona Revised Statutes, is amended to
25 read:

26 49-112. County regulation; standards

27 A. When authorized by law, a county may adopt a rule, ordinance or
28 ~~other~~ regulation that is more stringent than or in addition to a provision
29 of this title or rule adopted by the director or any board or commission
30 authorized to adopt rules pursuant to this title if all of the following
31 ~~conditions~~ REQUIREMENTS are met:

32 1. The rule, ordinance or ~~other~~ regulation is necessary to address
33 a peculiar local condition.

34 2. There is credible evidence that the rule, ordinance or ~~other~~
35 regulation is either:

36 (a) Necessary to prevent a significant threat to public health or
37 the environment that results from a peculiar local condition and is
38 technically and economically feasible.

39 (b) Required under a federal statute or regulation, or authorized
40 pursuant to an intergovernmental agreement with the federal government to
41 enforce federal statutes or regulations if the county rule, ordinance or
42 ~~other~~ regulation is equivalent to federal statutes or regulations.

43 3. Any fee or tax adopted under the rule, ordinance or ~~other~~
44 regulation ~~will~~ DOES not exceed the reasonable costs of the county to
45 issue and administer ~~that~~ THE permit or plan approval program.

1 B. When authorized by law, a county may adopt rules, ordinances or
2 ~~other~~ regulations in lieu of a state program that are as stringent as a
3 provision of this title or rule adopted by the director or any board or
4 commission authorized to adopt rules pursuant to this title if the county
5 demonstrates that the cost of obtaining permits or other approvals from
6 the county will approximately equal or be less than the fee or cost of
7 obtaining similar permits or approvals under this title or any rule
8 adopted pursuant to this title. If the state has not adopted a fee or tax
9 for similar permits or approvals, the county may adopt a fee when
10 authorized by law in the rule, ordinance or ~~other~~ regulation that does not
11 exceed the reasonable costs of the county to issue and administer that
12 permit or plan approval program.

13 C. ~~if~~ A county ~~has adopted~~ THAT ADOPTS rules, ordinances or ~~other~~
14 regulations pursuant to subsection B of this section and THAT at any time
15 cannot comply with subsection B of this section, ~~the county~~ shall ~~give~~
16 ~~PREPARE AND FILE A~~ notice of noncompliance ~~to~~ WITH the director. The
17 county shall ~~file that notice with the secretary of state for publication~~
18 ~~in the next issue of the Arizona administrative register at no cost to the~~
19 ~~county~~ POST A COPY OF THE NOTICE OF NONCOMPLIANCE ON THE COUNTY'S WEBSITE
20 WITH A DATE STAMP OF THE DATE OF POSTING. If the county does not comply
21 with subsection B of this section within one year after ~~publication~~
22 ~~POSTING~~ of the notice ~~in the Arizona administrative register~~ ON THE
23 COUNTY'S WEBSITE, the director shall provide written notice to and assert
24 regulatory jurisdiction over those persons and entities subject to the
25 affected county rules, ordinances or ~~other~~ regulations.

26 D. Except as provided in chapter 3, article 3 of this title, before
27 adopting or enforcing any rule, ordinance or ~~other~~ regulation pursuant to
28 subsection A or B of this section, the county shall comply with ~~all of~~ the
29 following REQUIREMENTS:

30 1. ~~File with the secretary of state a written statement including~~
31 ~~a summary of~~ PREPARE A NOTICE OF PROPOSED RULEMAKING TO INCLUDE the
32 proposed rule, ordinance or ~~other~~ regulation. ~~and a demonstration of the~~
33 ~~grounds and~~ THIS NOTICE SHALL DEMONSTRATE evidence of compliance with
34 subsection A or B of this section. The ~~summary~~ NOTICE shall ~~provide~~
35 ~~INCLUDE~~ the name, ADDRESS AND PHONE NUMBER of ~~the~~ A person ~~with the county~~
36 ~~to contact with~~ WHO CAN ANSWER questions ~~or comments~~ ABOUT THE PROPOSED
37 RULE, ORDINANCE OR REGULATION AND ACCEPT ANY WRITTEN REQUESTS FOR THE
38 COUNTY TO CONDUCT AN ORAL PROCEEDING. ~~The secretary of state shall~~
39 ~~publish the written statement in the next issue of the Arizona~~
40 ~~administrative register at no cost to the county. The county shall~~
41 ~~publish notice of the availability of the complete summary and the~~
42 ~~demonstration in other newspapers as may be required by this title and~~
43 ~~shall make the text of any proposed environmental rule, ordinance or other~~
44 ~~regulation available to the public at the same time it files the written~~
45 ~~summary of the environmental rule, ordinance or other regulation with the~~

1 ~~secretary of state as provided in this paragraph.~~ THE COUNTY SHALL POST
2 THE NOTICE ON THE COUNTY'S WEBSITE WITH A DATE STAMP OF THE DATE OF
3 POSTING. THE COUNTY SHALL PUBLISH THE AVAILABILITY OF THE NOTICE OF THE
4 PROPOSED RULE, ORDINANCE OR REGULATION IN A NEWSPAPER OF GENERAL
5 CIRCULATION IN THE COUNTY. IF THERE IS NO NEWSPAPER OF GENERAL
6 CIRCULATION IN THE COUNTY, THE COUNTY SHALL PUBLISH THE NOTICE IN A
7 NEWSPAPER OF GENERAL CIRCULATION IN AN ADJOINING COUNTY. IF REQUESTED BY
8 THE PUBLIC, THE COUNTY SHALL MAKE AVAILABLE A PAPER COPY OF THE NOTICE AT
9 A REASONABLE COST.

