

REFERENCE TITLE: *secretary of state; omnibus*

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

HB 2026

Introduced by
Representative Coleman

AN ACT

AMENDING SECTIONS 9-283, 9-956, 15-1761 AND 15-1762, ARIZONA REVISED STATUTES; REPEALING SECTIONS 15-1763, 15-1764, 15-1765, 15-1766, 15-1767, 15-1768 AND 15-1769, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-1770 AND 15-1774, ARIZONA REVISED STATUTES; REPEALING SECTION 15-1776, ARIZONA REVISED STATUTES; AMENDING SECTIONS 18-441 AND 32-128, ARIZONA REVISED STATUTES; REPEALING SECTION 33-1309, ARIZONA REVISED STATUTES; AMENDING SECTIONS 37-1303, 41-121, 41-1011, 41-1013, 44-1443, 44-1460 AND 44-1460.06, ARIZONA REVISED STATUTES; REPEALING SECTIONS 44-1749 AND 44-1750, ARIZONA REVISED STATUTES; AMENDING SECTION 49-112, ARIZONA REVISED STATUTES; RELATING TO THE SECRETARY OF STATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

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

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

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

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

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

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

38 Sec. 3. Heading change

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

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

44 15-1761. Short title

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

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

3 15-1762. Definitions

4 In this article, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

11 Sec. 6. Repeal

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

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

16 15-1770. Required form of contract

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

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

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

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

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

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

32 5. The duration of the contract.

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

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

37 Warning to Student Athlete

38 If you sign this contract:

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

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

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

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

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

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

15 15-1774. Prohibited conduct; violation; classification

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

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

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

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

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

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

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

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

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

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

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

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

41 Sec. 9. Repeal

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

1 Sec. 10. Section 18-441, Arizona Revised Statutes, is amended to
2 read:

3 18-441. Data processing acquisition fund

4 A. ~~THE~~ data processing acquisition fund is established to
5 improve data processing in the office of secretary of state consisting of
6 the fees collected pursuant to subsection B of this section. The
7 secretary of state shall administer the fund. Monies in the fund are
8 continuously appropriated to the office of secretary of state.

9 B. The secretary of state may assess a special recording fee of ~~no~~
10 NOT more than six dollars for each filing under section 41-126, subsection
11 A, paragraph 6, subdivisions (a) through (d). These fees are in addition
12 to the fees collected under section 41-126, subsection A, paragraphs 6
13 through 9. The secretary of state shall deposit, pursuant to sections
14 35-146 and 35-147, all monies collected under these provisions in the data
15 processing acquisition fund.

16 C. Monies in the data processing acquisition fund are exempt from
17 the provisions of section 35-190 relating to lapsing of
18 appropriations, ~~except that all monies in the fund remaining unencumbered
19 and unexpended that exceed two hundred fifty thousand dollars revert to
20 the state general fund at the end of each calendar year.~~

21 Sec. 11. Section 32-128, Arizona Revised Statutes, is amended to
22 read:

23 32-128. Disciplinary action; letter of concern; judicial
24 review

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

- 27 1. Revocation of a certification or registration.
- 28 2. Suspension of a certification or registration for a period of
29 not more than three years.
- 30 3. Imposition of an administrative penalty of not more than two
31 thousand dollars for each violation of this chapter or rules adopted
32 pursuant to this chapter.
- 33 4. Imposition of restrictions on the scope of the registrant's
34 practice.
- 35 5. Imposition of peer review and professional education
36 requirements.
- 37 6. Imposition of probation requirements that are best adapted to
38 protect the public safety, health and welfare and that may include a
39 requirement for restitution payments to professional services clients or
40 to other persons suffering economic loss resulting from violations of this
41 chapter or rules adopted pursuant to this chapter.
- 42 7. Issuance of a letter of reprimand informing a person regulated
43 under this chapter of a violation of this chapter or rules adopted by the
44 board.

1 B. The board may issue a letter of concern if the board believes
2 there is insufficient evidence to support disciplinary action against the
3 registrant or home inspector but sufficient evidence for the board to
4 notify the registrant or home inspector of the board's concern. A letter
5 of concern is a public document.

