

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1470

AN ACT

AMENDING SECTIONS 9-832, 9-835 AND 9-839, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 7, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 9-841 AND 9-842; AMENDING SECTIONS 11-1602, 11-1605 AND 11-1609, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 11-1611 AND 11-1612; AMENDING SECTION 41-1001.01, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1001.02; AMENDING SECTIONS 41-1047, 41-1048, 48-3645 AND 48-3649, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 21, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-3651; RELATING TO ADMINISTRATIVE PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-832, Arizona Revised Statutes, is amended to
3 read:

4 9-832. Regulatory bill of rights

5 To ensure fair and open regulation by municipalities, a person:

6 1. Is eligible for reimbursement of fees and other expenses if the
7 person prevails by adjudication on the merits against a municipality in a
8 court proceeding regarding a municipality decision as provided in section
9 12-348.

10 2. Is entitled to receive information and notice regarding inspections
11 as provided in section 9-833.

12 3. Is entitled to have a municipality not base a licensing decision in
13 whole or in part on licensing conditions or requirements that are not
14 specifically authorized as provided in section 9-834, subsection A.

15 4. May have a municipality approve or deny the person's license
16 application within a predetermined period of time as provided in section
17 9-835.

18 5. Is entitled to receive written or electronic notice from a
19 municipality on denial of a license application:

20 (a) That justifies the denial with references to the statute,
21 ordinance, code or authorized substantive policy statements on which the
22 denial is based as provided in section 9-835.

23 (b) That explains the applicant's right to appeal the denial as
24 provided in section 9-835.

25 6. Is entitled to receive information regarding the license
26 application process at the time the person obtains an application for a
27 license as provided in section 9-836.

28 7. May inspect all ordinances, codes and substantive policy statements
29 of a municipality, including a directory of documents, at the office of the
30 municipality or on the municipality's website as provided in section 9-837.

31 8. Unless specifically authorized, may expect municipalities to avoid
32 duplication of other laws that do not enhance regulatory clarity and to avoid
33 dual permitting to the maximum extent practicable as provided in section
34 9-834.

35 9. May file a complaint with the municipality concerning an ordinance,
36 code or substantive policy statement that fails to comply with this section.

37 10. IS ENTITLED TO HAVE THE MUNICIPALITY ENSURE AND MAXIMIZE THE
38 QUALITY, OBJECTIVITY, UTILITY AND INTEGRITY OF INFORMATION DEVELOPED AND
39 DISSEMINATED BY THE MUNICIPALITY FOR DECISIONS PERTAINING TO LICENSES AS
40 PRESCRIBED IN SECTION 9-841.

41 Sec. 2. Section 9-835, Arizona Revised Statutes, is amended to read:

42 9-835. Licensing time frames; compliance; consequence for
43 failure to comply with time frame; exception

44 A. For any new ordinance or code requiring a license, a municipality
45 shall have in place an overall time frame during which the municipality will

1 either grant or deny each type of license that it issues. The overall time
2 frame for each type of license shall state separately the administrative
3 completeness review time frame and the substantive review time frame.

4 B. On or before December 31, 2012, a municipality that issues licenses
5 required under existing ordinances or codes shall have in place an overall
6 time frame during which the municipality will either grant or deny each type
7 of license that it issues. The overall time frame for each type of license
8 shall state separately the administrative completeness review time frame and
9 the substantive review time frame. Municipalities shall prioritize the
10 establishment of time frames for those licenses that have the greatest impact
11 on the public.

12 C. In establishing time frames, municipalities shall consider all of
13 the following:

- 14 1. The complexity of the licensing subject matter.
- 15 2. The resources of the municipality.
- 16 3. The economic impact of delay on the regulated community.
- 17 4. The impact of the licensing decision on public health and safety.
- 18 5. The possible use of volunteers with expertise in the subject matter
19 area.
- 20 6. The possible increased use of general licenses for similar types of
21 licensed businesses or facilities.
- 22 7. The possible increased cooperation between the municipality and the
23 regulated community.
- 24 8. Increased municipal flexibility in structuring the licensing
25 process and personnel including:
 - 26 (a) Adult businesses and other licenses that are related to the first
27 amendment.
 - 28 (b) Master planned communities.
 - 29 (c) Suspension of the substantive and overall time frames for purposes
30 including public hearings or state or federal licenses.

31 9. THAT THE SUBSTANTIVE REVIEW AND OVERALL TIME FRAMES DO NOT INCLUDE
32 THE TIME REQUIRED BY THE APPLICANT TO OBTAIN OTHER NONMUNICIPAL LICENSES OR
33 TO PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

34 D. A municipality shall issue a written or electronic notice of
35 administrative completeness or deficiencies to an applicant for a license
36 within the administrative completeness review time frame. If the permit
37 sought requires approval of more than one department of the municipality,
38 each department may issue a written or electronic notice of administrative
39 completeness or deficiencies.

40 E. If a municipality determines that an application for a license is
41 not administratively complete, the municipality shall include a comprehensive
42 list of the specific deficiencies in the written or electronic notice
43 provided pursuant to subsection D. If the municipality issues a written or
44 electronic notice of deficiencies within the administrative completeness time
45 frame, the administrative completeness review time frame and the overall time

1 frame are suspended from the date the notice is issued until the date that
2 the municipality receives the missing information from the applicant. The
3 municipality may issue an additional written or electronic notice of
4 administrative completeness or deficiencies based on the applicant's
5 submission of missing information. If the permit sought requires approval of
6 more than one department of the municipality, each department may issue an
7 additional written or electronic notice of administrative completeness or
8 deficiencies based on the applicant's submission of missing information.

9 F. If a municipality does not issue a written or electronic notice of
10 administrative completeness or deficiencies within the administrative
11 completeness review time frame, the application is deemed administratively
12 complete. If a municipality issues a timely written or electronic notice of
13 deficiencies, an application shall not be complete until all requested
14 information has been received by the municipality.

15 G. During the substantive review time frame, a municipality may make
16 one comprehensive written or electronic request for additional information.
17 If the permit sought requires approval of more than one department of the
18 municipality, each department may issue a written or electronic request for
19 additional information. The municipality and applicant may mutually agree in
20 writing or electronically to allow the municipality to submit supplemental
21 requests for additional information. If a municipality issues a
22 comprehensive written or electronic request or a supplemental request by
23 mutual written or electronic agreement for additional information, the
24 substantive review time frame and the overall time frame are suspended from
25 the date the request is issued until the date that the municipality receives
26 the additional information from the applicant.

27 H. By mutual written or electronic agreement, a municipality and an
28 applicant for a license may extend the substantive review time frame and the
29 overall time frame. An extension of the substantive review time frame and
30 the overall time frame may not exceed twenty-five per cent of the overall
31 time frame.

32 I. Unless a municipality and an applicant for a license mutually agree
33 to extend the substantive review time frame and the overall time frame
34 pursuant to subsection H, a municipality shall issue a written or electronic
35 notice granting or denying a license to an applicant. If a municipality
36 denies an application for a license, the municipality shall include in the
37 written or electronic notice at least the following information:

38 1. Justification for the denial with references to the statutes,
39 ordinances, codes or substantive policy statements on which the denial is
40 based.

41 2. An explanation of the applicant's right to appeal the denial. The
42 explanation shall include the number of working days in which the applicant
43 must file a protest challenging the denial and the name and telephone number
44 of a municipal contact person who can answer questions regarding the appeals
45 process.

1 J. If a municipality does not issue the applicant the written or
2 electronic notice granting or denying a license within the overall time frame
3 or within the mutually agreed upon time frame extension, the municipality
4 shall refund to the applicant all fees charged for reviewing and acting on
5 the application for the license and shall excuse payment of any fees that
6 have not yet been paid. The municipality shall not require an applicant to
7 submit an application for a refund pursuant to this subsection. The refund
8 shall be made within thirty working days after the expiration of the overall
9 time frame or the time frame extension. The municipality shall continue to
10 process the application. Notwithstanding any other statute, the municipality
11 shall make the refund from the fund in which the application fees were
12 originally deposited.

13 K. This section does not apply to ~~licenses~~ A LICENSE THAT IS issued
14 within seven working days after receipt of the initial application or A
15 permit that ~~expire~~ EXPIRES within twenty-one working days after issuance.

16 Sec. 3. Section 9-839, Arizona Revised Statutes, is amended to read:
17 9-839. Clarification of interpretation

18 A. A REGULATED person may request a municipality to clarify its
19 interpretation or application of a statute, ordinance, code, RULE or
20 authorized substantive policy statement affecting the procurement of a
21 license by providing the municipality with a written request that states:

22 1. The name and address of the REGULATED person requesting the
23 clarification.

24 2. The statute, ordinance, code, RULE or authorized substantive policy
25 statement or part of the statute, ordinance, code, RULE or authorized
26 substantive policy statement that requires clarification.

27 3. Any facts relevant to the requested ruling.

28 4. The REGULATED person's proposed interpretation of the applicable
29 statute, ordinance, code, RULE or authorized substantive policy statement or
30 part of the statute, ordinance, code, RULE or authorized substantive policy
31 statement that requires clarification.

32 5. Whether, to the best knowledge of the REGULATED person, the issues
33 or related issues are being considered by the municipality in connection with
34 an existing license or license application.

