

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

# HOUSE BILL 2551

AN ACT

AMENDING SECTIONS 17-457 AND 28-1173, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1005, ARIZONA REVISED STATUTES, AS AMENDED BY SENATE BILL 1223, SECTION 24, FIFTY-FIRST LEGISLATURE, FIRST REGULAR SESSION; AMENDING SECTION 41-1005, ARIZONA REVISED STATUTES; RELATING TO WILDLIFE AND HABITAT REGULATION; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 17-457, Arizona Revised Statutes, is amended to  
3 read:

4 17-457. Enforcement of article

5 All peace officers of the state, counties and municipalities and other  
6 duly authorized state ~~and federal~~ employees ~~shall~~ MAY enforce the provisions  
7 of this article.

8 Sec. 2. Section 28-1173, Arizona Revised Statutes, is amended to read:  
9 28-1173. Enforcement

10 All peace officers of this state and counties, ~~cities~~ or ~~towns~~  
11 MUNICIPALITIES OF THIS STATE and other duly authorized state ~~and federal~~  
12 employees shall ONLY enforce this article ON LAND THAT IS EITHER OF THE  
13 FOLLOWING:

14 1. SOLELY UNDER THE JURISDICTION OF THIS STATE OR A COUNTY OR  
15 MUNICIPALITY OF THIS STATE.

16 2. OPEN AS INDICATED BY FEDERAL LAW.

17 Sec. 3. Repeal

18 Section 41-1005, Arizona Revised Statutes, as amended by senate  
19 bill 1223, section 24, Fifty-first Legislature, First Regular Session, is  
20 repealed.

21 Sec. 4. Section 41-1005, Arizona Revised Statutes, is amended to read:  
22 41-1005. Exemptions

23 A. This chapter does not apply to any:

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

27 2. Order OR RULE of the Arizona game and fish commission that DOES THE  
28 FOLLOWING:

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

31 (b) ESTABLISHES A FEE PURSUANT TO SECTION 5-321, 5-322 OR 5-327.

32 (c) ESTABLISHES A LICENSE CLASSIFICATION, FEE OR APPLICATION FEE  
33 PURSUANT TO TITLE 17, CHAPTER 3, ARTICLE 2.

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

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

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

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

44 7. Rule or substantive policy statement concerning inmates or  
45 committed youths of a correctional or detention facility in secure custody or

1 patients admitted to a hospital, if made by the state department of  
2 corrections, the department of juvenile corrections, the board of executive  
3 clemency or the department of health services or a facility or hospital under  
4 the jurisdiction of the state department of corrections, the department of  
5 juvenile corrections or the department of health services.

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

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

10 10. Fees prescribed by section 6-125.

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

13 12. Fees established under section 3-1086.

14 13. Fee-for-service schedule adopted by the department of economic  
15 security pursuant to section 8-512.

16 14. Fees established under sections 41-2144 and 41-2189.

17 15. Rule or other matter relating to agency contracts.

18 16. Fees established under section 32-2067 or 32-2132.

19 17. Rules made pursuant to section 5-111, subsection A.

20 18. Rules made by the Arizona state parks board concerning the  
21 operation of the Tonto natural bridge state park, the facilities located in  
22 the Tonto natural bridge state park and the entrance fees to the Tonto  
23 natural bridge state park.

24 19. Fees or charges established under section 41-511.05.

25 20. Emergency medical services protocols except as provided in section  
26 36-2205, subsection B.

27 21. Fee schedules established pursuant to section 36-3409.

28 22. Procedures of the state transportation board as prescribed in  
29 section 28-7048.

30 23. Rules made by the state department of corrections.

31 24. Fees prescribed pursuant to section 32-1527.

32 25. Rules made by the department of economic security pursuant to  
33 section 46-805.

34 26. Schedule of fees prescribed by section 23-908.

35 27. Procedure that is established pursuant to title 23, chapter 6,  
36 article 5 or 6.

37 28. Rules, administrative policies, procedures and guidelines adopted  
38 for any purpose by the Arizona commerce authority pursuant to chapter 10 of  
39 this title if the authority provides, as appropriate under the circumstances,  
40 for notice of an opportunity for comment on the proposed rules,  
41 administrative policies, procedures and guidelines.

42 29. Rules made by a marketing commission or marketing committee  
43 pursuant to section 3-414.

1           30. Administration of public assistance program monies authorized for  
2 liabilities that are incurred for disasters declared pursuant to sections  
3 26-303 and 35-192.

4           31. User charges, tolls, fares, rents, advertising and sponsorship  
5 charges, services charges or similar charges established pursuant to section  
6 28-7705.

7           B. Notwithstanding subsection A, paragraph 22 of this section, at such  
8 time as the federal highway administration authorizes the privatization of  
9 rest areas, the state transportation board shall make rules governing the  
10 lease or license by the department of transportation to a private entity for  
11 the purposes of privatization of a rest area.

12           C. Coincident with the making of a final rule pursuant to an exemption  
13 from the applicability of this chapter under this section, another statute or  
14 session law, the agency shall file a copy of the rule with the secretary of  
15 state for publication pursuant to section 41-1012 and provide a copy to the  
16 council.

17           D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this  
18 chapter do not apply to the Arizona board of regents and the institutions  
19 under its jurisdiction, except that the Arizona board of regents shall make  
20 policies or rules for the board and the institutions under its jurisdiction  
21 that provide, as appropriate under the circumstances, for notice of and  
22 opportunity for comment on the policies or rules proposed.

23           E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this  
24 chapter do not apply to the Arizona state schools for the deaf and the blind,  
25 except that the board of directors of all the state schools for the deaf and  
26 the blind shall adopt policies for the board and the schools under its  
27 jurisdiction that provide, as appropriate under the circumstances, for notice  
28 of and opportunity for comment on the policies proposed for adoption.

29           F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this  
30 chapter do not apply to the state board of education, except that the state  
31 board of education shall adopt policies or rules for the board and the  
32 institutions under its jurisdiction that provide, as appropriate under the  
33 circumstances, for notice of and opportunity for comment on the policies or  
34 rules proposed for adoption. In order to implement or change any rule, the  
35 state board of education shall provide at least two opportunities for public  
36 comment.

37           Sec. 5. Conditional enactment

38           Sections 3 and 4 of this act are not effective unless senate bill 1223,  
39 section 24, Fifty-first Legislature, First Regular Session, relating to game  
40 and fish, becomes law.