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

9 1. Fraud or misrepresentation in obtaining a certificate of
10 qualification, whether in the application or qualification examination.

11 2. Gross negligence, incompetence, bribery or other misconduct in
12 the practice of the profession.

13 3. Aiding or abetting an unregistered or uncertified person to
14 evade this chapter or knowingly combining or conspiring with an
15 unregistered or uncertified person, or allowing one's registration or
16 certification to be used by an unregistered or uncertified person or
17 acting as agent, partner, associate or otherwise of an unregistered or
18 uncertified person, with intent to evade this chapter.

19 4. Violation of this chapter or board rules.

20 5. Failing to pay a collaborating registered professional within
21 seven calendar days after the registrant receives payment from a client
22 unless specified otherwise contractually between the prime professional
23 and the collaborating registered professional. For the purposes of this
24 paragraph, "collaborating registered professional" means a registered
25 professional with whom the prime professional has a contract to perform
26 professional services.

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

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

41 F. A person who has been notified of charges pending against the
42 person shall file with the board an answer in writing to the charges not
43 more than thirty days after service of the complaint and notice of
44 hearing. If a person fails to answer in writing, it is deemed an
45 admission by the person of the act or acts charged in the complaint and

1 notice of hearing. The board may then take disciplinary action pursuant
2 to this chapter without a hearing.

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

5 H. On its determination that any person has violated this chapter
6 or a rule adopted pursuant to this chapter, the board may assess the
7 person with its reasonable costs and expenses, including attorney fees,
8 incurred in conducting the investigation and administrative hearing. All
9 monies collected pursuant to this subsection shall be deposited, pursuant
10 to sections 35-146 and 35-147, in the technical registration fund
11 established by section 32-109 and shall only be used by the board to
12 defray its expenses in connection with investigation related training,
13 disciplinary investigations and hearings. Notwithstanding section
14 35-143.01, these monies may be spent without legislative appropriation.

15 I. The board shall immediately notify the ~~secretary of state and~~
16 clerk of the board of supervisors of each county in the state of the
17 suspension or revocation of a certificate or of the reissuance of a
18 suspended or revoked certificate.

19 J. Except as provided in section 41-1092.08, subsection H, final
20 decisions of the board are subject to judicial review pursuant to title
21 12, chapter 7, article 6.

22 Sec. 12. Repeal

23 Section 33-1309, Arizona Revised Statutes, is repealed.

24 Sec. 13. Section 37-1303, Arizona Revised Statutes, is amended to
25 read:

26 37-1303. Suppression of wildfires; powers and duties of state
27 forester; entry on private lands

28 A. The state forester shall have authority to prevent and suppress
29 any wildfires on state and private lands located outside incorporated
30 municipalities and, if subject to cooperative agreements, on other lands
31 located in this state or in other states, Mexico or Canada. If there is
32 no cooperative agreement, the state forester may furnish wildfire
33 suppression services on any lands in this state if the state forester
34 determines that suppression services are in the best interests of this
35 state and are immediately necessary to protect state lands.

36 B. In exercising the authority to prevent wildfires, if the state
37 forester declares a prohibition on fire causing activities and fireworks,
38 the state forester shall post a notice of the action ~~in the office of the~~
39 ~~secretary of state and shall notify~~ ON THE STATE FORESTER'S WEBSITE AND
40 PROVIDE A COPY OF THE NOTICE TO the news media AND THE ORIGINAL
41 DECLARATION TO THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.
42 The notice shall clearly state ~~which~~ THE types of PROHIBITED activities
43 ~~are prohibited~~, where they are prohibited and whether permits that are
44 issued by other governmental entities are affected by the action.

1 C. The state forester shall have responsibility to prevent and
2 suppress wildfires only on lands covered by cooperative fire agreements.

3 D. The state forester may request the governor to declare a wild
4 land fire emergency pursuant to section 35-192. If liabilities are
5 authorized under both sections 35-192 and 37-1305, the authorization under
6 section 37-1305 must be exhausted before any liabilities may be incurred
7 under section 35-192.