35 B. On receipt of a request that complies with subsection A, the
36 municipality may meet with the REGULATED person to discuss the written
37 request and shall respond within thirty days of the receipt of the written
38 request with a written explanation of its interpretation or application as
39 raised in the written request. The municipality shall provide the ~~requestor~~
40 REGULATED PERSON with an opportunity to meet and discuss the municipality's
41 written explanation.

42 C. The municipality may modify a written explanation provided under
43 subsection B on written notice to the REGULATED person if required by a
44 change in the law that was applicable at the time the clarification ~~or~~ OF
45 interpretation was issued, including changes caused by legislation,

1 administrative rules formally adopted by the governing body or a court
2 decision.

3 Sec. 4. Title 9, chapter 7, article 4, Arizona Revised Statutes, is
4 amended by adding section 9-841, to read:

5 9-841. Data quality: definitions

6 A. ON OR BEFORE JUNE 30, 2013, A MUNICIPALITY SHALL ISSUE GUIDELINES
7 ENSURING AND MAXIMIZING THE OBJECTIVITY, UTILITY AND INTEGRITY OF
8 INFORMATION, INCLUDING STATISTICAL INFORMATION THAT IS DEVELOPED AND
9 DISSEMINATED BY THE MUNICIPALITY FOR DECISIONS PERTAINING TO LICENSES.

10 B. A MUNICIPALITY SHALL ESTABLISH ADMINISTRATIVE PROCEDURES THAT ALLOW
11 AFFECTED PERSONS TO SEEK AND OBTAIN A CORRECTION OF INFORMATION THAT IS
12 DEVELOPED AND DISSEMINATED BY THE MUNICIPALITY FOR DECISIONS PERTAINING TO
13 LICENSES THAT DO NOT COMPLY WITH THE GUIDELINES ISSUED UNDER SUBSECTION A OF
14 THIS SECTION. A MUNICIPALITY MUST ESTABLISH A TIME FRAME TO RESPOND TO
15 REQUESTS TO CORRECT INFORMATION AND A PROCESS FOR APPEAL AS PART OF THE
16 ADMINISTRATIVE PROCEDURES.

17 C. IF A MUNICIPALITY DEVELOPS AND DISSEMINATES INFLUENTIAL SCIENTIFIC,
18 FINANCIAL OR STATISTICAL INFORMATION FOR DECISIONS PERTAINING TO LICENSES,
19 THE INFORMATION MUST MEET A REPRODUCIBILITY STANDARD. ANALYTIC RESULTS
20 RELATED TO INFLUENTIAL SCIENTIFIC, FINANCIAL OR STATISTICAL INFORMATION MUST
21 GENERALLY BE SUFFICIENTLY TRANSPARENT ABOUT DATA, METHODS, MODELS,
22 ASSUMPTIONS AND STATISTICAL PROCEDURES SO THAT AN INDEPENDENT REANALYSIS,
23 INCLUDING TESTS FOR SENSITIVITY, UNCERTAINTY OR ROBUSTNESS, MAY BE UNDERTAKEN
24 BY A QUALIFIED MEMBER OF THE PUBLIC. WHERE PUBLIC ACCESS TO DATA AND METHODS
25 CANNOT OCCUR BECAUSE OF PRIVACY OR PROPRIETARY ISSUES, A MUNICIPALITY SHALL
26 APPLY ESPECIALLY RIGOROUS ROBUSTNESS CHECKS TO ANALYTIC RESULTS AND DOCUMENT
27 THE CHECKS THAT WERE UNDERTAKEN. IF A MUNICIPALITY ELECTS TO RELY ON
28 PREVIOUSLY DISSEMINATED SCIENTIFIC, FINANCIAL OR STATISTICAL STUDIES FOR
29 DECISIONS PERTAINING TO LICENSES THAT AT THE TIME OF DISSEMINATION WERE NOT
30 CONSIDERED INFLUENTIAL FOR IMPORTANT AND FAR-REACHING RULE MAKING, THE
31 MUNICIPALITY SHALL EVALUATE THE STUDIES TO DETERMINE IF THEY MEET THE
32 REPRODUCIBILITY STANDARD.

33 D. MUNICIPALITY SPONSORED PEER REVIEW MUST BE TRANSPARENT. FOR THE
34 PURPOSES OF THIS SUBSECTION, "TRANSPARENT" MEANS THAT:

35 1. PEER REVIEWERS ARE SELECTED PRIMARILY ON THE BASIS OF NECESSARY
36 TECHNICAL EXPERTISE.

37 2. PEER REVIEWERS ARE EXPECTED TO DISCLOSE TO THE MUNICIPALITY PRIOR
38 TECHNICAL OR POLICY POSITIONS THAT THEY MAY HAVE TAKEN ON THE ISSUES AT HAND.

39 3. PEER REVIEWERS ARE EXPECTED TO DISCLOSE TO THE MUNICIPALITY THEIR
40 SOURCES OF PERSONAL AND INSTITUTIONAL PUBLIC OR PRIVATE SECTOR FUNDING.

41 4. PEER REVIEWS ARE TO BE CONDUCTED IN AN OPEN AND RIGOROUS MANNER.

42 E. A MUNICIPALITY THAT DEVELOPS AND DISSEMINATES INFORMATION ON
43 ANALYSIS OF RISKS TO HUMAN HEALTH, SAFETY AND THE ENVIRONMENT IN SUPPORT OF A
44 RULE PERTAINING TO LICENSES MUST MAKE AVAILABLE TO THE PUBLIC A DOCUMENT
45 THAT, TO THE EXTENT PRACTICABLE, SPECIFIES:

1 1. EACH POPULATION ADDRESSED BY ANY ESTIMATE OF APPLICABLE RISK
2 EFFECTS.

3 2. THE EXPECTED RISK OR CENTRAL ESTIMATE OF RISK FOR THE SPECIFIC
4 POPULATION AFFECTED.

5 3. EACH APPROPRIATE UPPER-BOUND OR LOWER-BOUND ESTIMATE OF RISK.

6 4. EACH SIGNIFICANT UNCERTAINTY IDENTIFIED IN THE PROCESS OF THE
7 ASSESSMENT OF RISK EFFECTS AND THE STUDIES THAT WOULD ASSIST IN RESOLVING THE
8 UNCERTAINTY.

9 5. PEER-REVIEWED STUDIES KNOWN TO THE MUNICIPALITY THAT SUPPORT, ARE
10 DIRECTLY RELEVANT TO OR FAIL TO SUPPORT ANY ESTIMATE OF RISK EFFECTS AND THE
11 METHODOLOGY USED TO RECONCILE INCONSISTENCIES IN THE SCIENTIFIC DATA.

12 F. SCIENTIFIC AND RESEARCH INFORMATION THAT HAS BEEN SUBJECTED TO
13 FORMAL, INDEPENDENT, EXTERNAL PEER REVIEW IS PRESUMED OBJECTIVE BUT MAY BE
14 REBUTTED BASED ON A PERSUASIVE SHOWING BY THE PETITIONER IN A PARTICULAR
15 INSTANCE.

16 G. A MUNICIPALITY MAY TEMPORARILY WAIVE DATA QUALITY REQUIREMENTS
17 PRESCRIBED IN THIS SECTION IN CASES OF IMMINENT THREAT TO PUBLIC HEALTH OR
18 THE ENVIRONMENT.

19 H. FOR THE PURPOSES OF THIS SECTION:

20 1. "DISSEMINATION" MEANS MUNICIPALITY INITIATED OR SPONSORED
21 DISTRIBUTION OF INFORMATION TO THE PUBLIC. FOR THE PURPOSES OF THIS
22 PARAGRAPH, "SPONSORED DISTRIBUTION" MEANS SITUATIONS IN WHICH A MUNICIPALITY
23 HAS DIRECTED A THIRD-PARTY TO DEVELOP AND DISSEMINATE INFORMATION.

24 2. "INFLUENTIAL" MEANS INFORMATION THE MUNICIPALITY CAN REASONABLY
25 DETERMINE WILL HAVE OR THAT HAS A CLEAR AND SUBSTANTIAL IMPACT ON IMPORTANT
26 PUBLIC POLICIES OR IMPORTANT PRIVATE SECTOR DECISIONS.

27 3. "INTEGRITY" MEANS THE PROTECTION OF INFORMATION FROM UNAUTHORIZED
28 ACCESS OR REVISION TO ENSURE THAT THE INFORMATION IS NOT COMPROMISED THROUGH
29 CORRUPTION OR FALSIFICATION.

30 4. "OBJECTIVITY" MEANS THE DISSEMINATED INFORMATION IS BEING PRESENTED
31 IN AN ACCURATE, CLEAR, COMPLETE AND UNBIASED MANNER AND, AS A MATTER OF
32 SUBSTANCE, IS ACCURATE, RELIABLE AND UNBIASED.

33 5. "UTILITY" MEANS THE USEFULNESS OF THE INFORMATION TO THE INTENDED
34 USERS.

35 Sec. 5. Title 9, chapter 7, article 4, Arizona Revised Statutes, is
36 amended by adding section 9-842, to read:

37 9-842. Publication of rules, regulations, contracts or
38 memorandums of understanding; register

39 A. THE MUNICIPAL CLERK SHALL PUBLISH ON THE MUNICIPAL WEBSITE ALL
40 RULES AND REGULATIONS ADOPTED BY THE GOVERNING BODY.

