

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 3. DEPARTMENT OF ECONOMIC SECURITY UNEMPLOYMENT INSURANCE

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R6-3-1503 | Amend |
| R6-3-5475 | Amend |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 41-1954(A)(1)(a) and 41-1954(A)(3)
Implementing statutes: A.R.S. §§ 23-773(B) and 23-772(A)
- 3. A list of all previous notices appearing in the register addressing the proposed rule.**

Notice of Rulemaking Docket Opening: 5 A.A.R. 2262, July 16, 1999
Notice of Rulemaking Docket Opening: 5 A.A.R. 4126, October 29, 1999
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Beth Broeker
Address:	Department of Economic Security P.O. Box 6123, Site Code 050A Phoenix, Arizona 85005
or	
	Department of Economic Security 1789 West Jefferson, Site Code 050A Phoenix, AZ 85007
Telephone:	(602) 542-6555
Fax:	(602) 542-6000
- 5. An explanation of the rules, including the agency's reasons for initiating the rules:**

The Arizona Department of Economic Security administers the state Unemployment Insurance (UI) program, authorized under Titles II and IX of the Social Security Act, the Federal Unemployment Insurance Act, and Arizona Revised Statutes Title 23, Chapter 4.

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R6-3-1503 indicates that an appeal to a determination of a Deputy must be in writing and signed by the appellant, and R6-3-5475 indicates that an initial claim for unemployment insurance must be signed by the applicant. The proposed amendments will eliminate the signature requirement for an initial claim filed by telephone or an appeal filed by telephone or fax.

6. A reference to any study that the agency relied on in its evaluation of or justification for the proposed rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There will be a positive impact on small businesses and consumers. The proposed changes will make the filing of a claim easier for workers and the submission of an appeal easier for both workers and employers.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement.

Name: Beth Broeker

Address: Department of Economic Security
P.O. Box 6123, Site Code 050A
Phoenix, Arizona 85005

or

Department of Economic Security
1789 West Jefferson, Site Code 050A
Phoenix, AZ 85007

Telephone: (602) 542-6555

Fax: (602) 542-6000

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Department does not plan to conduct an oral proceeding on the proposed rules unless a written request for an oral proceeding is submitted to the person named in paragraph 4 within 30 days after the date this notice is published. The Department will accept written comments on the proposed rules for 30 days after the date of this publication. All written comments must be submitted to the person named in paragraph 4.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 3. DEPARTMENT OF ECONOMIC SECURITY
UNEMPLOYMENT INSURANCE**

ARTICLE 15. DECISIONS, HEARINGS, AND ORDERS

Section

R6-3-1503. Proceedings Before an Appeal Tribunal

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**ARTICLE 54. MISCELLANEOUS BENEFIT POLICY BENEFIT CLAIMS, COMPUTATION,
EXTENSION, AND OVERPAYMENT**