8 E. The state forester shall cooperate and coordinate with the state
9 fire marshal in the administration of the state fire code in the
10 prevention of fires on rural lands and wild lands.

11 F. The state forester may enter into cooperative agreements with
12 other state and federal agencies, departments and political subdivisions
13 and any person for:

14 1. Prevention and suppression of wildfires.

15 2. Assistance with fire and nonfire national and state emergencies
16 and multiagency logistical support in this state and other states.

17 3. Activities pursuant to the wildfire suppression assistance act
18 (P.L. 101-11; 103 Stat. 15; 42 United States Code sections 1856m through
19 1856o) in Mexico and Canada.

20 G. The state forester may enter private lands in performing the
21 duties under this section.

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

25 Sec. 14. Section 41-121, Arizona Revised Statutes, is amended to
26 read:

27 41-121. Duties

28 A. The secretary of state shall:

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

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

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

34 4. Affix the great seal, with the secretary of state's attestation,
35 to public instruments to which the official signature of the governor is
36 attached.

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

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

43 7. ~~Publish~~ CHAPTER slip laws ~~of each act of~~ FILED BY the
44 legislature ~~promptly on passage and approval of such act,~~ ELECTRONICALLY
45 PUBLISH AND MAINTAIN THE BILLS, MEMORIALS AND RESOLUTIONS POSTED ON THE

1 SECRETARY OF STATE'S WEBSITE, make such acts available ~~to interested~~
2 ~~persons~~ for a reasonable fee to ~~compensate for~~ INCLUDE the cost of
3 printing and POSTAGE, provide each house of the legislature and the
4 legislative council with a certified copy of each CHAPTERED bill or
5 resolution, ~~showing the chapter or resolution number of each, as each is~~
6 ~~filed in the secretary of state's office~~ AND TRANSFER TO THE CUSTODY OF
7 THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ALL ORIGINAL PAPER
8 COPIES FILED.

9 8. Keep a fee book of fees and compensation of whatever kind and
10 nature earned, collected or charged by the secretary of state, with the
11 date, the name of the payer and the nature of the service in each case.
12 The fee book shall be verified annually by the secretary of state's
13 affidavit entered in the fee book.

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

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

20 11. Transfer all noncurrent or inactive books, records, deeds and
21 other papers otherwise required to be filed with or retained by the
22 secretary of state to the custody of the Arizona state library, archives
23 and public records.

24 ~~12. Make available to the public, without charge, title 33, chapters~~
25 ~~10 and 11 on the secretary of state's website.~~

26 ~~13.~~ 12. Accept, and approve for use, electronic and digital
27 signatures that comply with section 18-442, for documents filed with and
28 by all state agencies, boards and commissions. In consultation with the
29 department of administration and the state treasurer, the secretary of
30 state shall adopt rules pursuant to chapter 6 of this title establishing
31 policies and procedures for the use of electronic and digital signatures
32 by all state agencies, boards and commissions for documents filed with and
33 by all state agencies, boards and commissions.

34 ~~14.~~ 13. Meet at least annually with personnel from the federal
35 voting assistance office of the United States department of defense and
36 with county recorders and other county election officials in this state to
37 coordinate the delivery and return of registrations, ballot requests,
38 voted ballots and other election materials to and from absent uniformed
39 and overseas citizens.

40 B. The secretary of state may refuse to perform a service or refuse
41 a filing based on a reasonable belief that the service or filing is being
42 requested for an unlawful, illegitimate, false or fraudulent purpose or is
43 being requested or submitted in bad faith or for the purpose of harassing
44 or defrauding a person or entity. This subsection does not apply to
45 election filings.