41 B. THE MUNICIPAL CLERK SHALL MAINTAIN ON THE MUNICIPAL WEBSITE A
42 REGISTER OF ACTIVITIES RELATED TO THE ADOPTION OF RULES OR REGULATIONS THAT
43 SHALL INCLUDE:

44 1. A SCHEDULE OF THE TIME, DATE AND PLACE OF ALL HEARINGS ON PROPOSED
45 REPEALS, ADOPTIONS OR AMENDMENTS OF RULES OR REGULATIONS.

1 2. ANY NOTICES RELATED TO PROPOSED RULES OR REGULATIONS, INCLUDING THE
2 FULL TEXT OF ANY PROPOSED RULE OR REGULATION, AN EXPLANATION OF ANY PROPOSED
3 RULE OR REGULATION AND THE STATUTORY AUTHORITY FOR THE RULE OR REGULATION.

4 3. A SUMMARY OF GOVERNING BODY ACTION ON EACH RULE OR REGULATION.

5 4. SUPPLEMENTAL NOTICES AND ANY NEW AMENDED OR ADDED LANGUAGE TO A
6 PROPOSED RULE OR REGULATION.

7 C. ANY PROPOSED CONTRACT OR MEMORANDUM OF UNDERSTANDING THAT IMPACTS
8 EMPLOYEE WAGES OR BENEFITS SHALL BE PUBLISHED ON A MUNICIPALITY'S WEBSITE AT
9 LEAST SIXTY DAYS BEFORE CONSIDERATION OR ADOPTION BY THE GOVERNING BODY.
10 DURING THE SIXTY-DAY PERIOD, THE MUNICIPALITY SHALL PROVIDE FOR PUBLIC
11 COMMENT ON THE PROPOSED CONTRACT OR MEMORANDUM OF UNDERSTANDING. THE
12 MUNICIPALITY SHALL PROVIDE ALL PUBLIC COMMENTS TO THE GOVERNING BODY BEFORE
13 THE CONSIDERATION OR ADOPTION OF THE CONTRACT OR MEMORANDUM OF UNDERSTANDING.
14 IF A GOVERNING BODY ADOPTS A CONTRACT OR MEMORANDUM OF UNDERSTANDING PURSUANT
15 TO THIS SECTION, THE CONTRACT OR MEMORANDUM OF UNDERSTANDING SHALL BE
16 PUBLISHED ON THE MUNICIPALITY'S WEBSITE NO LATER THAN FORTY-EIGHT HOURS AFTER
17 ADOPTION. THIS SECTION SHALL NOT BE CONSTRUED TO COMPEL ANY EMPLOYEE WAGE OR
18 BENEFIT NEGOTIATIONS.

19 Sec. 6. Section 11-1602, Arizona Revised Statutes, is amended to read:

20 11-1602. Regulatory bill of rights

21 To ensure fair and open regulation by counties, a person:

22 1. Is eligible for reimbursement of fees and other expenses if the
23 person prevails by adjudication on the merits against a county in a court
24 proceeding regarding a county decision as provided in section 12-348.

25 2. Is entitled to receive information and notice regarding inspections
26 as provided in section 11-1603.

27 3. Is entitled to have a county not base a licensing decision in whole
28 or in part on licensing conditions or requirements that are not specifically
29 authorized as provided in section 11-1604.

30 4. May have a county approve or deny the person's license application
31 within a predetermined period of time as provided in section 11-1605.

32 5. Is entitled to receive written or electronic notice from a county
33 on denial of a license application:

34 (a) That justifies the denial with references to the statute,
35 ordinance, regulation, delegation agreement or authorized substantive policy
36 statements on which the denial is based as provided in section 11-1605.

37 (b) That explains the applicant's right to appeal the denial as
38 provided in section 11-1605.

39 6. Is entitled to receive information regarding the license
40 application process at the time the person obtains an application for a
41 license as provided in section 11-1606.

42 7. May inspect all ordinances, regulations and substantive policy
43 statements of a county, including a directory of documents, at the office of
44 the county or on the county's website as provided in section 11-1607.

1 8. Unless specifically authorized, may expect counties to avoid
2 duplication of other laws that do not enhance regulatory clarity and to avoid
3 dual permitting to the maximum extent practicable as provided in section
4 11-1604.

5 9. May file a complaint with the board of supervisors concerning an
6 ordinance, regulation or substantive policy statement that fails to comply
7 with this section.

8 10. IS ENTITLED TO HAVE THE MUNICIPALITY ENSURE AND MAXIMIZE THE
9 QUALITY, OBJECTIVITY, UTILITY AND INTEGRITY OF INFORMATION DEVELOPED AND
10 DISSEMINATED BY THE MUNICIPALITY FOR DECISIONS PERTAINING TO LICENSES AS
11 PRESCRIBED IN SECTION 9-841.

12 Sec. 7. Section 11-1605, Arizona Revised Statutes, is amended to read:
13 11-1605. Licensing time frames; compliance; consequence for
14 failure to comply with time frame; exemption

15 A. For any new ordinance or ~~regulation~~ CODE requiring a license, a
16 county shall have in place an overall time frame during which the county will
17 either grant or deny each type of license that it issues. The overall time
18 frame for each type of license shall state separately the administrative
19 completeness review time frame and the substantive review time frame.

20 B. On or before December 31, 2012, a county that issues licenses
21 required under existing ordinances or codes shall have in place an overall
22 time frame during which the county will either grant or deny each type of
23 license that it issues. The overall time frame for each type of license
24 shall state separately the administrative completeness review time frame and
25 the substantive review time frame. Counties shall prioritize the
26 establishment of time frames for those licenses that have the greatest impact
27 on the public.

28 C. In establishing time frames, counties shall consider all of the
29 following:

- 30 1. The complexity of the licensing subject matter.
- 31 2. The resources of the county.
- 32 3. The economic impact of delay on the regulated community.
- 33 4. The impact of the licensing decision on public health and safety.
- 34 5. The possible use of volunteers with expertise in the subject matter
35 area.
- 36 6. The possible increased use of general licenses for similar types of
37 licensed businesses or facilities.
- 38 7. The possible increased cooperation between the county and the
39 regulated community.
- 40 8. Increased county flexibility in structuring the licensing process
41 and personnel including:
 - 42 (a) Adult businesses and other licenses that are related to the first
43 amendment.
 - 44 (b) Master planned communities.

1 (c) Suspension of the substantive and overall time frames for purposes
2 including public hearings or state or federal licenses.

3 9. THAT THE SUBSTANTIVE REVIEW AND OVERALL TIME FRAMES DO NOT INCLUDE
4 THE TIME REQUIRED BY THE APPLICANT TO OBTAIN OTHER NONCOUNTY LICENSES OR TO
5 PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

6 D. A county shall issue a written or electronic notice of
7 administrative completeness or deficiencies to an applicant for a license
8 within the administrative completeness review time frame. If the permit
9 sought requires approval of more than one department of the county, each
10 department may issue a written or electronic notice of administrative
11 completeness or deficiencies.

12 E. If a county determines that an application for a license is not
13 administratively complete, the county shall include a comprehensive list of
14 the specific deficiencies in the written or electronic notice provided
15 pursuant to subsection D. If the county issues a written or electronic
16 notice of deficiencies within the administrative completeness time frame, the
17 administrative completeness review time frame and the overall time frame are
18 suspended from the date the notice is issued until the date that the county
19 receives the missing information from the applicant. The county may issue an
20 additional written or electronic notice of administrative completeness or
21 deficiencies based on the applicant's submission of missing information. If
22 the permit sought requires approval of more than one department of the
23 county, each department may issue an additional written or electronic notice
24 of administrative completeness or deficiencies based on the applicant's
25 submission of missing information.

26 F. If a county does not issue a written or electronic notice of
27 administrative completeness or deficiencies within the administrative
28 completeness review time frame, the application is deemed administratively
29 complete. If a county issues a timely written or electronic notice of
30 deficiencies, an application shall not be complete until all requested
31 information has been received by the county.

32 G. During the substantive review time frame, a county may make one
33 comprehensive written or electronic request for additional information. If
34 the permit sought requires approval of more than one department of the
35 county, each department may issue a written or electronic request for
36 additional information. The county and applicant may mutually agree in
37 writing or electronically to allow the county to submit supplemental requests
38 for additional information. If a county issues a comprehensive written or
39 electronic request or a supplemental request by mutual written or electronic
40 agreement for additional information, the substantive review time frame and
41 the overall time frame are suspended from the date the request is issued
42 until the date that the county receives the additional information from the
43 applicant.

44 H. By mutual written or electronic agreement, a county and an
45 applicant for a license may extend the substantive review time frame and the

1 overall time frame. An extension of the substantive review time frame and
2 the overall time frame may not exceed twenty-five per cent of the overall
3 time frame.

4 I. Unless a county and an applicant for a license mutually agree to
5 extend the substantive review time frame and the overall time frame pursuant
6 to subsection H, a county shall issue a written or electronic notice granting
7 or denying a license to an applicant. If a county denies an application for
8 a license, the county shall include in the written or electronic notice at
9 least the following information:

10 1. Justification for the denial with references to the statutes,
11 ordinances, regulations, substantive policy statements or delegation
12 agreements on which the denial is based.

