

House Engrossed Senate Bill

~~G&F; tags; permits; transfers; refunds~~  
(now: G&F; tags; permits; voter registration)

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# SENATE BILL 1170

AN ACT

REPEALING SECTION 16-132, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-132; AMENDING SECTIONS 17-332 AND 41-1005, ARIZONA REVISED STATUTES; RELATING TO GAME AND FISH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 16-132, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 16, chapter 1, article 3, Arizona Revised Statutes,  
5 is amended by adding a new section 16-132, to read:

6 16-132. Voter registration assistance; hunting, fishing,  
7 trapping licenses; definitions

8 A. THE DEPARTMENT SHALL PROVIDE ASSISTANCE WITH VOTER REGISTRATION  
9 WHEN ACCEPTING APPLICATIONS FOR A LICENSE. THE DEPARTMENT SHALL PROVIDE TO  
10 THE APPLICANT WITH ANY ONLINE APPLICATIONS FOR A LICENSE A LINK TO THE  
11 DEPARTMENT OF TRANSPORTATION'S VOTER REGISTRATION WEBPAGE. EACH DEPARTMENT  
12 OFFICE THAT ACCEPTS APPLICATIONS FOR A LICENSE IN PERSON SHALL PROVIDE A  
13 VOTER REGISTRATION FORM TO THE APPLICANT.

14 B. THE SECRETARY OF STATE SHALL PROVIDE TO THE DEPARTMENT VOTER  
15 REGISTRATION FORMS AND INSTRUCTIONS TO APPLICANTS TO MAIL COMPLETED VOTER  
16 REGISTRATION FORMS TO THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL  
17 FORWARD THE COMPLETED VOTER REGISTRATION FORMS TO THE APPROPRIATE COUNTY  
18 RECORDER TO DETERMINE THE ELIGIBILITY OF THE APPLICANT AND, IF FOUND  
19 ELIGIBLE, TO ADD THE APPLICANT'S NAME TO THE VOTER REGISTRATION ROLLS.

20 C. VOTER REGISTRATION INFORMATION THAT IS GENERATED PURSUANT TO  
21 THIS SECTION AND THAT IS PUBLIC INFORMATION AS OTHERWISE PROVIDED BY LAW  
22 SHALL NOT PROVIDE ANY PUBLIC INDICATION OF THE SOURCE OF THESE  
23 REGISTRATIONS.

24 D. PERSONS WHO ACT PURSUANT TO THIS SECTION ARE NOT CONSIDERED TO  
25 BE DEPUTY REGISTRARS UNDER THIS TITLE OR ANY RULES ADOPTED UNDER ITS  
26 AUTHORITY.

27 E. FOR THE PURPOSES OF THIS SECTION:

28 1. "DEPARTMENT" MEANS THE ARIZONA GAME AND FISH DEPARTMENT.

29 2. "LICENSE" MEANS A HUNTING, FISHING OR TRAPPING LICENSE ISSUED BY  
30 THE ARIZONA GAME AND FISH DEPARTMENT PURSUANT TO TITLE 17, CHAPTER 3.

31 Sec. 3. Section 17-332, Arizona Revised Statutes, is amended to  
32 read:

33 17-332. Form and content of license; duplicate licenses;  
34 transfer of license prohibited; exceptions;  
35 refunds; period of validity; definitions

36 A. Licenses and license materials shall be prepared by the  
37 department and may be furnished and charged to dealers that are authorized  
38 to issue licenses. Each license shall be issued in the name of the  
39 department and signed in a manner provided by rule adopted by the  
40 commission. With each license authorizing the taking of big game, the  
41 department shall provide such tags as the commission may prescribe, which  
42 the licensee shall attach to the big game animal in the manner prescribed  
43 by the commission. THE COMMISSION MAY LIMIT THE NUMBER OR USE OF LICENSES  
44 THAT ARE ISSUED TO NONRESIDENTS OR PERMITS THAT ARE ISSUED TO NONRESIDENTS  
45 AND THAT ARE NOT ISSUED IN A RANDOM DRAWING. The commission shall limit

1 the number of big game permits issued to nonresidents in a random drawing  
2 to ten percent or fewer of the total hunt permits, but in extraordinary  
3 circumstances, at a public meeting the commission may increase the number  
4 of permits issued to nonresidents in a random drawing if, on separate roll  
5 call votes, the members of the commission unanimously:

6 1. Support the finding of a specifically described extraordinary  
7 circumstance.

8 2. Adopt the increased number of nonresident permits for the hunt.

9 B. The commission shall issue with each license a shipping permit  
10 entitling the holder of the license to a shipment of game or fish as  
11 provided by article 4 of this chapter.