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

3 41-1011. Preparation and publication of code and register

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

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

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

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

32 41-1013. Register

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

40 B. The register shall contain THE FOLLOWING:

- 41 1. ~~A schedule of the time, date and place of all hearings on~~
- 42 ~~proposed repeals, makings or amendments of rules.~~
- 43 2. ~~Each governor's executive order.~~
- 44 3. ~~Each governor's proclamation of general applicability and each~~
- 45 ~~statement filed by the governor in granting a commutation, pardon or~~

1 ~~reprieve or stay or suspension of execution where a sentence of death is~~
2 ~~imposed.~~

3 ~~4. A summary of each attorney general's opinion.~~

4 ~~5. Each governor's appointment of state officials and board and~~
5 ~~commission members.~~

6 ~~6. A table of contents.~~

7 ~~7. The notice and agency summary of each docket opening.~~

8 ~~8. The full text and accompanying preamble of each proposed rule.~~

9 ~~9. The full text and accompanying preamble of each final rule.~~

10 ~~10. The full text and accompanying preamble of each emergency rule.~~

11 ~~11. Supplemental notices of a proposed rule.~~

12 1. NOTICES OF RULEMAKING DOCKET OPENINGS, INCLUDING THE SUBJECT
13 MATTER OF THE RULES UNDER CONSIDERATION.

14 2. NOTICES OF PROPOSED RULEMAKING.

15 3. NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING.

16 4. NOTICES OF PROPOSED EXEMPT RULEMAKING FOR AGENCIES THAT ARE
17 EXEMPT FROM THE REQUIREMENTS OF CHAPTER 6 OF THIS TITLE BUT THAT ARE
18 REQUIRED TO PUBLISH THE NOTICE IN THE REGISTER.

19 5. NOTICES OF ORAL PROCEEDINGS IF THE ORAL PROCEEDING WAS NOT
20 LISTED IN THE NOTICE OF RULEMAKING DOCKET OPENING AS PROVIDED IN SECTION
21 41-1021, SUBSECTION B, PARAGRAPH 5.

22 6. NOTICES OF FINAL EXEMPT RULEMAKING FOR AGENCIES THAT ARE EXEMPT
23 FROM THE REQUIREMENTS OF CHAPTER 6 OF THIS TITLE. FOR THE PURPOSES OF
24 THIS PARAGRAPH, "FINAL EXEMPT RULEMAKING" MEANS RULEMAKING IN WHICH AN
25 AGENCY RECEIVED PUBLIC COMMENT ON THE RULEMAKING REGARDLESS OF WHETHER THE
26 PROPOSED RULEMAKING WAS PUBLISHED IN THE REGISTER OR ELSEWHERE BY THE
27 AGENCY AS REQUIRED IN THE EXEMPTION.

28 7. NOTICES OF EXEMPT RULEMAKING FOR AGENCIES THAT HAVE A ONE-TIME
29 EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 6 OF THIS TITLE OR THAT ARE
30 EXEMPT PURSUANT TO SECTION 41-1005. FOR THE PURPOSES OF THIS PARAGRAPH,
31 "EXEMPT RULEMAKING" MEANS A RULEMAKING IN WHICH AN AGENCY DID NOT PUBLISH
32 A NOTICE OF PROPOSED RULEMAKING AND THE AGENCY WAS NOT REQUIRED TO CONDUCT
33 A PUBLIC HEARING OR RECEIVE PUBLIC COMMENTS.

34 ~~12.~~ 8. Proposed and final notices of expedited rulemaking and
35 notices that an objection was received regarding a proposed expedited
36 rulemaking.

37 ~~13. A summary of council action on each rule.~~

38 ~~14. The full text of any exempt final rule filed with the secretary~~
39 ~~of state pursuant to section 41-1005, subsection C.~~

40 ~~15.~~ 9. The notice and a summary of NOTICES OF AN AGENCY substantive
41 policy statements and notice and a summary of any guidance document
42 publication or revision submitted by an agency STATEMENT. The notice for
43 OF a substantive policy statement shall contain THE NAME AND SUMMARY OF
44 THE POLICY STATEMENT AND the website address where the full text of the
45 document is available, if practicable.

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

3 ~~17. 10. A proposal to increase fees for services performed by the~~
4 NOTICES OF INTENT TO INCREASE state museum FEES pursuant to section
5 15-1631.

6 11. NOTICES OF ACTIONS TAKEN BY THE GOVERNOR'S REGULATORY REVIEW
7 COUNCIL.