Section
R6-3-5475. Claims and Registration

ARTICLE 15. DECISIONS, HEARINGS, AND ORDERS

R6-3-1503. Proceedings Before an Appeal Tribunal

- A. Filing an appeal. Any interested party to a determination of a Deputy may appeal to an Appeal Tribunal within the time limits ~~prescribed~~ listed in A.R.S. § 23-773(B). ~~The appeal shall be in writing, must be signed by the appellant or authorized agent, and may be filed personally, or by mail, by fax, or by telephone, through any public employment office in the United States or Canada, or directly with the Department of Economic Security, Phoenix, Arizona.~~
1. An appeal filed personally, by mail, or by fax shall be signed by the appellant or authorized agent and filed through any public employment office in the United States or Canada, or directly with the Department of Economic Security.
 2. An appeal filed by telephone shall be filed using the toll-free number listed on the determination.
- B. Appeal Tribunal hearings
1. Manner of holding hearings. ~~The Appeal Tribunal shall conduct all hearings. All hearings shall be conducted~~ in accordance with A.R.S. § 23-674, in a manner ~~which that~~ that will ascertain the substantial rights of the persons involved, ~~and The Appeal Tribunal shall require all testimony shall to~~ be taken under oath or affirmation.
 2. Jurisdiction. The Appeal Tribunal's decision and authority is confined solely to issues arising under the Employment Security Law, A.R.S. Title 23, Chapter 4. In every case, the Appeal Tribunal shall render a decision on the issues ~~as~~ stated in the notice of hearing. The Appeal Tribunal may also hear and decide any issues not previously considered by the Deputy ~~which that~~ that arise during the hearing, provided all interested parties waive the right to notice on the issues. If any interested party is surprised by a new issue, and unprepared to proceed, the Appeal Tribunal may continue the hearing, or may remand the matter to the Deputy for consideration and action upon ~~such issues~~ the issue.
 3. Failure of a party to appear
 - a. If there is no appearance on behalf of an interested party at a scheduled hearing, the Appeal Tribunal may:
 - i. ~~adjourn~~ Adjourn the hearing to a later date; or
 - ii. ~~proceed~~ Proceed to review the evidence of record and ~~such~~ other admissible evidence as may be presented at the scheduled hearing, and make a disposition on the merits of the case.
 - b. If a decision is issued adverse to any interested party that failed to appear at a scheduled hearing, that party may file ~~one~~ 1 written request for a hearing to determine if ~~if~~ whether good cause exists to reopen the hearing. The request to reopen shall be filed within 15 calendar days of the mailing date of the decision or disposition, and shall ~~set forth~~ list the reasons for the failure to appear.
 - c. ~~The Appeal Tribunal shall hold a hearing shall be held to~~ determine whether there was good cause for the failure to appear, and in the discretion of the hearing officer, to review the merits of the case. Upon a finding of good cause for failure to appear at the scheduled hearing, the disposition or decision on the merits shall be vacated and the case ~~reset~~ rescheduled for hearing ~~in accordance with~~ under R6-3-1502, ~~et seq.~~
 - d. Good cause warranting reopening of a case shall be established upon proof that both the failure to appear and failure to timely notify the hearing officer were beyond the reasonable control of the nonappearing party.
 - e. A party may obtain only 1 hearing to determine if good cause exists to reopen a case.
 - i. If a party does not appear at the scheduled good cause hearing, a party may file a written request for review to determine whether good cause exists for failure to appear at both the good cause hearing and the original hearing on the merits.
 - ii. If a case is reopened upon a finding of good cause, and the party fails to appear at the time and date of the new hearing, the party may file a written request for review to determine whether good cause exists for failure to appear at the new hearing.
 - f. A request for review shall state the reasons for the party's failure to appear. The party shall attach copies of any documentation supporting the request.
 - g. The Appeal Tribunal shall review the request and the evidence of record to determine if there is good cause to reopen the hearing on the issue of good cause or on the merits, and shall issue a decision accordingly.
 - h. Any interested party may appeal to the Unemployment Insurance Appeals Board from the decision of a hearing officer ~~which that~~ that denies reopening for lack of good cause, as defined in subsection (B)(3)(d). The appeal ~~must~~ shall be in writing and filed within 15 calendar days ~~of~~ from the date of mailing of the decision denying reopening. If the Unemployment Insurance Appeals Board reverses the denial to reopen, ~~then~~ the case shall be remanded to the Appeal Tribunal and ~~reset~~ rescheduled for hearing on the merits in accordance with R6-3-1502, ~~et seq.~~
 - i. ~~When~~ If an appellant fails to appear or waive appearance, the Appeal Tribunal may enter a default disposition in accordance with R6-3-1502(A)(4) without further right to appeal except as provided in this ~~rule~~ Section.

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- j. Notwithstanding the foregoing provisions, an appellee who fails to appear may appeal to the Unemployment Insurance Appeals Board from an adverse decision on the merits within 15 calendar days of the date of mailing of the decision.
- C. Finality of Appeal Tribunal decision. ~~As set forth in Under A.R.S. § 23-671, unless within 15 calendar days after the decision is mailed or otherwise delivered to the interested parties, petition for review is initiated or the Appeals Board assumes jurisdiction over the matter on its own motion, the decision of the Appeal Tribunal decision becomes final unless an interested party files a written petition for review within 15 calendar days after the decision is mailed to the interested parties, or the Appeals Board assumes jurisdiction over the matter on its own motion.~~ After a decision of the Appeal Tribunal has become final, the matter shall not be reopened, reconsidered, or reheard and the decision shall not be changed except to correct clerical errors.