12 C. It is unlawful, except as provided by the commission, for any  
13 person to apply for or obtain in any one license year more than one  
14 original license permitting the taking of big game. A duplicate license  
15 or tag may be issued by the department or by a license dealer if the  
16 person requesting such a license or tag furnishes the information deemed  
17 necessary by the commission.

18 D. A license or permit is not transferable and may not be used by  
19 anyone except the person to whom the license or permit was issued, except  
20 that:

21 1. The commission may prescribe the manner and conditions of  
22 transferring and using permits and tags under this paragraph, including an  
23 application process for a qualified organization, to allow a person to  
24 transfer the person's big game permit or tag to a qualified organization  
25 for use by:

26 (a) A minor child who has a life-threatening medical condition or a  
27 permanent physical disability. ~~If a child with a physical disability is~~  
28 ~~under fourteen years of age, the child must satisfactorily complete the~~  
29 ~~Arizona hunter education course or another comparable hunter education~~  
30 ~~course that is approved by the director.~~

31 (b) A MINOR CHILD WHOSE PARENT WAS KILLED IN ACTION WHILE SERVING  
32 IN THE ARMED FORCES OF THE UNITED STATES.

33 (c) A MINOR CHILD WHOSE PARENT WAS KILLED IN THE COURSE AND SCOPE  
34 OF EMPLOYMENT AS A PEACE OFFICER.

35 (d) A MINOR CHILD WHOSE PARENT WAS KILLED IN THE COURSE AND SCOPE  
36 OF EMPLOYMENT AS A PROFESSIONAL FIREFIGHTER WHO IS A MEMBER OF A STATE,  
37 FEDERAL, TRIBAL, CITY, TOWN, COUNTY, DISTRICT OR PRIVATE FIRE DEPARTMENT.

38 ~~(b)~~ (e) A veteran of the armed forces of the United States who has  
39 a service-connected disability. ~~For the purposes of this paragraph:~~

40 ~~(i) "Disability" means a permanent physical impairment that~~  
41 ~~substantially limits one or more major life activities and that requires~~  
42 ~~the assistance of another person or a mechanical device for physical~~  
43 ~~mobility.~~

44 ~~(ii) "Qualified organization" means a nonprofit organization that~~  
45 ~~is qualified under section 501(c)(3) of the United States internal revenue~~

1 ~~code and that affords opportunities and experiences to children with~~  
2 ~~life-threatening medical conditions or with physical disabilities or to~~  
3 ~~veterans with service-connected disabilities.~~

4 2. A parent, grandparent or legal guardian may allow the parent's,  
5 grandparent's or guardian's minor child or minor grandchild to use the  
6 parent's, grandparent's or guardian's big game permit or tag to take big  
7 game pursuant to the following requirements:

8 (a) The parent, grandparent or guardian must transfer the permit or  
9 tag to the minor child in a manner prescribed by the commission.

10 (b) The minor child must possess a valid hunting license. ~~and, if~~  
11 ~~under fourteen years of age, must satisfactorily complete, before the~~  
12 ~~beginning of the hunt, the Arizona hunter education course or another~~  
13 ~~comparable hunter education course that is approved by the director.~~

14 (c) Any big game that is taken counts toward the minor child's bag  
15 limit.

16 E. A MINOR CHILD WHO USES A BIG GAME PERMIT OR TAG PURSUANT TO  
17 SUBSECTION D OF THIS SECTION AND IS UNDER FOURTEEN YEARS OF AGE MUST  
18 SATISFACTORILY COMPLETE THE ARIZONA HUNTER EDUCATION COURSE OR ANOTHER  
19 COMPARABLE HUNTER EDUCATION COURSE THAT IS APPROVED BY THE DIRECTOR.

20 ~~F.~~ F. Refunds may not be made for the purchase of a license or  
21 permit, EXCEPT THAT THE COMMISSION MAY PRESCRIBE A MANNER OF REFUNDING THE  
22 COST OF A BIG GAME PERMIT OR TAG TO THE FOLLOWING INDIVIDUALS:

23 1. AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES  
24 WHO IS ORDERED TO LEAVE THIS STATE DURING THE TIME PERIOD IN WHICH THE BIG  
25 GAME PERMIT OR TAG IS VALID FOR THE TAKING OF WILDLIFE.

26 2. A PEACE OFFICER WHO IS ASSIGNED TO SPECIAL DUTY DURING THE TIME  
27 PERIOD IN WHICH THE BIG GAME PERMIT OR TAG IS VALID FOR THE TAKING OF  
28 WILDLIFE.

29 3. A PROFESSIONAL FIREFIGHTER WHO IS A MEMBER OF A STATE, FEDERAL,  
30 TRIBAL, CITY, TOWN, COUNTY, DISTRICT OR PRIVATE FIRE DEPARTMENT AND WHO IS  
31 ASSIGNED TO SPECIAL DUTY DURING THE TIME PERIOD IN WHICH THE BIG GAME  
32 PERMIT OR TAG IS VALID FOR THE TAKING OF WILDLIFE.

