

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 39. BOARD FOR PRIVATE POSTSECONDARY EDUCATION

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
| R4-39-401 | Amend |
| R4-39-403 | 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. § 32-3003(A)(3) |
| Implementing Statute: | A.R.S. § 32-3003(A)(5) |
| | A.R.S. § 32-3003(A)(7) |
| | A.R.S. § 32-3003(A)(8) |
| | A.R.S. § 32-3003(A)(15) |
| | A.R.S. § 32-3021 |
| | A.R.S. § 32-3022 |
| | A.R.S. § 32-3051 |
- 3. The effective date for the rules if different from the date the rules are filed with the Office:**
March 7, 2000
- 4. A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 4 A.A.R., 1510, June 26, 1998
Notice of Proposed Rulemaking: 5 A.A.R., 4, January 4, 1999
Notice of Oral Proceedings: 5 A.A.R., 4, January 4, 1999
Notice of Public Information: 5 A.A.R., 2281, July 16, 1999
Notice of Supplemental Proposed Rulemaking: 5 A.A.R., 3753, October 15, 1999
Notice of Public Information: 5 A.A.R., 4380, November 19, 1999
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- | | |
|-------------------|--|
| Name: | Teri Candelaria, Executive Director |
| Address: | Arizona State Board for Private Postsecondary Education
1400 West Washington, Room 260
Phoenix, AZ 85007 |
| Telephone Number: | (602) 542-5709 |
| Fax Number: | (602) 542-1253 |
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**
In a previous rulemaking, the Board repealed R4-39-310. The Board is now incorporating some of that language into R4-39-401 and is also amending the rule to conform to current rulewriting standards.

The Board is amending R4-39-401(A)(7), Financial Aid Records, to be consistent with the record requirements imposed by the U.S. Department of Education. The Improving America's Schools Act of 1994 (Public Law 103-382) amended the General Education Provisions Act to require a school to keep records for three years rather than five years.

R4-39-403 is amended to comply with the 1992 Attorney General's opinion to strike the requirements that complaints must be filed within one year of the student's last day of attendance and to require that all student complaints be presented to the Board for action. A supplemental rulemaking set a time limit to file a complaint to within 3 years of the student's last day of attendance.

7. A reference to any study that the agency relied on in its evaluation of or justification for the 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:

None

8. 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

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

The final rulemaking is primarily technical and administrative in nature, to conform to current Board policies and procedures, and to conform to rulewriting standards. The final rulemaking is making the rules more clear, concise, and understandable. The Board and the institutions subject to licensure by the Board will benefit from this change.

The Board does not anticipate additional costs to the Board or the institutions subject to licensure by the Board.

10. A description of the changes between the proposed rules, including supplemental rules, and final rules.

The Board is making two changes between the proposed rules and the final rules. The Board is amending R4-39-401(A)(7) to be consistent with the record retention requirements by the U.S. Department of Education. The Board is amending R4-39-403(A) that all complaints must be filed within 3 years of the student's last day of attendance. That change was a substantial change and was the subject of the Supplemental Proposed Rulemaking and the Notice of Public Information published in the *Register*.

11. A summary of the principal comments and the agency response to them:

The Board received one written comment requesting the Board's consideration to amend the requirement that all complaints must be filed within 3 years of the student's last day of attendance. The Board received oral comments at the February 25, 1999 Oral Proceedings requesting the Board's consideration to amend the record retention requirements for the Student financial aid records. The Board is amending the final rules as a result of the written and oral comments to include those suggestions.

12. Any other matter prescribed by statute that is applicable to the specific agency or to any specific agency or to any specific rule or class of rules:

Not applicable

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

Not applicable

14. Whether the rules were previously adopted as an emergency rule, and if so, whether the text was changed between adoption as an emergency and the adoption of these rules:

Not applicable

15. The text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 39. BOARD FOR PRIVATE POSTSECONDARY EDUCATION

ARTICLE 4. OPERATION OF ALL LICENSED INSTITUTIONS

Section

R4-39-401. Student ~~records~~ Records of Graduates

R4-39-403. Student ~~complaint~~ Complaint procedures Procedures

ARTICLE 4. OPERATION OF ALL LICENSED INSTITUTIONS

R4-39-401. Student ~~records~~ Records of Graduates

Each licensed institution shall maintain graduate records which shall contain all information as detailed in R4-39-310 of these rules. In addition, the graduate records shall indicate the following:

~~A.~~ Class rank upon graduating, where applicable.

~~B.~~ Job Placement provided, where applicable.