**ARTICLE 54. MISCELLANEOUS BENEFIT POLICY BENEFIT CLAIMS, COMPUTATION,
EXTENSION, AND OVERPAYMENT**

R6-3-5475. Claims and Registration

- A. Definitions. In this Article:
1. "Department" means the Arizona Department of Economic Security, and any other entity that has an agreement with the Department to provide unemployment insurance and reemployment services;
 2. "Itinerant service" means unemployment insurance claims service on a regularly scheduled, but less than full-time basis to a locality not within a reasonable commuting distance of an established, full-time claims office.
 3. "Personal Identification Number" means a four-digit number selected by the claimant and entered by the claimant into the unemployment insurance telephone claims filing system.
- B. Initial claims. A person ~~who wishes to claim~~ claiming unemployment insurance benefits shall; ~~comply with the requirements of this section.~~
1. ~~The claimant shall file~~ File an initial claim with the Department:
 - a. In writing, using an application provided by the Department at an office that accepts unemployment insurance claims. A claimant may also request and submit an application by mail; or
 - b. By telephone, using a toll-free number provided by the Department via local telephone directories and informational flyers.
 2. ~~The initial claim shall include~~ Include the following information on the initial claim:
 - a. Personal identifying information about the claimant, including name, aliases, birth date, address, ~~phone tele-~~ phone number, occupation, social security number, and citizenship status;
 - b. The claimant's employment history, including identifying information on the claimant's last employer, the claimant's last date of work, the reason for the claimant's separation from employment, or a statement as to whether the last work was part-time;
 - c. A statement that the claimant is totally or partially unemployed, and information on the claimant's potential for employment, including:
 - i. A description of the circumstances under which the claimant is willing to accept employment, and
 - ii. The claimant's restrictions to accepting employment;
 - d. A statement of other benefits the claimant has obtained or is seeking, including workers' compensation, social security, retirement benefits, unemployment benefits from another state, and employment benefits such as accrued vacation pay;
 - e. An acknowledgment that the claimant may be subject to penalty for provision of false statements or information; and
 - f. ~~The claimant's signature and date of application or~~ personal identification number.
- C. Registration; exemptions. A claimant who files a claim satisfies the registration for work requirements of A.R.S. § 23-771(A)(1). The Department shall not require ~~no~~ further registration efforts by a claimant who:
1. Is unemployed due to a labor dispute at the establishment of the claimant's employer, but intends to return to work for the employer when the dispute ends;
 2. Is temporarily laid off from employment for a known duration of not more than 30 days and has been notified of the date to return to work;
 3. Is residing in a geographic area in which the Department does not provide placement services;
 4. Is registered for work with a labor union through which workers in the claimant's occupation normally obtain work;
 5. Is enrolled in a training course that meets the requirements of A.R.S. § 23-771.01. and A.A.C. R6-3-1809; or
 6. Is laid off from employment because of the seasonal nature of the claimant's occupation, and the Department has determined that no current placement opportunities exist for the claimant. When the season for the claimant's occupation resumes, the claimant shall register with the Department's employment service.
- D. Effective date of claim. Except as otherwise provided in this ~~rule~~ Section, an initial claim for benefits is effective on the ~~first~~ 1st day of the calendar week in which the claimant files a claim.