33 ~~F.~~ G. Licenses are valid for a license year as prescribed in rule  
34 by the commission. Lifetime licenses and benefactor licenses are valid  
35 for the lifetime of the licensee.

36 H. FOR THE PURPOSES OF THIS SECTION:

37 1. "DISABILITY" MEANS A PERMANENT PHYSICAL IMPAIRMENT THAT  
38 SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES AND THAT REQUIRES  
39 THE ASSISTANCE OF ANOTHER PERSON OR A MECHANICAL DEVICE FOR PHYSICAL  
40 MOBILITY.

41 2. "QUALIFIED ORGANIZATION" MEANS A NONPROFIT ORGANIZATION THAT IS  
42 QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE  
43 CODE AND THAT AFFORDS OPPORTUNITIES AND EXPERIENCES TO MINOR CHILDREN WITH  
44 LIFE THREATENING MEDICAL CONDITIONS OR WITH PHYSICAL DISABILITIES, MINOR  
45 CHILDREN WHOSE PARENTS WERE KILLED IN ACTION WHILE SERVING IN THE ARMED

1 FORCES OF THE UNITED STATES OR IN THE COURSE AND SCOPE OF EMPLOYMENT AS  
2 PEACE OFFICERS OR PROFESSIONAL FIREFIGHTERS OR TO VETERANS WITH  
3 DISABILITIES.

4 Sec. 4. Section 41-1005, Arizona Revised Statutes, is amended to  
5 read:

6 41-1005. Exemptions

7 A. This chapter does not apply to any:

8 1. Rule that relates to the use of public works, including streets  
9 and highways, under the jurisdiction of an agency if the effect of the  
10 order is indicated to the public by means of signs or signals.

11 2. Order or rule of the Arizona game and fish commission that does  
12 the following:

13 (a) Opens, closes or alters seasons or establishes bag or  
14 possession limits for wildlife.

15 (b) Establishes a fee pursuant to section 5-321, 5-322 or 5-327.

16 (c) Establishes a license classification, fee or application fee  
17 pursuant to title 17, chapter 3, article 2.

18 (d) LIMITS THE NUMBER OR USE OF LICENSES OR PERMITS THAT ARE ISSUED  
19 TO NONRESIDENTS PURSUANT TO SECTION 17-332.

20 3. Rule relating to section 28-641 or to any rule regulating motor  
21 vehicle operation that relates to speed, parking, standing, stopping or  
22 passing enacted pursuant to title 28, chapter 3.

23 4. Rule concerning only the internal management of an agency that  
24 does not directly and substantially affect the procedural or substantive  
25 rights or duties of any segment of the public.

26 5. Rule that only establishes specific prices to be charged for  
27 particular goods or services sold by an agency.

28 6. Rule concerning only the physical servicing, maintenance or care  
29 of agency owned or operated facilities or property.

30 7. Rule or substantive policy statement concerning inmates or  
31 committed youths of a correctional or detention facility in secure custody  
32 or patients admitted to a hospital, if made by the state department of  
33 corrections, the department of juvenile corrections, the board of  
34 executive clemency or the department of health services or a facility or  
35 hospital under the jurisdiction of the state department of corrections,  
36 the department of juvenile corrections or the department of health  
37 services.

38 8. Form whose contents or substantive requirements are prescribed  
39 by rule or statute, and instructions for the execution or use of the form.

40 9. Capped fee-for-service schedule adopted by the Arizona health  
41 care cost containment system administration pursuant to title 36,  
42 chapter 29.

43 10. Fees prescribed by section 6-125.

44 11. Order of the director of water resources adopting or modifying  
45 a management plan pursuant to title 45, chapter 2, article 9.