13 2. An explanation of the applicant's right to appeal the denial. The
14 explanation shall include the number of working days in which the applicant
15 must file a protest challenging the denial and the name and telephone number
16 of a county contact person who can answer questions regarding the appeals
17 process.

18 J. If a county does not issue to the applicant the written or
19 electronic notice granting or denying a license within the overall time frame
20 or within the mutually agreed upon time frame extension, the county shall
21 refund to the applicant all fees charged for reviewing and acting on the
22 application for the license and shall excuse payment of any fees that have
23 not yet been paid. The county shall not require an applicant to submit an
24 application for a refund pursuant to this subsection. The refund shall be
25 made within thirty working days after the expiration of the overall time
26 frame or the time frame extension. The county shall continue to process the
27 application. Notwithstanding any other statute, the county shall make the
28 refund from the fund in which the application fees were originally deposited.

29 K. This section does not apply to ~~licenses~~ A LICENSE THAT IS issued
30 within seven working days after receipt of the initial application or A
31 permit that ~~expire~~ EXPIRES within twenty-one working days after issuance.

32 Sec. 8. Section 11-1609, Arizona Revised Statutes, is amended to read:
33 11-1609. Clarification of interpretation

34 A. A REGULATED person may request a county to clarify its
35 interpretation or application of a statute, ordinance, regulation, delegation
36 agreement, OR RULE or authorized substantive policy statement affecting the
37 procurement of a license by providing the county with a written request that
38 states:

39 1. The name and address of the REGULATED person requesting the
40 clarification.

41 2. The statute, ordinance, regulation, delegation agreement, RULE or
42 authorized substantive policy statement or part of the statute, ordinance,
43 regulation, delegation agreement, RULE or authorized substantive policy
44 statement that requires clarification.

45 3. Any facts relevant to the requested ruling.

1 4. The **REGULATED** person's proposed interpretation of the applicable
2 statute, ordinance, regulation, delegation agreement, **RULE** or authorized
3 substantive policy statement or part of the statute, ordinance, regulation,
4 delegation agreement, **RULE** or authorized substantive policy statement that
5 requires clarification.

6 5. Whether, to the best knowledge of the **REGULATED** person, the issues
7 or related issues are being considered by the county in connection with an
8 existing license or license application.

9 B. On receipt of a request that complies with subsection A, the county
10 may meet with the **REGULATED** person to discuss the written request and shall
11 respond within thirty days of the receipt of the written request with a
12 written explanation of its interpretation or application as raised in the
13 written request. The county shall provide the ~~requestor~~ **REGULATED PERSON**
14 with an opportunity to meet and discuss the county's written explanation.

15 C. The county may modify a written explanation provided under
16 subsection B on written notice to the **REGULATED** person if required by a
17 change in the law that was applicable at the time the clarification ~~or~~ **OF**
18 interpretation was issued, including changes caused by legislation,
19 administrative rules formally adopted by the ~~governing body~~ **BOARD OF**
20 **SUPERVISORS** or a court decision.

21 Sec. 9. Title 11, chapter 11, article 1, Arizona Revised Statutes, is
22 amended by adding section 11-1611, to read:

23 11-1611. Data quality; definitions

24 A. **ON OR BEFORE JUNE 30, 2013, A COUNTY SHALL ISSUE GUIDELINES**
25 **ENSURING AND MAXIMIZING THE OBJECTIVITY, UTILITY AND INTEGRITY OF**
26 **INFORMATION, INCLUDING STATISTICAL INFORMATION, THAT IS DEVELOPED AND**
27 **DISSEMINATED BY THE COUNTY FOR DECISIONS PERTAINING TO LICENSES.**

28 B. **A COUNTY SHALL ESTABLISH ADMINISTRATIVE PROCEDURES THAT ALLOW**
29 **AFFECTED PERSONS TO SEEK AND OBTAIN A CORRECTION OF INFORMATION THAT IS**
30 **DEVELOPED AND DISSEMINATED BY THE COUNTY FOR DECISIONS PERTAINING TO LICENSES**
31 **THAT DO NOT COMPLY WITH THE GUIDELINES ISSUED UNDER SUBSECTION A OF THIS**
32 **SECTION. A COUNTY MUST ESTABLISH A TIME FRAME TO RESPOND TO REQUESTS TO**
33 **CORRECT INFORMATION AND A PROCESS FOR APPEAL AS PART OF THE ADMINISTRATIVE**
34 **PROCEDURE.**

35 C. **IF A COUNTY DEVELOPS AND DISSEMINATES INFLUENTIAL SCIENTIFIC,**
36 **FINANCIAL OR STATISTICAL INFORMATION FOR DECISIONS PERTAINING TO LICENSES,**
37 **THE INFORMATION MUST MEET A REPRODUCIBILITY STANDARD. ANALYTIC RESULTS**
38 **RELATED TO INFLUENTIAL SCIENTIFIC, FINANCIAL OR STATISTICAL INFORMATION MUST**
39 **GENERALLY BE SUFFICIENTLY TRANSPARENT ABOUT DATA, METHODS, MODELS,**
40 **ASSUMPTIONS AND STATISTICAL PROCEDURES SO THAT AN INDEPENDENT REANALYSIS,**
41 **INCLUDING TESTS FOR SENSITIVITY, UNCERTAINTY OR ROBUSTNESS, MAY BE UNDERTAKEN**
42 **BY A QUALIFIED MEMBER OF THE PUBLIC. WHERE PUBLIC ACCESS TO DATA AND METHODS**
43 **CANNOT OCCUR BECAUSE OF PRIVACY OR PROPRIETARY ISSUES, A COUNTY SHALL APPLY**
44 **ESPECIALLY RIGOROUS ROBUSTNESS CHECKS TO ANALYTIC RESULTS AND DOCUMENT THE**
45 **CHECKS THAT WERE UNDERTAKEN. IF A COUNTY ELECTS TO RELY ON PREVIOUSLY**

1 DISSEMINATED SCIENTIFIC, FINANCIAL OR STATISTICAL STUDIES FOR DECISIONS
2 PERTAINING TO LICENSES THAT AT THE TIME OF DISSEMINATION WERE NOT CONSIDERED
3 INFLUENTIAL FOR IMPORTANT AND FAR-REACHING RULE MAKING, THE COUNTY SHALL
4 EVALUATE THE STUDIES TO DETERMINE IF THEY MEET THE REPRODUCIBILITY STANDARD.

5 D. COUNTY SPONSORED PEER REVIEW MUST BE TRANSPARENT. FOR THE PURPOSES
6 OF THIS SUBSECTION, "TRANSPARENT" MEANS THAT:

7 1. PEER REVIEWERS ARE SELECTED PRIMARILY ON THE BASIS OF NECESSARY
8 TECHNICAL EXPERTISE.

9 2. PEER REVIEWERS ARE EXPECTED TO DISCLOSE TO THE COUNTY PRIOR
10 TECHNICAL OR POLICY POSITIONS THAT THEY MAY HAVE TAKEN ON THE ISSUES AT HAND.

11 3. PEER REVIEWERS ARE EXPECTED TO DISCLOSE TO THE COUNTY THEIR SOURCES
12 OF PERSONAL AND INSTITUTIONAL PUBLIC OR PRIVATE SECTOR FUNDING.

13 4. PEER REVIEWS ARE TO BE CONDUCTED IN AN OPEN AND RIGOROUS MANNER.

14 E. A COUNTY THAT DEVELOPS AND DISSEMINATES INFORMATION ON ANALYSIS OF
15 RISKS TO HUMAN HEALTH, SAFETY AND THE ENVIRONMENT IN SUPPORT OF A RULE
16 PERTAINING TO LICENSES MUST MAKE AVAILABLE TO THE PUBLIC A DOCUMENT THAT, TO
17 THE EXTENT PRACTICABLE, SPECIFIES:

18 1. EACH POPULATION ADDRESSED BY ANY ESTIMATE OF APPLICABLE RISK
19 EFFECTS.

20 2. THE EXPECTED RISK OR CENTRAL ESTIMATE OF RISK FOR THE SPECIFIC
21 POPULATION AFFECTED.

22 3. EACH APPROPRIATE UPPER-BOUND OR LOWER-BOUND ESTIMATE OF RISK.

23 4. EACH SIGNIFICANT UNCERTAINTY IDENTIFIED IN THE PROCESS OF THE
24 ASSESSMENT OF RISK EFFECTS AND THE STUDIES THAT WOULD ASSIST IN RESOLVING THE
25 UNCERTAINTY.

26 5. PEER-REVIEWED STUDIES KNOWN TO THE COUNTY THAT SUPPORT, ARE
27 DIRECTLY RELEVANT TO OR FAIL TO SUPPORT ANY ESTIMATE OF RISK EFFECTS AND THE
28 METHODOLOGY USED TO RECONCILE INCONSISTENCIES IN THE SCIENTIFIC DATA.

29 F. SCIENTIFIC AND RESEARCH INFORMATION THAT HAS BEEN SUBJECTED TO
30 FORMAL, INDEPENDENT, EXTERNAL PEER REVIEW IS PRESUMED OBJECTIVE BUT MAY BE
31 REBUTTED BASED ON A PERSUASIVE SHOWING BY THE PETITIONER IN A PARTICULAR
32 INSTANCE.