10 ~~2. Provide at least thirty days' opportunity for comment by the~~
11 ~~public after publication of the summary as prescribed by paragraph 1 of~~
12 ~~this subsection. The county shall accept written comments on the proposed~~
13 ~~rule, ordinance or regulation and the written demonstration.~~

14 ~~3. Respond in writing and make available to the public for a~~
15 ~~reasonable cost the county's responses to the written comments submitted~~
16 ~~by the public pursuant to paragraph 2 of this subsection.~~

17 2. FOR AT LEAST THIRTY DAYS AFTER THE POSTING OF THE NOTICE OF THE
18 PROPOSED RULE, ORDINANCE OR REGULATION, AFFORD PERSONS THE OPPORTUNITY TO
19 SUBMIT IN WRITING COMMENTS, STATEMENTS, ARGUMENTS, DATA AND VIEWS ON THE
20 PROPOSED RULE, ORDINANCE OR REGULATION.

21 3. RESPOND IN WRITING TO THE COMMENTS SUBMITTED PURSUANT TO
22 PARAGRAPH 2 OF THIS SUBSECTION AND POST THE COUNTY'S RESPONSE ON THE
23 COUNTY'S WEBSITE. IF REQUESTED BY THE PUBLIC, THE COUNTY SHALL MAKE PAPER
24 COPIES OF ITS COMMENTS AVAILABLE AT A REASONABLE COST.

25 4. ~~Provide for a public hearing at the request of the authorized~~
26 ~~county officer or if there is sufficient public interest. The county~~
27 ~~shall publish the notice of any public hearing at least twenty days prior~~
28 ~~to the hearing. The county shall submit the notice of the public hearing~~
29 ~~to the secretary of state for publication in the next issue of the Arizona~~
30 ~~administrative register at no cost to the county.~~ SCHEDULE A PUBLIC
31 HEARING ON THE PROPOSED RULE, ORDINANCE OR REGULATION IF A WRITTEN REQUEST
32 FOR AN ORAL PROCEEDING IS SUBMITTED TO THE COUNTY DURING THE THIRTY-DAY
33 COMMENT PERIOD. THE COUNTY SHALL POST THE NOTICE OF ORAL PROCEEDING ON A
34 PROPOSED RULE, ORDINANCE OR REGULATION ON THE COUNTY'S WEBSITE. THE
35 COUNTY SHALL POST THE NOTICE OF ORAL PROCEEDING AT LEAST TWENTY DAYS
36 BEFORE THE DATE OF THE ORAL PROCEEDING. The county shall publish notice
37 of any public hearing required pursuant to this paragraph in any newspaper
38 as prescribed by this title or county ordinance. The county shall select
39 a time and location for the public hearing that affords a reasonable
40 opportunity for the public to participate.

41 E. A county is not required to comply with subsection D, paragraphs
42 2, 3 and 4 of this section before it adopts or enforces a rule, ordinance
43 or ~~other~~ regulation if the rule, ordinance or ~~other~~ regulation only ~~adopts~~
44 **INCORPORATES** by reference an existing state or federal rule or law that
45 provides greater regulatory flexibility for regulated parties and

1 otherwise satisfies the requirements prescribed in subsection B of this
2 section.

3 F. Until June 30, 1995, a person may file with the clerk of the
4 board of supervisors for that county a petition challenging a county rule,
5 ordinance or ~~other~~ regulation adopted before July 15, 1994 for compliance
6 with the criteria set forth in subsection A or B of this section. The
7 petition shall contain the grounds for challenging the specific county
8 rule, ordinance or ~~other~~ regulation. Within one year after the petition
9 is filed, the board of supervisors shall review the challenged rule,
10 ordinance or ~~other~~ regulation and make a written demonstration of
11 compliance with the criteria set forth in subsection A or B of this
12 section and challenged in the petition. Any rules, ordinances or ~~other~~
13 regulations that have been challenged and for which the board of
14 supervisors has not made the written demonstration within one year ~~of~~
15 ~~AFTER~~ the filing of the petition required by this section become
16 unenforceable as of that date. If a county has already made a written
17 demonstration under section 49-479, subsection C, for a rule, ordinance or
18 regulation, the person filing the petition shall state the specific
19 grounds in the petition why that demonstration does not meet the
20 requirements of this section.

21 G. A rule, ordinance or ~~other~~ regulation adopted pursuant to
22 subsection A of this section may not be invalidated subsequent to its
23 adoption on the grounds that the economic feasibility analysis is
24 insufficient or inaccurate if a county makes a good faith effort to comply
25 with the economic feasibility requirement of subsection A, paragraph 2,
26 subdivision (a), of this section and has explained in the written
27 statement, made public pursuant to subsection D of this section, the
28 methodology used to satisfy the economic feasibility requirement.

29 H. This section shall not apply to any rule, ordinance or ~~other~~
30 regulation adopted by a county pursuant to:

- 31 1. Title 36 for which the state has similar statutory or rule
32 making authority in this title.
- 33 2. Section 49-391.
- 34 3. Chapter 3, article 8 of this title.
- 35 4. Chapter 4, article 3 of this title and section 49-765.
- 36 5. Nonsubstantive rules relating to the application process ~~which~~
37 ~~THAT~~ have a de minimis economic effect on regulated parties.

APPROVED BY THE GOVERNOR MAY 1, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2017.