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1. An initial claim for benefits filed at a biweekly itinerant service point is effective on the 1st day of the prior calendar week if the claimant's unemployment began in that week and the claimant reported to file the claim at the itinerant service point on the next regularly scheduled service date.
 2. An initial claim filed by mail is effective on the ~~first~~ 1st day of the calendar week in which the claimant ~~requested requests~~ the claim ~~form forms~~, if the claimant returns the completed forms within 7 days of the date that the Department mailed or provided the forms to the claimant. In all other cases where the claimant files by mail, the effective date is the ~~first~~ 1st day of the calendar week in which the completed forms are mailed to the Department. The mailing date is the date shown on the envelope postmark.
- E.** Earlier effective dates. The Department may give the claim an effective date earlier than the dates described in subsection (D) ~~when if~~:
1. The claimant shows that the Department gave the claimant incorrect information ~~which that~~ caused the claimant to delay ~~in~~ filing the claim;
 2. The claimant was unable to timely file a claim because the Department did not provide accessible claim services;
 3. The claimant filed a timely claim against another state; the claim was later cancelled or denied; or the claimant did not qualify for benefits in the other state.
- F.** Cancellation of claims. At the request of a claimant, the Department may cancel a claim that has established a benefit year in any of the following circumstances:
1. ~~When If~~ the claimant:
 - a. Has filed a combined wage claim; or
 - b. Has sufficient wage credits in another state to qualify for a claim; and
 - c. Requests cancellation within 15 days of the most recently issued monetary determination; and
 - d. Repays, or agrees to repay, any benefits received from the Arizona claim-;
 2. ~~When If~~ the claimant is ineligible for benefits because the claimant earned wages in the base period from an employer who contributed to or maintained the claimant's pension plan, and the wages will not be in the base period of a subsequent claim;
 3. ~~When If~~ the claimant:
 - a. Initiates a claim during the final week of a benefit calendar quarter;
 - b. Will be eligible for a higher weekly benefit amount in the following benefit calendar quarter; and
 - c. Requests cancellation within ~~seven~~ 7 days of the start of the new benefit calendar quarter;
 4. Except as provided in subsections (F)(1) through (3), ~~when if~~ the claimant initiates a claim but does not file for a week of unemployment, and the claimant will qualify for a higher weekly benefit amount in a subsequent benefit calendar quarter;
 5. The claimant shows that the Department provided the claimant with incorrect information regarding the claimant's potential eligibility at the time the claim was initiated.
- G.** Continued claim for benefits. Except as otherwise provided in A.R.S. §§ 23-761 through 23-766 and A.A.C. R6-3-1405 and A.A.C. R6-3-1809, for each week of unemployment claimed, ~~and in a format prescribed by the Department, a claimant shall timely file a continued claim for benefits; or waiting period credit, on a form provided by the Department or by telephone.~~
1. A continued claim shall include the following information for the applicable claim period:
 - a. A statement of any employment the claimant held, and any wages the claimant earned;
 - b. A statement as to the claimant's ability to work, availability for work, and efforts to seek work;
 - c. A statement as to whether the claimant received or refused any offers of work;
 - d. A statement that the claimant understands and acknowledges that the claimant has a duty to notify the Department of changes in any circumstances that may affect the claimant's eligibility for benefits; and
 - e. The claimant's signature or personal identification number.
 2. ~~The~~ A claim is timely filed when the Department receives the claim within 14 days of the benefit week ending date. If the claim is mailed, the claim is timely if postmarked within 14 days of the benefit week ending date.
- H.** Untimely claims. The Department shall disallow an untimely claim unless
1. The untimeliness was due to Department error; or
 2. The claimant establishes good cause for the untimeliness. As used in this ~~section~~ Section, "good cause" ~~shall mean means~~ that the untimeliness was due to a circumstance beyond the reasonable control of the claimant.
 3. Notwithstanding any other provision of this ~~section~~ Section, when the untimely claim is the first occurrence in a benefit year, the Department shall not disallow the claim unless the Department finds that the untimeliness was willful. Willfulness is established ~~when if~~:
 - a. The claimant files the claim more than 7 days after the 14 day period specified in ~~paragraph~~ subsection (G)(2), and
 - b. The Department has clear and convincing proof that the claimant knew of the filing requirements and deliberately chose to ignore them.
- I.** Adjudication and eligibility interviews.