33 G. A COUNTY MAY TEMPORARILY WAIVE DATA QUALITY REQUIREMENTS PRESCRIBED
34 IN THIS SECTION IN CASES OF IMMINENT THREAT TO PUBLIC HEALTH OR THE
35 ENVIRONMENT.

36 H. FOR THE PURPOSES OF THIS SECTION:

37 1. "DISSEMINATION" MEANS COUNTY INITIATED OR SPONSORED DISTRIBUTION OF
38 INFORMATION TO THE PUBLIC. FOR THE PURPOSES OF THIS PARAGRAPH, "SPONSORED
39 DISTRIBUTION" MEANS SITUATIONS IN WHICH A COUNTY HAS DIRECTED A THIRD-PARTY
40 TO DEVELOP AND DISSEMINATE INFORMATION.

41 2. "INFLUENTIAL" MEANS INFORMATION THE COUNTY CAN REASONABLY DETERMINE
42 WILL HAVE OR THAT HAS A CLEAR AND SUBSTANTIAL IMPACT ON IMPORTANT PUBLIC
43 POLICIES OR IMPORTANT PRIVATE SECTOR DECISIONS.

1 3. "INTEGRITY" MEANS THE PROTECTION OF INFORMATION FROM UNAUTHORIZED
2 ACCESS OR REVISION TO ENSURE THAT THE INFORMATION IS NOT COMPROMISED THROUGH
3 CORRUPTION OR FALSIFICATION.

4 4. "OBJECTIVITY" MEANS THE DISSEMINATED INFORMATION IS BEING PRESENTED
5 IN AN ACCURATE, CLEAR, COMPLETE AND UNBIASED MANNER AND, AS A MATTER OF
6 SUBSTANCE, IS ACCURATE, RELIABLE AND UNBIASED.

7 5. "UTILITY" MEANS THE USEFULNESS OF THE INFORMATION TO THE INTENDED
8 USERS.

9 Sec. 10. Title 11, chapter 11, article 1, Arizona Revised Statutes, is
10 amended by adding section 11-1612, to read:

11 11-1612. Publication of rules, regulations, contracts or
12 memorandums of understanding; register

13 A. THE COUNTY CLERK SHALL PUBLISH ON THE COUNTY WEBSITE ALL RULES AND
14 REGULATIONS ADOPTED BY THE BOARD.

15 B. THE COUNTY CLERK SHALL MAINTAIN ON THE COUNTY WEBSITE A REGISTER OF
16 ACTIVITIES RELATED TO THE ADOPTION OF RULE OR REGULATIONS THAT SHALL INCLUDE:

17 1. A SCHEDULE OF THE TIME, DATE AND PLACE OF ALL HEARINGS ON PROPOSED
18 REPEALS, ADOPTIONS OR AMENDMENTS OF RULES OR REGULATIONS.

19 2. ANY NOTICES RELATED TO PROPOSED RULES OR REGULATIONS, INCLUDING THE
20 FULL TEXT OF ANY PROPOSED RULE OR REGULATION, AN EXPLANATION OF ANY PROPOSED
21 RULE OR REGULATION AND THE STATUTORY AUTHORITY FOR THE RULE OR REGULATION.

22 3. A SUMMARY OF COUNTY ACTION ON EACH RULE OR REGULATION.

23 4. SUPPLEMENTAL NOTICES AND ANY NEW AMENDED OR ADDED LANGUAGE TO A
24 PROPOSED RULE OR REGULATION.

25 C. ANY PROPOSED CONTRACT OR MEMORANDUM OF UNDERSTANDING THAT IMPACTS
26 EMPLOYEE WAGES OR BENEFITS SHALL BE PUBLISHED ON A COUNTY'S WEBSITE AT LEAST
27 SIXTY DAYS BEFORE CONSIDERATION OR ADOPTION BY THE BOARD. DURING THE
28 SIXTY-DAY PERIOD, THE COUNTY SHALL PROVIDE FOR PUBLIC COMMENT ON THE PROPOSED
29 CONTRACT OR MEMORANDUM OF UNDERSTANDING. THE COUNTY SHALL PROVIDE ALL PUBLIC
30 COMMENTS TO THE COUNTY BEFORE THE CONSIDERATION OR ADOPTION OF THE CONTRACT
31 OR MEMORANDUM OF UNDERSTANDING. IF A COUNTY ADOPTS A CONTRACT OR MEMORANDUM
32 OF UNDERSTANDING PURSUANT TO THIS SECTION, THE CONTRACT OR MEMORANDUM OF
33 UNDERSTANDING SHALL BE PUBLISHED ON THE COUNTY'S WEBSITE NO LATER THAN
34 FORTY-EIGHT HOURS AFTER ADOPTION. THIS SECTION SHALL NOT BE CONSTRUED TO
35 COMPEL ANY EMPLOYEE WAGE OR BENEFIT NEGOTIATIONS.

36 Sec. 11. Section 41-1001.01, Arizona Revised Statutes, is amended to
37 read:

38 41-1001.01. Regulatory bill of rights

39 A. To ensure fair and open regulation by state agencies, a person:

40 1. Is eligible for reimbursement of fees and other expenses if the
41 person prevails by adjudication on the merits against an agency in a court
42 proceeding regarding an agency decision as provided in section 12-348.

43 2. Is eligible for reimbursement of the person's costs and fees if the
44 person prevails against any agency in an administrative hearing as provided
45 in section 41-1007.

1 3. Is entitled to have an agency not charge the person a fee unless
2 the fee for the specific activity is expressly authorized as provided in
3 section 41-1008.

4 4. Is entitled to receive the information and notice regarding
5 inspections prescribed in section 41-1009.

6 5. May review the full text or summary of all rule making activity,
7 the summary of substantive policy statements and the full text of executive
8 orders in the register as provided in article 2 of this chapter.

9 6. May participate in the rule making process as provided in articles
10 3, 4, 4.1 and 5 of this chapter, including:

11 (a) Providing written or oral comments on proposed rules to an agency
12 as provided in section 41-1023 and having the agency adequately address those
13 comments as provided in section 41-1052, subsection D.

14 (b) Filing an early review petition with the governor's regulatory
15 review council as provided in article 5 of this chapter.

16 (c) Providing written or oral comments on rules to the governor's
17 regulatory review council during the mandatory sixty-day comment period as
18 provided in article 5 of this chapter.

19 7. Is entitled to have an agency not base a licensing decision in
20 whole or in part on licensing conditions or requirements that are not
21 specifically authorized by statute, rule or state tribal gaming compact as
22 provided in section 41-1030, subsection B.

23 8. Is entitled to have an agency not make a rule under a specific
24 grant of rule making authority that exceeds the subject matter areas listed
25 in the specific statute or not make a rule under a general grant of rule
26 making authority to supplement a more specific grant of rule making authority
27 as provided in section 41-1030, subsection C.

28 9. May allege that an existing agency practice or substantive policy
29 statement constitutes a rule and have that agency practice or substantive
30 policy statement declared void because the practice or substantive policy
31 statement constitutes a rule as provided in section 41-1033.

32 10. May file a complaint with the administrative rules oversight
33 committee concerning:

34 (a) A rule's, practice's or substantive policy statement's lack of
35 conformity with statute or legislative intent as provided in section 41-1047.

36 (b) An existing statute, rule, practice alleged to constitute a
37 rule or substantive policy statement that is alleged to be duplicative or
38 onerous as provided in section 41-1048.

39 11. May have the person's administrative hearing on contested cases and
40 appealable agency actions heard by an independent administrative law judge as
41 provided in articles 6 and 10 of this chapter.

42 12. May have administrative hearings governed by uniform administrative
43 appeal procedures as provided in articles 6 and 10 of this chapter.

1 13. May have an agency approve or deny the person's license application
2 within a predetermined period of time as provided in article 7.1 of this
3 chapter.

4 14. Is entitled to receive written notice from an agency on denial of a
5 license application:

6 (a) That justifies the denial with references to the statutes or rules
7 on which the denial is based as provided in section 41-1076.

8 (b) That explains the applicant's right to appeal the denial as
9 provided in section 41-1076.

10 15. Is entitled to receive information regarding the license
11 application process at the time the person obtains an application for a
12 license as provided in section 41-1079.

13 16. May receive public notice and participate in the adoption or
14 amendment of agreements to delegate agency functions, powers or duties to
15 political subdivisions as provided in section 41-1026.01 and article 8 of
16 this chapter.

17 17. May inspect all rules and substantive policy statements of an
18 agency, including a directory of documents, in the office of the agency
19 director as provided in section 41-1091.

20 18. May file a complaint with the office of the ombudsman-citizens aide
21 to investigate administrative acts of agencies as provided in chapter 8,
22 article 5 of this title.

23 19. Unless specifically authorized by statute, may expect state
24 agencies to avoid duplication of other laws that do not enhance regulatory
25 clarity and to avoid dual permitting to the extent practicable as prescribed
26 in section 41-1002.

27 20. IS ENTITLED TO HAVE THE AGENCY ENSURE AND MAXIMIZE THE QUALITY,
28 OBJECTIVITY, UTILITY AND INTEGRITY OF INFORMATION DEVELOPED AND DISSEMINATED
29 BY AN AGENCY FOR DECISIONS PERTAINING TO LICENSES AS PRESCRIBED IN SECTION
30 41-1001.02.

