STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

May 1, 2017

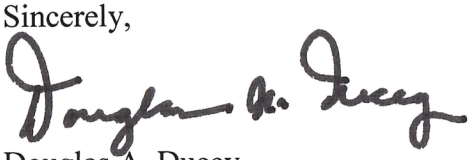
The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 1st Regular Session, which I signed on May 1, 2017:

HB 2026 - secretary of state; omnibus
HB 2145 - household goods; unlawful moving practices
HB 2152 - emissions credits; voluntary emissions bank
HB 2160 - annuity transactions; training requirements
HB 2166 - ASRS; return to work
HB 2233 - operations; employees; home-based business
HB 2269 - victims' rights; requirements; monetary judgments
HB 2290 - provisional licenses; criminal convictions
HB 2331 - auto dealers; recalls; manufacturer compensation
HB 2366 - agricultural land; fallowing; property tax
HB 2486 - candidate committee names; office
HB 2493 - drug overdose; review team; confidentiality
SB 1063 - PSPRS; risk pool
SB 1071 - DOC; graduated intervention policy; report
SB 1114 - outdoor advertising
SB 1122 - personal property transfer; limitations prohibited
SB 1137 - vendor; payment by warrant; fee
SB 1180 - bingo establishments; ADA compliance
SB 1191 - political parties; notice; meetings
SB 1434 - art therapy services; contracting requirements

Sincerely,



Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

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

CHAPTER 223

HOUSE BILL 2026

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 SECTION 32-128, ARIZONA REVISED STATUTES; REPEALING SECTION 33-1309, ARIZONA REVISED STATUTES; AMENDING SECTIONS 37-1303 AND 41-121, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 2.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-151.25; AMENDING SECTIONS 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)

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. Heading change

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

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

15-1761. Short title

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

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

15-1762. Definitions

In this article, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. Repeal

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

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

15-1770. Required form of contract

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

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

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

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

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

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

5. The duration of the contract.

6. The date of the execution of the contract.

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

Warning to Student Athlete

If you sign this contract:

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

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

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

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

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

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

15-1774. Prohibited conduct; violation; classification

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9. Repeal

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

Sec. 10. Section 32-128, Arizona Revised Statutes, is amended to read:

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

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

1. Revocation of a certification or registration.

2. Suspension of a certification or registration for a period of not more than three years.

3. Imposition of an administrative penalty of not more than two thousand dollars for each violation of this chapter or rules adopted pursuant to this chapter.

4. Imposition of restrictions on the scope of the registrant's practice.

5. Imposition of peer review and professional education requirements.

6. Imposition of probation requirements that are best adapted to protect the public safety, health and welfare and that may include a requirement for restitution payments to professional services clients or to other persons suffering economic loss resulting from violations of this chapter or rules adopted pursuant to this chapter.

7. Issuance of a letter of reprimand informing a person regulated under this chapter of a violation of this chapter or rules adopted by the board.

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

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

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

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

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

4. Violation of this chapter or board rules.

5. Failing to pay a collaborating registered professional within seven calendar days after the registrant receives payment from a client

unless specified otherwise contractually between the prime professional and the collaborating registered professional. For the purposes of this paragraph, "collaborating registered professional" means a registered professional with whom the prime professional has a contract to perform professional services.

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

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

F. A person who has been notified of charges pending against the person shall file with the board an answer in writing to the charges not more than thirty days after service of the complaint and notice of hearing. If a person fails to answer in writing, it is deemed an admission by the person of the act or acts charged in the complaint and notice of hearing. The board may then take disciplinary action pursuant to this chapter without a hearing.

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

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

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

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

Sec. 11. Repeal

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

Sec. 12. Section 37-1303, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

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

1. Prevention and suppression of wildfires.

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

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

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

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

Sec. 13. Section 41-121, Arizona Revised Statutes, is amended to read:

41-121. Duties

A. The secretary of state shall:

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

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

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

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

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

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

7. ~~Publish~~ PROMPTLY CHAPTER slip laws ~~of each act of~~ FILED BY the legislature ~~promptly on passage and approval of such act~~, ELECTRONICALLY PUBLISH AND MAINTAIN THE BILLS, MEMORIALS AND RESOLUTIONS POSTED ON THE SECRETARY OF STATE'S WEBSITE, make such acts available ~~to interested persons~~ for a reasonable fee to ~~compensate for~~ INCLUDE the cost of printing and POSTAGE, provide each house of the legislature and the legislative council with a certified copy of each CHAPTERED bill or resolution~~, showing the chapter or resolution number of each, as each is filed in the secretary of state's office~~ AND TRANSFER TO THE CUSTODY OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ALL ORIGINAL PAPER COPIES FILED.