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1. The Department may require a claimant to:
 - a. ~~Participate~~ participate in a determination fact-finding proceeding, ~~if an issue arises regarding eligibility;~~ or
 - b. Participate in a periodic eligibility review, ~~when a claimant has claimed benefits for at least two weeks.~~
 2. The Department shall give the claimant not less than 5 calendar days prior written notice ~~when~~ if it schedules a proceeding or review.
 3. Except as otherwise provided in this ~~paragraph~~ subsection, a claimant who fails to report in person or be available via telephone, as scheduled, for a proceeding or interview is ineligible for benefits for the week in which the appointment was scheduled, until the claimant reports to the Department.
 - a. The Department shall not hold the claimant ineligible if:
 - i. The claimant reports within 3 work days of the scheduled interview; or the end of the same calendar week, whichever 1st occurs; or
 - ii. The claimant had good cause for the failure to report.
 - b. As used in this ~~paragraph~~ subsection, good cause includes the following circumstances:
 - i. The claimant was ill,
 - ii. The claimant lacked transportation to the appointment,
 - iii. The claimant had a job interview or work ~~which~~ that precluded the claimant from keeping the appointment, or
 - iv. Other similar circumstances beyond the reasonable control of the claimant.
- J. Reemployment services.**
1. The Department may require a claimant to participate in a reemployment service program if the Department determines that the claimant:
 - a. Is likely to exhaust regular unemployment compensation benefits, and
 - b. Needs job search assistance services to make a successful transition to new employment.
 2. If a claimant who is required to participate in reemployment services fails to report to a reemployment service provider, or to fulfill the requirements of the claimant's reemployment service plan, the claimant is ineligible for benefits for the week during which the act of non-participation occurred, unless the claimant establishes good cause for non-participation. Good cause ~~shall include~~ includes the circumstances listed in ~~subparagraph~~ subsection (I)(3)(b).

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

- | | |
|---|--|
| <u>1. Sections Affected</u>
R12-4-108 | <u>Rulemaking Action</u>
Amend |
|---|--|
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 17-231(A)(1)(2) and (3) for all rules
Implementing statute: A.R.S. § 17-245 for R12-4-108
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 6 A.A.R. Page 715, February 18, 2000
Notice of Public Information: 5 A.A.R. 3010, September 3, 1999 (Provided notice of correction to the July 23, 1999 Notice of Proposed Rulemaking. Under question #3, the date of the Rulemaking Docket Opening was incorrectly listed as March 5, 1999. The correct date is March 12, 1999.)
Notice of Proposed Rulemaking: 5 A.A.R. 2313, July 23, 1999
Notice of Rulemaking Docket Opening: 5 A.A.R. 765-766, March 12, 1999
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Mark E. Naugle, Manager, Rules & Risk Management
Address: Arizona Game and Fish Department DORR
2221 West Greenway Road

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Phoenix, AZ 85023-4399

Telephone: (602) 789-3289

Fax: (602) 789-3677

E-mail: mnaugle@gf.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

R12-4-108. Management Unit Boundaries establishes Management Unit Boundaries for the principal purpose of wildlife management, particularly game species. Generally, management will be for all species or at least more than one particular species. Management Unit Boundaries are also established for use by the public. They are used by hunters as a familiar point of reference in planning present and future hunting expeditions, and for knowing "where they are" in the field. Management Unit Boundaries are also established when there are administrative or legal reasons for separate management. The boundaries do not change annually. Retaining permanent Management Units, whose unit numbers do not change, minimizes confusion and creates fixed points of reference that can be depended upon. Although statute requires the Commission to prescribe game management units "by order", the Administrative Procedure Act supersedes much of the language in Title 17 that refers to "Commission order". Unless the Act specifically grants an exemption from rulemaking requirements, the word "order" in Title 17 has to be read as "rule". This is according to past research by legal counsel. Therefore, Management Unit Boundaries are properly prescribed by rule instead of order.

It should be noted that during the previous reviews of this rule, the Publications Editor of the Secretary of State's Office was contacted regarding the rule's structure, since the rule does not follow the usual numbering sequence. The Editor agreed that numbering these paragraphs would be confusing to the reader, and the variation is therefore allowed just as it is allowed in some other agencies' rules for the same reason.

This proposed rule amendment will extend the northern boundary of Metropolitan Management Unit 42M to include the communities of Cave Creek, Desert Hills, and portions of the City of Peoria. Since these areas are currently within the adjacent Management Units 20B and 21, the boundaries of these units will also be revised. This change is being proposed by the Arizona Game and Fish Department's Region VI/Mesa to address the recent urban expansions and city annexations in the north valley. Tracts of land that were traditionally hunted in Units 21 and 20B now have minimal opportunities for rifled firearms hunting. The communities of Cave Creek, Desert Hills, and Peoria have experienced significant growth, and as a direct result, conflicts between landowners and hunters have increased dramatically. Due to the cumulative factors listed, the Region feels it is appropriate and timely to expand the Unit 42M boundary northward. The proposed boundary change will allow the Department to more consistently manage the above referenced communities under the urban program narrative. Department funds and manpower can be more closely aligned with mandated activities. If this change is not implemented, the Department's ability to address public concerns and designate a clear and concise management boundary will be more difficult.