31 B. The enumeration of the rights listed in subsection A of this
32 section does not grant any additional rights that are not prescribed in the
33 sections referenced in subsection A of this section.

34 Sec. 12. Title 41, chapter 6, article 1, Arizona Revised Statutes, is
35 amended by adding section 41-1001.02, to read:

36 41-1001.02. Data quality; objectivity; correction; scientific,
37 financial or statistical information; definitions

38 A. ON OR BEFORE JUNE 30, 2013, AN AGENCY SHALL ISSUE GUIDELINES
39 ENSURING AND MAXIMIZING THE QUALITY, OBJECTIVITY, UTILITY AND INTEGRITY OF
40 INFORMATION, INCLUDING STATISTICAL INFORMATION, THAT IS DEVELOPED AND
41 DISSEMINATED BY THE AGENCY FOR DECISIONS PERTAINING TO LICENSES.

42 B. AN AGENCY SHALL ESTABLISH ADMINISTRATIVE PROCEDURES THAT ALLOW
43 AFFECTED PERSONS TO SEEK AND OBTAIN A CORRECTION OF INFORMATION THAT IS
44 DEVELOPED AND DISSEMINATED BY THE AGENCY FOR DECISIONS PERTAINING TO LICENSES
45 THAT DOES NOT COMPLY WITH THE GUIDELINES ISSUED UNDER SUBSECTION A OF THIS

1 SECTION. AN AGENCY MUST ESTABLISH A TIME FRAME TO RESPOND TO REQUESTS TO
2 CORRECT INFORMATION AND A PROCESS FOR APPEAL AS PART OF THE ADMINISTRATIVE
3 PROCEDURES.

4 C. IF AN AGENCY DEVELOPS INFLUENTIAL SCIENTIFIC, FINANCIAL OR
5 STATISTICAL INFORMATION FOR DECISIONS PERTAINING TO LICENSES, THE INFORMATION
6 MUST MEET A REPRODUCIBILITY STANDARD. ANALYTIC RESULTS RELATED TO
7 INFLUENTIAL SCIENTIFIC, FINANCIAL OR STATISTICAL INFORMATION MUST GENERALLY
8 BE SUFFICIENTLY TRANSPARENT ABOUT DATA, METHODS, MODELS, ASSUMPTIONS AND
9 STATISTICAL PROCEDURES SO THAT A QUALIFIED MEMBER OF THE PUBLIC MAY UNDERTAKE
10 AN INDEPENDENT REANALYSIS, INCLUDING TESTS FOR SENSITIVITY, UNCERTAINTY OR
11 ROBUSTNESS. WHERE PUBLIC ACCESS TO DATA AND METHODS CANNOT OCCUR BECAUSE OF
12 PRIVACY OR PROPRIETARY ISSUES, AN AGENCY SHALL APPLY ESPECIALLY RIGOROUS
13 ROBUSTNESS CHECKS TO ANALYTIC RESULTS AND DOCUMENT THE CHECKS THAT WERE
14 UNDERTAKEN. IF AN AGENCY ELECTS FOR IMPORTANT OR FAR-REACHING RULE MAKING
15 PERTAINING TO LICENSES TO RELY ON PREVIOUSLY DISSEMINATED SCIENTIFIC,
16 FINANCIAL OR STATISTICAL STUDIES THAT AT TIME OF DISSEMINATION WERE NOT
17 CONSIDERED INFLUENTIAL, THE AGENCY SHALL EVALUATE THE STUDIES TO DETERMINE IF
18 THEY MEET A REPRODUCIBILITY STANDARD.

19 D. AGENCY SPONSORED PEER REVIEW MUST BE TRANSPARENT. FOR THE PURPOSES
20 OF THIS SUBSECTION, "TRANSPARENT" MEANS THAT:

21 1. PEER REVIEWERS ARE SELECTED PRIMARILY ON THE BASIS OF NECESSARY
22 TECHNICAL EXPERTISE.

23 2. PEER REVIEWERS ARE EXPECTED TO DISCLOSE TO THE AGENCY PRIOR
24 TECHNICAL OR POLICY POSITIONS THAT THEY MAY HAVE TAKEN ON THE ISSUES AT HAND.

25 3. PEER REVIEWERS ARE EXPECTED TO DISCLOSE TO THE AGENCY THEIR SOURCES
26 OF PERSONAL AND INSTITUTIONAL FUNDING.

27 4. PEER REVIEWS ARE TO BE CONDUCTED IN AN OPEN AND RIGOROUS MANNER.

28 E. AN AGENCY THAT DEVELOPS AND DISSEMINATES INFORMATION ON ANALYSIS OF
29 RISKS TO HUMAN HEALTH AND SAFETY AND THE ENVIRONMENT IN SUPPORT OF A RULE
30 PERTAINING TO LICENSES MUST MAKE AVAILABLE TO THE PUBLIC A DOCUMENT THAT, TO
31 THE EXTENT PRACTICABLE, SPECIFIES:

32 1. EACH POPULATION ADDRESSED BY ANY ESTIMATE OF APPLICABLE RISK
33 EFFECTS.

34 2. THE EXPECTED RISK OR CENTRAL ESTIMATE OF RISK FOR THE SPECIFIC
35 POPULATION AFFECTED.

36 3. EACH APPROPRIATE UPPER-BOUND OR LOWER-BOUND ESTIMATE OF RISK.

37 4. EACH SIGNIFICANT UNCERTAINTY IDENTIFIED IN THE PROCESS OF THE
38 ASSESSMENT OF RISK EFFECTS AND THE STUDIES THAT WOULD ASSIST IN RESOLVING THE
39 UNCERTAINTY.

40 5. PEER-REVIEWED STUDIES KNOWN TO THE AGENCY THAT SUPPORT, ARE
41 DIRECTLY RELEVANT TO OR FAIL TO SUPPORT ANY ESTIMATE OF RISK EFFECTS AND THE
42 METHODOLOGY USED TO RECONCILE INCONSISTENCIES IN THE SCIENTIFIC DATA.

43 F. SCIENTIFIC AND RESEARCH INFORMATION THAT HAS BEEN SUBJECT TO
44 FORMAL, INDEPENDENT, EXTERNAL PEER REVIEW IS PRESUMED OBJECTIVE, BUT MAY BE

1 REBUTTED BASED ON A PERSUASIVE SHOWING BY THE PETITIONER IN A PARTICULAR
2 INSTANCE.

3 G. AN AGENCY MAY TEMPORARILY WAIVE DATA QUALITY REQUIREMENTS
4 PRESCRIBED IN THIS SECTION IN CASES OF IMMINENT THREAT TO PUBLIC HEALTH OR
5 THE ENVIRONMENT.

6 H. FOR THE PURPOSES OF THIS SECTION:

7 1. "DISSEMINATION" MEANS AGENCY INITIATED OR SPONSORED DISTRIBUTION OF
8 INFORMATION TO THE PUBLIC. FOR THE PURPOSES OF THIS PARAGRAPH, "SPONSORED
9 DISTRIBUTION" MEANS SITUATIONS IN WHICH AN AGENCY HAS DIRECTED A THIRD-PARTY
10 TO DEVELOP AND DISSEMINATE INFORMATION OR IN WHICH THE AGENCY HAS THE
11 AUTHORITY TO REVIEW AND APPROVE THE INFORMATION BEFORE RELEASE.

12 2. "INFLUENTIAL" MEANS INFORMATION THE AGENCY CAN REASONABLY DETERMINE
13 WILL HAVE OR HAS A CLEAR AND SUBSTANTIAL IMPACT ON IMPORTANT PUBLIC POLICIES
14 OR IMPORTANT PRIVATE SECTOR DECISIONS.

15 3. "INTEGRITY" MEANS THE PROTECTION OF INFORMATION FROM UNAUTHORIZED
16 ACCESS OR REVISION TO ENSURE THAT THE INFORMATION IS NOT COMPROMISED THROUGH
17 CORRUPTION OR FALSIFICATION.

18 4. "OBJECTIVITY" MEANS THE DISSEMINATED INFORMATION IS BEING PRESENTED
19 IN AN ACCURATE, CLEAR, COMPLETE AND UNBIASED MANNER AND, AS A MATTER OF
20 SUBSTANCE, IS ACCURATE, RELIABLE AND UNBIASED.

21 5. "UTILITY" MEANS THE USEFULNESS OF THE INFORMATION TO THE INTENDED
22 USERS.