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

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

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

11. Transfer all noncurrent or inactive books, records, deeds and other papers otherwise required to be filed with or retained by the

secretary of state to the custody of the Arizona state library, archives and public records.

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

~~13.~~ 12. Accept electronic and digital signatures that comply with section 18-106 for documents filed with and by all state agencies, boards and commissions.

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

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

Sec. 14. Title 41, chapter 1, article 2.1, Arizona Revised Statutes, is amended by adding section 41-151.25, to read:

41-151.25. Arizona uniform laws commission; membership; duties; commission termination

A. THE ARIZONA UNIFORM LAWS COMMISSION IS ESTABLISHED CONSISTING OF FOUR MEMBERS WHO ARE MEMBERS OF A STATE BAR ASSOCIATION AND WHO ARE APPOINTED BY THE GOVERNOR. THESE MEMBERS ARE IN ADDITION TO THE MEMBERS WHO HAVE ATTAINED LIFE MEMBERSHIP IN THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS. THE TERM OF OFFICE OF THE MEMBERS IS SIX YEARS EXCEPT FOR LIFETIME MEMBERS. AN APPOINTMENT TO FILL A VACANCY CAUSED OTHER THAN BY EXPIRATION OF A TERM IS FOR THE REMAINDER OF THE UNEXPIRED TERM.

B. MEMBERS OF THE ARIZONA UNIFORM LAWS COMMISSION ARE NOT ELIGIBLE FOR COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

C. THE ARIZONA UNIFORM LAWS COMMISSION SHALL REVIEW EFFORTS NATIONALLY TO ENACT UNIFORM LAWS AND RECOMMEND TO THE GOVERNOR AND THE LEGISLATURE THE ADOPTION OF UNIFORM LEGISLATION THAT THE COMMISSION DEEMS DESIRABLE.

D. THE SECRETARY OF STATE MAY MAINTAIN MEMBERSHIP ON THE ARIZONA UNIFORM LAWS COMMISSION. ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE ARIZONA UNIFORM LAWS COMMISSION SHALL SUBMIT A LETTER TO EACH MEMBER OF THE LEGISLATURE THAT INCLUDES A WEBSITE LINK TO THE CURRENT LIST OF THE UNIFORM ACTS THAT IS PREPARED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS FOR THE PURPOSE OF INFORMING THE MEMBERS OF THE

LEGISLATURE ABOUT CURRENT MODEL LEGISLATION THAT IS AVAILABLE TO THE LEGISLATORS.

E. THE COMMISSION ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2025 PURSUANT TO SECTION 41-3103.

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

41-1011. Preparation and publication of code and register

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

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

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

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

41-1013. Register

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

B. The register shall contain THE FOLLOWING:

~~1. A schedule of the time, date and place of all hearings on proposed repeals, makings or amendments of rules.~~

~~2. Each governor's executive order.~~

~~3. Each governor's proclamation of general applicability and each statement filed by the governor in granting a commutation, pardon or reprieve or stay or suspension of execution where a sentence of death is imposed.~~

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

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

~~6. A table of contents.~~

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

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

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

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

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

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

2. NOTICES OF PROPOSED RULEMAKING.

3. NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44-1443. Application for registration

A. Subject to the limitations set forth in this article, any person who is domiciled in this state and who adopts and uses a trademark or service mark, or any person who adopts and uses a trademark or service

mark in this state, may file in the office of the secretary of state, on a form to be furnished by the secretary of state, an application for registration of that mark setting forth, but not limited to, the following information:

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

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

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

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

B. The application shall be:

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

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

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

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

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

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

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

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

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

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

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

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

44-1460.06. Electronic filing; acceptance

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

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

1. The filing requirements of this article.

2. The requirement that a filing ~~be verified or~~ be submitted with a written signature.

3. Any requirement that the filing be filed under the penalty of perjury.

C. The secretary of state may adopt rules requiring that any person that submits a document for filing pursuant to this section also submit a written or printed copy of the document as a prerequisite to the document being deemed filed.

D. Except as provided in this section, all civil and criminal statutes applicable to the filing of paper documents apply to all documents filed pursuant to this section.

Sec. 20. Repeal

Sections 44-1749 and 44-1750, Arizona Revised Statutes, are repealed.

Sec. 21. Section 49-112, Arizona Revised Statutes, is amended to read:

49-112. County regulation; standards

A. When authorized by law, a county may adopt a rule, ordinance or ~~other~~ regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following ~~conditions~~ REQUIREMENTS are met:

1. The rule, ordinance or ~~other~~ regulation is necessary to address a peculiar local condition.

2. There is credible evidence that the rule, ordinance or ~~other~~ regulation is either:

(a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible.