- 1           12. Fees established under section 3-1086.
- 2           13. Fees established under sections 41-4010 and 41-4042.
- 3           14. Rule or other matter relating to agency contracts.
- 4           15. Fees established under section 32-2067 or 32-2132.
- 5           16. Rules made pursuant to section 5-111, subsection A.
- 6           17. Rules made by the Arizona state parks board concerning the  
7 operation of the Tonto natural bridge state park, the facilities located  
8 in the Tonto natural bridge state park and the entrance fees to the Tonto  
9 natural bridge state park.
- 10          18. Fees or charges established under section 41-511.05.
- 11          19. Emergency medical services protocols except as provided in  
12 section 36-2205, subsection B.
- 13          20. Fee schedules established pursuant to section 36-3409.
- 14          21. Procedures of the state transportation board as prescribed in  
15 section 28-7048.
- 16          22. Rules made by the state department of corrections.
- 17          23. Fees prescribed pursuant to section 32-1527.
- 18          24. Rules made by the department of economic security pursuant to  
19 section 46-805.
- 20          25. Schedule of fees prescribed by section 23-908.
- 21          26. Procedure that is established pursuant to title 23, chapter 6,  
22 article 6.
- 23          27. Rules, administrative policies, procedures and guidelines  
24 adopted for any purpose by the Arizona commerce authority pursuant to  
25 chapter 10 of this title if the authority provides, as appropriate under  
26 the circumstances, for notice of an opportunity for comment on the  
27 proposed rules, administrative policies, procedures and guidelines.
- 28          28. Rules made by a marketing commission or marketing committee  
29 pursuant to section 3-414.
- 30          29. Administration of public assistance program monies authorized  
31 for liabilities that are incurred for disasters declared pursuant to  
32 sections 26-303 and 35-192.
- 33          30. User charges, tolls, fares, rents, advertising and sponsorship  
34 charges, services charges or similar charges established pursuant to  
35 section 28-7705.
- 36          31. Administration and implementation of the hospital assessment  
37 pursuant to section 36-2901.08, except that the Arizona health care cost  
38 containment system administration must provide notice and an opportunity  
39 for public comment at least thirty days before establishing or  
40 implementing the administration of the assessment.
- 41          32. Rules made by the Arizona department of agriculture to adopt  
42 and implement the provisions of the federal milk ordinance as prescribed  
43 by section 3-605.

1           33. Rules made by the Arizona department of agriculture to adopt,  
2 implement and administer the United States food and drug administration  
3 produce safety rule (21 Code of Federal Regulations part 112) and any  
4 other federal produce safety regulation, order or guideline or other  
5 requirement adopted pursuant to the FDA food safety modernization act  
6 (P.L. 111-353; 21 United States Code sections 2201 through 2252) as  
7 provided by title 3, chapter 3, article 4.1.

8           34. Calculations **THAT ARE** performed by the department of economic  
9 security **AND THAT ARE** associated with the adjustment of the sliding fee  
10 scale and formula for determining child care assistance pursuant to  
11 section 46-805.

12           B. Notwithstanding subsection A, paragraph 21 of this section, ~~at~~  
13 ~~such time as~~ **IF** the federal highway administration authorizes the  
14 privatization of rest areas, the state transportation board shall make  
15 rules governing the lease or license by the department of transportation  
16 to a private entity for the purposes of privatization of a rest area.

17           C. Coincident with the making of a final rule pursuant to an  
18 exemption from the applicability of this chapter under this section,  
19 another statute or session law, the agency shall:

20           1. Prepare a notice and follow formatting guidelines prescribed by  
21 the secretary of state.

22           2. Prepare the rulemaking exemption notices pursuant to chapter 6.2  
23 of this title.

24           3. File a copy of the rule with the secretary of state for  
25 publication pursuant to section 41-1012 and provide a copy to the council.

26           D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this  
27 chapter do not apply to the Arizona board of regents and the institutions  
28 under its jurisdiction, except that the Arizona board of regents shall  
29 make policies or rules for the board and the institutions under its  
30 jurisdiction that provide, as appropriate under the circumstances, for  
31 notice of and opportunity for comment on the policies or rules proposed.

32           E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this  
33 chapter do not apply to the Arizona state schools for the deaf and the  
34 blind, except that the board of directors of all the state schools for the  
35 deaf and the blind shall adopt policies for the board and the schools  
36 under its jurisdiction that provide, as appropriate under the  
37 circumstances, for notice of and opportunity for comment on the policies  
38 proposed for adoption.

39           F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this  
40 chapter do not apply to the state board of education, except that the  
41 state board of education shall adopt policies or rules for the board and  
42 the institutions under its jurisdiction that provide, as appropriate under  
43 the circumstances, for notice of and opportunity for comment on the  
44 policies or rules proposed for adoption. In order to implement or change  
45 any rule, the state board of education shall provide at least two

1 opportunities for public comment. The state board of education shall  
2 consider the fiscal impact of any proposed rule pursuant to this  
3 subsection.

4 G. Unless otherwise required by law, articles 2, 3, 4 and 5 of this  
5 chapter do not apply to the state board for charter schools, except that  
6 the board shall adopt policies or rules for the board and the charter  
7 schools sponsored by the board that provide, as appropriate under the  
8 circumstances, for notice of and opportunity for comment on the policies  
9 or rules proposed for adoption. In order to implement or change any  
10 policy or rule, the board shall provide at least two opportunities for  
11 public comment. The state board for charter schools shall consider the  
12 fiscal impact of any proposed rule pursuant to this subsection.