23 Sec. 13. Section 41-1047, Arizona Revised Statutes, is amended to
24 read:

25 41-1047. Committee review of rules or actions: practices
26 alleged to constitute rules: substantive policy
27 statements

28 The committee may review any proposed or final rule, summary rule,
29 agency practice alleged to constitute a rule, ~~or~~ substantive policy statement
30 OR ANY ACTION ADOPTED PURSUANT TO STATUTORY AUTHORITY for conformity with
31 statute and legislative intent. The committee may hold hearings on whether a
32 proposed or final rule, summary rule, agency practice alleged to constitute a
33 rule, ~~or~~ substantive policy statement OR ANY ACTION ADOPTED PURSUANT TO
34 STATUTORY AUTHORITY is consistent with statute and legislative intent. The
35 committee may comment to the agency, attorney general, GOVERNMENT BODY or
36 council on whether the proposed or final rule, summary rule, agency practice
37 alleged to constitute a rule, ~~or~~ substantive policy statement OR ANY ACTION
38 ADOPTED PURSUANT TO STATUTORY AUTHORITY is consistent with statute or
39 legislative intent. The committee may designate a representative to testify
40 before the AGENCY, ATTORNEY GENERAL, GOVERNMENT BODY OR council. The ~~council~~
41 ~~shall consider the~~ comments of the committee and any testimony SHALL BE
42 CONSIDERED. The administrative records shall contain the comments of the
43 committee and any testimony.

1 Sec. 14. Section 41-1048, Arizona Revised Statutes, is amended to
2 read:

3 41-1048. Committee review of duplicative or onerous statutes,
4 rules, actions, practices alleged to constitute
5 rules and substantive policy statements

6 A. The committee shall receive complaints concerning statutes, rules,
7 agency practices alleged to constitute rules, ~~and~~ substantive policy
8 statements **OR ANY ACTION ADOPTED PURSUANT TO STATUTORY AUTHORITY** that are
9 alleged to be duplicative or onerous. The committee may review any statutes,
10 rules, agency practices alleged to constitute rules, ~~or~~ substantive policy
11 statements **OR ANY ACTION ADOPTED PURSUANT TO STATUTORY AUTHORITY** alleged to
12 be duplicative or onerous and may hold hearings regarding the allegations.
13 The committee may comment to an agency, the attorney general, the council, **A**
14 **GOVERNMENT BODY** or the legislature on whether the statutes, rules, agency
15 practices alleged to constitute rules, ~~or~~ substantive policy statements **OR**
16 **ANY ACTION ADOPTED PURSUANT TO STATUTORY AUTHORITY** are duplicative or
17 onerous. The comments may include committee recommendations for alleviating
18 the duplicative or onerous aspects of the statutes, rules, agency practices
19 alleged to constitute rules, ~~and~~ substantive policy statements **OR ANY ACTION**
20 **ADOPTED PURSUANT TO STATUTORY AUTHORITY**.

21 B. The committee shall prepare a report to the legislature by December
22 1 of each year recommending legislation to alleviate the effects of
23 duplicative or onerous statutes, rules, agency practices alleged to
24 constitute rules, ~~and~~ substantive policy statements **OR ANY ACTION ADOPTED**
25 **PURSUANT TO STATUTORY AUTHORITY**.

26 C. This section applies to all statutes, rules, agency practices
27 alleged to constitute rules, ~~and~~ substantive policy statements **OR ANY ACTION**
28 **ADOPTED PURSUANT TO STATUTORY AUTHORITY**, regardless of whether the statutes,
29 rules, agency practices alleged to constitute rules, ~~or~~ substantive policy
30 statements **OR ANY ACTION ADOPTED PURSUANT TO STATUTORY AUTHORITY** were enacted
31 or made before or after January 1, 1996.

32 Sec. 15. Section 48-3645, Arizona Revised Statutes, is amended to
33 read:

34 48-3645. Licensing time frames; compliance; consequence for
35 failure to comply with time frame; exemption

36 A. For any new ordinance or regulation requiring a license, a district
37 shall have in place an overall time frame during which the district will
38 either grant or deny each type of license that it issues. The overall time
39 frame for each type of license shall state separately the administrative
40 completeness review time frame and the substantive review time frame.

41 B. On or before December 31, 2012, a district that issues licenses
42 required under existing ordinances or codes shall have in place an overall
43 time frame during which the district will either grant or deny each type of
44 license that it issues. The overall time frame for each type of license
45 shall state separately the administrative completeness review time frame and

1 the substantive review time frame. Districts shall prioritize the
2 establishment of time frames for those licenses that have the greatest impact
3 on the public.

4 C. In establishing time frames, districts shall consider all of the
5 following:

- 6 1. The complexity of the licensing subject matter.
- 7 2. The resources of the district.
- 8 3. The economic impact of delay on the regulated community.
- 9 4. The impact of the licensing decision on public health and safety.
- 10 5. The possible use of volunteers with expertise in the subject matter
11 area.

12 6. The possible increased use of general licenses for similar types of
13 licensed businesses or facilities.

14 7. The possible increased cooperation between the district and the
15 regulated community.

16 8. Increased district flexibility in structuring the licensing process
17 and personnel including:

- 18 (a) Master planned communities.
- 19 (b) Suspension of the substantive and overall time frames for purposes
20 including public hearings or state or federal approvals.

21 9. THAT THE SUBSTANTIVE REVIEW AND OVERALL TIME FRAMES DO NOT INCLUDE
22 THE TIME REQUIRED BY THE APPLICANT TO OBTAIN OTHER NONDISTRICT LICENSES OR TO
23 PARTICIPATE IN MEETINGS AS REQUIRED BY LAW.

24 D. A district shall issue a written or electronic notice of
25 administrative completeness or deficiencies to an applicant for a license
26 within the administrative completeness review time frame. If the permit
27 sought requires approval of more than one department of the district, each
28 department may issue a written or electronic notice of administrative
29 completeness or deficiencies.

30 E. If a district determines that an application for a license is not
31 administratively complete, the district shall include a comprehensive list of
32 the specific deficiencies in the written or electronic notice provided
33 pursuant to subsection D. If the district issues a written or electronic
34 notice of deficiencies within the administrative completeness time frame, the
35 administrative completeness review time frame and the overall time frame are
36 suspended from the date the notice is issued until the date that the district
37 receives the missing information from the applicant. The district may issue
38 an additional written or electronic notice of administrative completeness or
39 deficiencies based on the applicant's submission of missing information. If
40 the permit sought requires approval of more than one department of the
41 district, each department may issue an additional written or electronic
42 notice of administrative completeness or deficiencies based on the
43 applicant's submission of missing information.

1 F. If a district does not issue a written or electronic notice of
2 administrative completeness or deficiencies within the administrative
3 completeness review time frame, the application is deemed administratively
4 complete. If a district issues a timely written or electronic notice of
5 deficiencies, an application shall not be complete until all requested
6 information has been received by the district.

7 G. During the substantive review time frame, a district may make one
8 comprehensive written or electronic request for additional information. If
9 the permit sought requires approval of more than one department of the
10 district, each department may issue a written or electronic request for
11 additional information. The district and applicant may mutually agree in
12 writing or electronically to allow the district to submit supplemental
13 requests for additional information. If a district issues a comprehensive
14 written or electronic request or a supplemental request by mutual written or
15 electronic agreement for additional information, the substantive review time
16 frame and the overall time frame are suspended from the date the request is
17 issued until the date that the district receives the additional information
18 from the applicant.

19 H. By mutual written or electronic agreement, a district and an
20 applicant for a license may extend the substantive review time frame and the
21 overall time frame. An extension of the substantive review time frame and
22 the overall time frame may not exceed twenty-five per cent of the overall
23 time frame.

24 I. Unless a district and an applicant for a license mutually agree to
25 extend the substantive review time frame and the overall time frame pursuant
26 to subsection H, a district shall issue a written or electronic notice
27 granting or denying a license to an applicant. If a district denies an
28 application for a license, the district shall include in the written or
29 electronic notice at least the following information:

30 1. Justification for the denial with references to the statutes,
31 ordinances, executive orders, substantive policy statements or delegation
32 agreements on which the denial is based.

33 2. An explanation of the applicant's right to appeal the denial. The
34 explanation shall include the number of working days in which the applicant
35 must file a protest challenging the denial and the name and telephone number
36 of a district contact person who can answer questions regarding the appeals
37 process.

38 J. If a district does not issue to the applicant the written or
39 electronic notice granting or denying a license within the overall time frame
40 or within the mutually agreed upon time frame extension, the district shall
41 refund to the applicant all fees charged for reviewing and acting on the
42 application for the license and shall excuse payment of any fees that have
43 not yet been paid. The district shall not require an applicant to submit an
44 application for a refund pursuant to this subsection. The refund shall be
45 made within thirty working days after the expiration of the overall time

1 frame or the time frame extension. The district shall continue to process
2 the application. Notwithstanding any other statute, the district shall make
3 the refund from the fund in which the application fees were originally
4 deposited.

5 K. This section does not apply to ~~licenses~~ A LICENSE THAT IS issued
6 within seven working days after receipt of the initial application or a
7 permit that expires within twenty-one working days after issuance.

8 Sec. 16. Section 48-3649, Arizona Revised Statutes, is amended to
9 read:

10 48-3649. Clarification of interpretation

11 A. A REGULATED person may request a district to clarify its
12 interpretation or application of a statute, ordinance, regulation, executive
13 order, delegation agreement, RULE or authorized substantive policy statement
14 affecting the procurement of a license by providing the district with a
15 written request that states:

16 1. The name and address of the REGULATED person requesting the
17 clarification.

18 2. The statute, ordinance, regulation, executive order, delegation
19 agreement, RULE or authorized substantive policy statement or part of the
20 statute, ordinance, regulation, executive order, delegation agreement, RULE
21 or authorized substantive policy statement that requires clarification.

22 3. Any facts relevant to the requested ruling.