(b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or ~~other~~ regulation is equivalent to federal statutes or regulations.

3. Any fee or tax adopted under the rule, ordinance or ~~other~~ regulation ~~will~~ DOES not exceed the reasonable costs of the county to issue and administer ~~that~~ THE permit or plan approval program.

B. When authorized by law, a county may adopt rules, ordinances or ~~other~~ regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or ~~other~~ regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

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

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

1. ~~File with the secretary of state a written statement including a summary of~~ PREPARE A NOTICE OF PROPOSED RULEMAKING TO INCLUDE the proposed rule, ordinance or ~~other~~ regulation. ~~and a demonstration of the grounds and~~ THIS NOTICE SHALL DEMONSTRATE evidence of compliance with subsection A or B of this section. The ~~summary~~ NOTICE shall ~~provide~~ INCLUDE the name, ADDRESS AND PHONE NUMBER of ~~the~~ A person ~~with the county to contact with~~ WHO CAN ANSWER questions ~~or comments~~ ABOUT THE PROPOSED RULE, ORDINANCE OR REGULATION AND ACCEPT ANY WRITTEN REQUESTS FOR THE COUNTY TO CONDUCT AN ORAL PROCEEDING. ~~The secretary of state shall publish the written statement in the next issue of the Arizona administrative register at no cost to the county. The county shall publish notice of the availability of the complete summary and the demonstration in other newspapers as may be required by this title and shall make the text of any proposed environmental rule, ordinance or other regulation available to the public at the same time it files the written summary of the environmental rule, ordinance or other regulation with the~~

~~secretary of state as provided in this paragraph.~~ THE COUNTY SHALL POST THE NOTICE ON THE COUNTY'S WEBSITE WITH A DATE STAMP OF THE DATE OF POSTING. THE COUNTY SHALL PUBLISH THE AVAILABILITY OF THE NOTICE OF THE PROPOSED RULE, ORDINANCE OR REGULATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY. IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY, THE COUNTY SHALL PUBLISH THE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN AN ADJOINING COUNTY. IF REQUESTED BY THE PUBLIC, THE COUNTY SHALL MAKE AVAILABLE A PAPER COPY OF THE NOTICE AT A REASONABLE COST.

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

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

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

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

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

E. A county is not required to comply with subsection D, paragraphs 2, 3 and 4 of this section before it adopts or enforces a rule, ordinance or ~~other~~ regulation if the rule, ordinance or ~~other~~ regulation only ~~adopts~~ INCORPORATES by reference an existing state or federal rule or law that provides greater regulatory flexibility for regulated parties and

otherwise satisfies the requirements prescribed in subsection B of this section.

F. Until June 30, 1995, a person may file with the clerk of the board of supervisors for that county a petition challenging a county rule, ordinance or ~~other~~ regulation adopted before July 15, 1994 for compliance with the criteria set forth in subsection A or B of this section. The petition shall contain the grounds for challenging the specific county rule, ordinance or ~~other~~ regulation. Within one year after the petition is filed, the board of supervisors shall review the challenged rule, ordinance or ~~other~~ regulation and make a written demonstration of compliance with the criteria set forth in subsection A or B of this section and challenged in the petition. Any rules, ordinances or ~~other~~ regulations that have been challenged and for which the board of supervisors has not made the written demonstration within one year ~~of~~ AFTER the filing of the petition required by this section become unenforceable as of that date. If a county has already made a written demonstration under section 49-479, subsection C, for a rule, ordinance or regulation, the person filing the petition shall state the specific grounds in the petition why that demonstration does not meet the requirements of this section.

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

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

1. Title 36 for which the state has similar statutory or rule making authority in this title.
2. Section 49-391.
3. Chapter 3, article 8 of this title.
4. Chapter 4, article 3 of this title and section 49-765.
5. Nonsubstantive rules relating to the application process ~~which~~ THAT have a de minimis economic effect on regulated parties.

APPROVED BY THE GOVERNOR MAY 1, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2017.

Passed the House February 6, 2017

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Speaker of the House

Pro Tempore

Chief Clerk of the House

Passed the Senate April 5, 2017

by the following vote: 24 Ayes,

3 Nays, 3 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 25, 2017,

by the following vote: 45 Ayes,

11 Nays, 3 Not Voting 1 vacant

Speaker of the House

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25th day of April, 2017,

at 12:09 o'clock P. M.

Secretary to the Governor

Approved this 1st day of

May, 2017,

at 1:15 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2017,

at 7:03 o'clock P M.

Secretary of State

H.B. 2026