8 12. NOTICES OF AN AGENCY GUIDANCE DOCUMENT OR REVISIONS TO A
9 GUIDANCE DOCUMENT. THIS NOTICE SHALL CONTAIN THE NAME AND A SUMMARY OF
10 THE GUIDANCE DOCUMENT AND INFORMATION WHERE A PERSON MAY VIEW THE DOCUMENT
11 IN ITS ENTIRETY.

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

13 14. NOTICES OF PUBLIC INFORMATION THAT PERTAIN TO RULEMAKING
14 NOTICES.

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

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

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

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

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

36 44-1443. Application for registration

37 A. Subject to the limitations set forth in this article, any person
38 who is domiciled in this state and who adopts and uses a trademark or
39 service mark, or any person who adopts and uses a trademark or service
40 mark in this state, may file in the office of the secretary of state, on a
41 form to be furnished by the secretary of state, an application for
42 registration of that mark setting forth, but not limited to, the following
43 information:

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

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

4 3. The date when the mark was first used anywhere, and the date
5 when it was first used in this state by the applicant or his predecessor
6 in business.

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

11 B. The application shall be:

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

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

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

18 44-1460. Registration of trade name, title or designation

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

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

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

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

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

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

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

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

40 44-1460.06. Electronic filing; acceptance

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

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

- 1 1. The filing requirements of this article.
- 2 2. The requirement that a filing ~~be verified or~~ be submitted with a
3 written signature.
- 4 3. Any requirement that the filing be filed under the penalty of
5 perjury.
- 6 C. The secretary of state may adopt rules requiring that any person
7 that submits a document for filing pursuant to this section also submit a
8 written or printed copy of the document as a prerequisite to the document
9 being deemed filed.
- 10 D. Except as provided in this section, all civil and criminal
11 statutes applicable to the filing of paper documents apply to all
12 documents filed pursuant to this section.
- 13 Sec. 20. Repeal
- 14 Sections 44-1749 and 44-1750, Arizona Revised Statutes, are
15 repealed.
- 16 Sec. 21. Section 49-112, Arizona Revised Statutes, is amended to
17 read:
- 18 49-112. County regulation; standards
- 19 A. When authorized by law, a county may adopt a rule, ordinance or
20 ~~other~~ regulation that is more stringent than or in addition to a provision
21 of this title or rule adopted by the director or any board or commission
22 authorized to adopt rules pursuant to this title if all of the following
23 ~~conditions~~ REQUIREMENTS are met:
- 24 1. The rule, ordinance or ~~other~~ regulation is necessary to address
25 a peculiar local condition.
- 26 2. There is credible evidence that the rule, ordinance or ~~other~~
27 regulation is either:
- 28 (a) Necessary to prevent a significant threat to public health or
29 the environment that results from a peculiar local condition and is
30 technically and economically feasible.
- 31 (b) Required under a federal statute or regulation, or authorized
32 pursuant to an intergovernmental agreement with the federal government to
33 enforce federal statutes or regulations if the county rule, ordinance or
34 ~~other~~ regulation is equivalent to federal statutes or regulations.
- 35 3. Any fee or tax adopted under the rule, ordinance or ~~other~~
36 regulation ~~will~~ DOES not exceed the reasonable costs of the county to
37 issue and administer ~~that~~ THE permit or plan approval program.
- 38 B. When authorized by law, a county may adopt rules, ordinances or
39 ~~other~~ regulations in lieu of a state program that are as stringent as a
40 provision of this title or rule adopted by the director or any board or
41 commission authorized to adopt rules pursuant to this title if the county
42 demonstrates that the cost of obtaining permits or other approvals from
43 the county will approximately equal or be less than the fee or cost of
44 obtaining similar permits or approvals under this title or any rule
45 adopted pursuant to this title. If the state has not adopted a fee or tax

1 for similar permits or approvals, the county may adopt a fee when
2 authorized by law in the rule, ordinance or ~~other~~ regulation that does not
3 exceed the reasonable costs of the county to issue and administer that
4 permit or plan approval program.