23 4. The REGULATED person's proposed interpretation of the applicable
24 statute, ordinance, regulation, executive order, delegation agreement, RULE
25 or authorized substantive policy statement or part of the statute, ordinance,
26 regulation, executive order, delegation agreement, RULE or authorized
27 substantive policy statement.

28 5. Whether, to the best knowledge of the REGULATED person, the issues
29 or related issues are being considered by the district in connection with an
30 existing license or license application.

31 B. On receipt of a request that complies with subsection A, the
32 district may meet with the REGULATED person to discuss the written request
33 and shall respond within thirty days of the receipt of the written request
34 with a written explanation of its interpretation or application as raised in
35 the written request. The district shall provide the ~~requestor~~ REGULATED
36 PERSON with an opportunity to meet and discuss the district's written
37 explanation.

38 C. A district may modify a written explanation provided under
39 subsection B on written notice to the REGULATED person if required by a
40 change in the law that was applicable at the time the clarification ~~or~~ OF
41 interpretation was issued, including changes caused by legislation,
42 administrative rules formally adopted by the governing body or a court
43 decision.

1 Sec. 17. Title 48, chapter 21, article 2, Arizona Revised Statutes, is
2 amended by adding section 48-3651, to read:

3 48-3651. Data quality; definitions

4 A. ON OR BEFORE JUNE 30, 2013, A DISTRICT SHALL ISSUE GUIDELINES
5 ENSURING AND MAXIMIZING THE OBJECTIVITY, UTILITY AND INTEGRITY OF
6 INFORMATION, INCLUDING STATISTICAL INFORMATION THAT IS DEVELOPED AND
7 DISSEMINATED BY THE DISTRICT FOR DECISIONS PERTAINING TO LICENSES.

8 B. A DISTRICT SHALL ESTABLISH ADMINISTRATIVE PROCEDURES THAT ALLOW
9 AFFECTED PERSONS TO SEEK AND OBTAIN A CORRECTION OF INFORMATION THAT IS
10 DEVELOPED AND DISSEMINATED BY THE DISTRICT FOR DECISIONS PERTAINING TO
11 LICENSES THAT DO NOT COMPLY WITH THE GUIDELINES ISSUED UNDER SUBSECTION A OF
12 THIS SECTION. A DISTRICT MUST ESTABLISH A TIME FRAME TO RESPOND TO REQUESTS
13 TO CORRECT INFORMATION AND A PROCESS FOR APPEAL AS PART OF THE ADMINISTRATIVE
14 PROCEDURES.

15 C. IF A DISTRICT DEVELOPS AND DISSEMINATES INFLUENTIAL SCIENTIFIC,
16 FINANCIAL OR STATISTICAL INFORMATION FOR DECISIONS PERTAINING TO LICENSES,
17 THE INFORMATION MUST MEET A REPRODUCIBILITY STANDARD. ANALYTIC RESULTS
18 RELATED TO INFLUENTIAL SCIENTIFIC, FINANCIAL OR STATISTICAL INFORMATION MUST
19 GENERALLY BE SUFFICIENTLY TRANSPARENT ABOUT DATA, METHODS, MODELS,
20 ASSUMPTIONS AND STATISTICAL PROCEDURES SO THAT AN INDEPENDENT REANALYSIS,
21 INCLUDING TESTS FOR SENSITIVITY, UNCERTAINTY OR ROBUSTNESS, MAY BE UNDERTAKEN
22 BY A QUALIFIED MEMBER OF THE PUBLIC. WHERE PUBLIC ACCESS TO DATA AND METHODS
23 CANNOT OCCUR BECAUSE OF PRIVACY OR PROPRIETARY ISSUES, A DISTRICT SHALL APPLY
24 ESPECIALLY RIGOROUS ROBUSTNESS CHECKS TO ANALYTIC RESULTS AND DOCUMENT THE
25 CHECKS THAT WERE UNDERTAKEN. IF A DISTRICT ELECTS TO RELY ON PREVIOUSLY
26 DEVELOPED AND DISSEMINATED SCIENTIFIC, FINANCIAL OR STATISTICAL STUDIES FOR
27 DECISIONS PERTAINING TO LICENSES THAT AT THE TIME OF DISSEMINATION WERE NOT
28 CONSIDERED INFLUENTIAL FOR IMPORTANT AND FAR-REACHING RULE MAKING, THE
29 DISTRICT SHALL EVALUATE THE STUDIES TO DETERMINE IF THEY MEET THE
30 REPRODUCIBILITY STANDARD.

31 D. DISTRICT SPONSORED PEER REVIEW MUST BE TRANSPARENT. FOR THE
32 PURPOSES OF THIS SUBSECTION, "TRANSPARENT" MEANS THAT:

33 1. PEER REVIEWERS ARE SELECTED PRIMARILY ON THE BASIS OF NECESSARY
34 TECHNICAL EXPERTISE.

35 2. PEER REVIEWERS ARE EXPECTED TO DISCLOSE TO THE DISTRICT PRIOR
36 TECHNICAL OR POLICY POSITIONS THAT THEY MAY HAVE TAKEN ON THE ISSUES AT HAND.

37 3. PEER REVIEWERS ARE EXPECTED TO DISCLOSE TO THE DISTRICT THEIR
38 SOURCES OF PERSONAL AND INSTITUTIONAL PUBLIC OR PRIVATE SECTOR FUNDING.

39 4. PEER REVIEWS ARE TO BE CONDUCTED IN AN OPEN AND RIGOROUS MANNER.

40 E. A DISTRICT THAT DEVELOPS AND DISSEMINATES INFORMATION ON ANALYSIS
41 OF RISKS TO HUMAN HEALTH, SAFETY AND THE ENVIRONMENT IN SUPPORT OF A RULE
42 PERTAINING TO LICENSES MUST MAKE AVAILABLE TO THE PUBLIC A DOCUMENT THAT, TO
43 THE EXTENT PRACTICABLE, SPECIFIES:

44 1. EACH POPULATION ADDRESSED BY ANY ESTIMATE OF APPLICABLE RISK
45 EFFECTS.

1 2. THE EXPECTED RISK OR CENTRAL ESTIMATE OF RISK FOR THE SPECIFIC
2 POPULATION AFFECTED.

3 3. EACH APPROPRIATE UPPER-BOUND OR LOWER-BOUND ESTIMATE OF RISK.

4 4. EACH SIGNIFICANT UNCERTAINTY IDENTIFIED IN THE PROCESS OF THE
5 ASSESSMENT OF RISK EFFECTS AND THE STUDIES THAT WOULD ASSIST IN RESOLVING THE
6 UNCERTAINTY.

7 5. PEER-REVIEWED STUDIES KNOWN TO THE DISTRICT THAT SUPPORT, ARE
8 DIRECTLY RELEVANT TO OR FAIL TO SUPPORT ANY ESTIMATE OF RISK EFFECTS AND THE
9 METHODOLOGY USED TO RECONCILE INCONSISTENCIES IN THE SCIENTIFIC DATA.

10 F. SCIENTIFIC AND RESEARCH INFORMATION THAT HAS BEEN SUBJECTED TO
11 FORMAL, INDEPENDENT, EXTERNAL PEER REVIEW IS PRESUMED OBJECTIVE BUT MAY BE
12 REBUTTED BASED ON A PERSUASIVE SHOWING BY THE PETITIONER IN A PARTICULAR
13 INSTANCE.

14 G. A DISTRICT MAY TEMPORARILY WAIVE DATA QUALITY REQUIREMENTS
15 PRESCRIBED IN THIS SECTION IN CASES OF IMMINENT THREAT TO PUBLIC HEALTH OR
16 THE ENVIRONMENT.

17 H. FOR THE PURPOSES OF THIS SECTION:

18 1. "DISSEMINATION" MEANS DISTRICT INITIATED OR SPONSORED DISTRIBUTION
19 OF INFORMATION TO THE PUBLIC. FOR THE PURPOSES OF THIS PARAGRAPH, "SPONSORED
20 DISTRIBUTION" MEANS SITUATIONS IN WHICH A DISTRICT HAS DIRECTED A THIRD-PARTY
21 TO DEVELOP AND DISSEMINATE INFORMATION.

22 2. "INFLUENTIAL" MEANS INFORMATION THE DISTRICT CAN REASONABLY
23 DETERMINE WILL HAVE OR THAT HAS A CLEAR AND SUBSTANTIAL IMPACT ON IMPORTANT
24 PUBLIC POLICIES OR IMPORTANT PRIVATE SECTOR DECISIONS.

25 3. "INTEGRITY" MEANS THE PROTECTION OF INFORMATION FROM UNAUTHORIZED
26 ACCESS OR REVISION TO ENSURE THAT THE INFORMATION IS NOT COMPROMISED THROUGH
27 CORRUPTION OR FALSIFICATION.

28 4. "OBJECTIVITY" MEANS THE DISSEMINATED INFORMATION IS BEING PRESENTED
29 IN AN ACCURATE, CLEAR, COMPLETE AND UNBIASED MANNER AND, AS A MATTER OF
30 SUBSTANCE, IS ACCURATE, RELIABLE AND UNBIASED.

31 5. "UTILITY" MEANS THE USEFULNESS OF THE INFORMATION TO THE INTENDED
32 USERS.