The proposed rule amendment also identifies that sovereign tribal lands exist within, but are not part of Management Unit 42M. This is intended to clarify that sovereign tribal lands located within management unit boundaries are not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

Not applicable

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There are no new costs to the Department or to any person resulting from this proposed rulemaking. The extension of the northern boundary of existing metropolitan Management Unit 42M will directly affect hunters, residents, landowners, and non-hunting recreationists in the metropolitan areas of Cave Creek, Desert Hills, and Peoria. The reduction in firearm hunts and the better management of conflicting land uses will benefit hunters who use primitive methods of take (such as archery gear), residents, landowners, and non-hunting recreationists by reducing conflicts between outdoor recreationists and landowners. However, hunters unable to hunt with firearms in these areas may incur travel costs if they chose to hunt in other areas. It may also result in some local residents purchasing posted signs for property.

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The proposed rulemaking will also benefit the public and the sovereign tribes in Arizona by clarifying that sovereign tribal lands are not part of management units and that sovereign tribal lands located within management unit boundaries are not managed by the Arizona Game and Fish Department.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Pat Crouch, Field Supervisor
Address: Arizona Game and Fish Department, Region VI
7200 East University Drive
Mesa, AZ 85207
Telephone: (602) 981-9400
Fax: (602) 255-3941

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Written comments will be accepted until Monday, August 21, 2000 at 5:00 p.m. and should be submitted to:

Name: Dona Marie Markley, Rulewriter
Address: Arizona Game and Fish Department DORR
2221 West Greenway Road
Phoenix, AZ 85023-4399
Fax: (602) 789-3677

Public hearing on the proposed rules will be held:

Date: Saturday, August 19, 2000
Time: 10:00 a.m.
Location: Arizona State Fairgrounds
Wildlife Building
McDowell and 17th Avenue
Phoenix, Arizona

The Game and Fish Commission will hold a public hearing and may take action to amend the rule on:

Date: Saturday, October 21, 2000
Time: 10:00 a.m.
Location: Arizona State Fairgrounds
Wildlife Building
McDowell and 17th Avenue
Phoenix, Arizona

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Rd., Phoenix, AZ 85023, (602) 789-3290. Requests should be made as early as possible to allow sufficient time to arrange for accommodation.

The Arizona Game and Fish Department (AGFD) prohibits discrimination on the basis of race, color, sex, national origin, age, or disability in its programs and activities. If anyone believes that they have been discriminated against in any of the AGFD's programs or activities, including its employment practices, the individual may file a complaint alleging discrimination directly with the AGFD Deputy Director, 2221 W. Greenway Rd., Phoenix, AZ 85023, (602) 789-3290 or U.S. Fish and Wildlife Service, 4040 N. Fairfax Dr., Ste. 130, Arlington, VA 22203.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section
R12-4-108. Management Unit Boundaries

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-108. Management Unit Boundaries

- A.** No change
 - 1. No change.
 - 2. No change.
 - 3. No change.
 - 4. No change.
- B.** No change.
- C.** No change.
 - Unit 1 -- No change.
 - Unit 2A -- No change.
 - Unit 2B -- No change.
 - Unit 2C -- No change.
 - Unit 3A -- No change.
 - Unit 3B -- No change.
 - Unit 3C -- No change.
 - Unit 4A -- No change.
 - Unit 4B -- No change.
 - Unit 5A -- No change.
 - Unit 5B -- No change.
 - Unit 6A -- No change.
 - Unit 6B -- No change.
 - Unit 7 -- No change.
 - Unit 7M -- No change.
 - Unit 8 -- No change.
 - Unit 9 --No change.
 - Unit 10 -- No change.
 - Unit 12A -- No change.
 - Unit 12B -- No change.
 - Unit 13A -- No change.
 - Unit 13B -- No change.
 - Unit 15A -- No change.
 - Unit 15B -- No change.
 - Unit 15C -- No change.
 - Unit 15D -- No change.
 - Unit 16A -- No change.
 - Unit 16B -- No change.
 - Unit 17A -- No change.