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

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

22 1. ~~File with the secretary of state a written statement including~~
23 ~~a summary of~~ PREPARE A NOTICE OF PROPOSED RULEMAKING TO INCLUDE the
24 proposed rule, ordinance or ~~other~~ regulation. ~~and a demonstration of the~~
25 ~~grounds and~~ THIS NOTICE SHALL DEMONSTRATE evidence of compliance with
26 subsection A or B of this section. The ~~summary~~ NOTICE shall ~~provide~~
27 INCLUDE the name, ADDRESS AND PHONE NUMBER of ~~the~~ A person ~~with the county~~
28 ~~to contact with~~ WHO CAN ANSWER questions ~~or comments~~ ABOUT THE PROPOSED
29 RULE, ORDINANCE OR REGULATION AND ACCEPT ANY WRITTEN REQUESTS FOR THE
30 COUNTY TO CONDUCT AN ORAL PROCEEDING. ~~The secretary of state shall~~
31 ~~publish the written statement in the next issue of the Arizona~~
32 ~~administrative register at no cost to the county. The county shall~~
33 ~~publish notice of the availability of the complete summary and the~~
34 ~~demonstration in other newspapers as may be required by this title and~~
35 ~~shall make the text of any proposed environmental rule, ordinance or other~~
36 ~~regulation available to the public at the same time it files the written~~
37 ~~summary of the environmental rule, ordinance or other regulation with the~~
38 ~~secretary of state as provided in this paragraph.~~ THE COUNTY SHALL POST
39 THE NOTICE ON THE COUNTY'S WEBSITE WITH A DATE STAMP OF THE DATE OF
40 POSTING. THE COUNTY SHALL PUBLISH THE AVAILABILITY OF THE NOTICE OF THE
41 PROPOSED RULE, ORDINANCE OR REGULATION IN A NEWSPAPER OF GENERAL
42 CIRCULATION IN THE COUNTY. IF THERE IS NO NEWSPAPER OF GENERAL
43 CIRCULATION IN THE COUNTY, THE COUNTY SHALL PUBLISH THE NOTICE IN A
44 NEWSPAPER OF GENERAL CIRCULATION IN AN ADJOINING COUNTY. IF REQUESTED BY

1 THE PUBLIC, THE COUNTY SHALL MAKE AVAILABLE A PAPER COPY OF THE NOTICE AT
2 A REASONABLE COST.

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

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

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

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

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

34 E. A county is not required to comply with subsection D, paragraphs
35 2, 3 and 4 of this section before it adopts or enforces a rule, ordinance
36 or ~~other~~ regulation if the rule, ordinance or ~~other~~ regulation only ~~adopts~~
37 ~~INCORPORATES~~ by reference an existing state or federal rule or law that
38 provides greater regulatory flexibility for regulated parties and
39 otherwise satisfies the requirements prescribed in subsection B of this
40 section.

41 F. Until June 30, 1995, a person may file with the clerk of the
42 board of supervisors for that county a petition challenging a county rule,
43 ordinance or ~~other~~ regulation adopted before July 15, 1994 for compliance
44 with the criteria set forth in subsection A or B of this section. The
45 petition shall contain the grounds for challenging the specific county

1 rule, ordinance or ~~other~~ regulation. Within one year after the petition
2 is filed, the board of supervisors shall review the challenged rule,
3 ordinance or ~~other~~ regulation and make a written demonstration of
4 compliance with the criteria set forth in subsection A or B of this
5 section and challenged in the petition. Any rules, ordinances or ~~other~~
6 regulations that have been challenged and for which the board of
7 supervisors has not made the written demonstration within one year ~~of~~
8 ~~AFTER~~ the filing of the petition required by this section become
9 unenforceable as of that date. If a county has already made a written
10 demonstration under section 49-479, subsection C, for a rule, ordinance or
11 regulation, the person filing the petition shall state the specific
12 grounds in the petition why that demonstration does not meet the
13 requirements of this section.

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

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

24 1. Title 36 for which the state has similar statutory or rule
25 making authority in this title.

26 2. Section 49-391.

27 3. Chapter 3, article 8 of this title.

28 4. Chapter 4, article 3 of this title and section 49-765.

29 5. Nonsubstantive rules relating to the application process ~~which~~
30 ~~THAT~~ have a de minimis economic effect on regulated parties.