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Unit 17B -- No change.

Unit 18A -- No change.

Unit 18B -- No change.

Unit 19A -- No change.

Unit 19B -- No change.

Unit 20A -- No change.

Unit 20B -- Beginning at the Hassayampa River and U.S. Hwy 93 (in Wickenburg); northeasterly along the Hassayampa River to the Kirkland Junction-Wagoner- Crown King-Cordes road (at Walnut Grove); southerly and northeasterly along this road to I-17 (Exit 259); south on the southbound lane of I-17 to the New River Road (Exit 232); west on the New River Road to State Highway 74; west on AZ Hwy 74 to the Junction of AZ Hwy 74 and U.S. Hwy 93; Carefree Hwy (Exit 223); west on the Carefree Hwy to the Lake Pleasant road; southerly on the Lake Pleasant road to the Central Arizona Project (CAP) Canal; westerly on the CAP Canal to the Beardsley Canal; southerly along Beardsley Canal to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Hassayampa River.

Unit 20C -- No change.

Unit 21 -- Beginning on I-17 at the Verde River; southerly on the southbound lane of I-17 to the New River Road (Exit 232); east on New River Road to Fig Springs Road; northeasterly on Fig Springs Road Carefree Hwy (Exit 223); east on the Carefree Hwy to Cave Creek Road; northeasterly on Cave Creek Road to the Tonto National Forest boundary; southeasterly along this boundary to the Verde River; north along the Verde River to I-17.

Unit 22 -- No change.

Unit 23 -- No change.

Unit 24A -- No change.

Unit 24B -- No change.

Unit 27 -- No change.

Unit 28 -- No change.

Unit 29 -- No change.

Unit 30A -- No change.

Unit 30B -- No change.

Unit 31 -- No change.

Unit 32 -- No change.

Unit 33 -- No change.

Unit 34A -- No change.

Unit 34B -- No change.

Unit 35A -- No change.

Unit 35B -- No change.

Unit 36A -- No change.

Unit 36B -- No change.

Unit 36C -- No change.

Unit 37A -- No change.

Unit 37B -- No change.

Unit 37M -- No change.

Unit 39 -- No change.

Unit 39M -- No change.

Unit 40A --No change.

Unit 40B -- No change.

Unit 41 -- No change.

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Unit 42 -- No change.

Unit 42M -- Beginning at the junction of I-17 and the New River Road (Exit 232); west on New River Road to AZ Hwy 74; west on AZ Hwy 74 to the junction with U.S. Hwy 93; southeasterly on U.S. Hwy 93 ~~Carefree Hwy (Exit 223)~~; west on the ~~Carefree Hwy to the Lake Pleasant Road~~; southerly on the ~~Lake Pleasant Road to the Central Arizona Project (CAP) Canal~~; westerly on the ~~CAP Canal~~ to the Beardsley Canal; southwesterly along the Beardsley Canal to Indian School road; west on Indian School road to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); west on I-10 to Oglesby Road (Exit 112); south on Oglesby road to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; east along the Gila River to the Salt River; east along the Salt River to I-10; easterly on I-10 to U.S. Hwy 60; east on U.S. Hwy 60 to the Usery Pass road (Ellsworth Road); north on the Usery Pass road to Bush Hwy; easterly on Bush Hwy to the Salt River at the Blue Point Bridge; westerly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwesterly along this boundary to the Fig Springs; ~~southwesterly on Figs Spring Road~~; west on New River Road to I-17 (Exit 236), ~~Cave Creek Road~~; ~~southwesterly on Cave Creek Road to the Carefree Hwy~~; west on the ~~Carefree Hwy to I-17 (Exit 223)~~; ; except those portions that are sovereign tribal lands of the Salt River Pima-Maricopa Indian Community and the Fort McDowell Mohave-Apache Community.

Unit 43A -- No change.

Unit 43B -- No change.

Unit 44A -- No change.

Unit 44B -- No change.

Unit 45A -- No change.

Unit 45B -- No change.

Unit 45C -- No change.

Unit 46A -- No change.

Unit 46B -- No change.

C. This rule is effective July 1, 2001, ~~January 1, 2000~~.