Arizona Administrative Register
Notices of Final Rulemaking

- ~~C.~~ Place of employment and beginning salary after graduation, where applicable.
- A.** An institution shall maintain complete and accurate records for each student currently enrolled, including:
1. An enrollment agreement containing, but not limited to the following information:
 - a. Name and address of student;
 - b. Commencement date of program;
 - c. Title of the course or courses within the program;
 - d. Total clock and credit hours of the program;
 - e. Payment schedule and total cost to the student;
 - f. Refund policy of the institution;
 - g. A statement indicating that the individual signing the agreement has read and understands all aspects of the agreement;
 - h. The holder in due course rule as defined in A.R.S. § 47-3302;
 - i. A disclaimer by the institution that "job placement" is not guaranteed to graduates upon completion of this training or upon graduation;
 - j. Student grievance procedures, if not printed in a catalog, bulletin, or other document provided each prospective student; and
 - k. A cancellation notice in accordance with Federal Trade Commission (FTC) regulations.
 - l. Signature of the student and an official of the institution;
 2. Copy of the entrance exam, if applicable.
 3. A transcript.
 4. Grades received, where applicable;
 5. Student attendance information;
 6. Counseling records;
 7. Financial aid records for a length of time as required by the U.S. Department of Education; and
 8. All obligations incurred and all funds paid by the student to the institution.
- B.** An institution shall make student records available and readily accessible for use and review by authorized officials of the institution and authorized representatives of the Board.
- C.** An institution that gives credit toward a course based upon prior job experience, training, or life experience shall record that credit in the institution's records relating to the student and in the student's official transcript and list the portion of the course for which the student is given credit. The institution shall attach a copy of the transcript reflecting courses for which the student is given credit for prior job experience, training, or life experience to the institution's official transcript and shall retain the transcript as part of the student's permanent records.
- D.** In addition to subsections (A), (B), and (C), an institution shall include the following in the record of a student who graduates:
1. Class rank upon graduating, where applicable.
 2. Job placement provided, where applicable.
 3. Place of employment and beginning salary after graduation, where applicable.

R4-39-403. Student ~~complaint~~ Complaint procedures Procedures

- A.** If a student has a complaint against a licensed institution or program and ~~has exhausted~~ exhausts all available grievance procedures established by the institution, ~~that the~~ the student may file a written complaint with the Board. ~~All A complaints~~ complaint must be filed within ~~one year~~ 3 years of the student's last date of attendance.
- B.** The Board's staff shall investigate the complaint, and attempt to resolve it. If the complaint cannot be resolved through the Board's staff, the complaint may be placed on the agenda of the next Board meeting for consideration by the Board. The complainant and the institution or program shall receive written notice of the date, time and place at which the complaint will be heard by the Board. Upon completion of Board staff's investigation, the complaint shall be referred to the Complaint Committee for a review and recommendation to the Board.
- C.** After a review of the student complaint, the Complaint Committee shall:
1. Determine that the student complaint needs further investigation. Based upon the outcome of the investigation, the complaint may be re-heard by the Complaint Committee or referred to the Board;
 2. Determine that the student complaint does not demonstrate that a violation of statute or rule occurred and recommend to the Board that the complaint be dismissed; or
 3. Determine that the complaint demonstrates that a violation of statute or rule occurred and send a report of its findings and recommendation to the Board.
- D.** Upon receipt of the Complaint Committee's findings and recommendation, the Board shall affirm, reverse, adopt, modify, supplement, amend, or reject the report, in whole or in part, and determines there are reasonable grounds that the complaint demonstrates a violation of Board statutes and rules.
- ~~C.~~ The complainant's failure to appear at the Board meeting may result in dismissal of the complaint.

Arizona Administrative Register
Notices of Final Rulemaking

requirements for an elementary certificate to include training in research based systematic phonics instruction pursuant to A.R.S. § 15-203(A)(14).

The State Board of Education has amended the rules related to conduct (Article 13) to make technical changes in the wording of the rule. Specifically, the Board desired to make the rules clearer by changing the terminology used related to allegations, charges, and complaints.

7. 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

8. 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

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

The Board does not anticipate an economic, small business, or consumer impact related to, or created by, the proposed amendments.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

1. R7-2-607 through R7-2-615: All references to "Class I or Class II" have been changed to "Class 1 or Class 2" for consistency with language used by the Arizona Department of Public Safety and other participating agencies.

2. R7-2-610: All references to "A valid Class I fingerprint clearance card" have been changed to read "A valid Class 1 or Class 2 fingerprint clearance card", for consistency and to meet statutory requirements.

3. R7-2-610(M): Amendments proposed (2), other than the addition of the language related to the fingerprint clearance card, were deleted as the amendments were inadvertently left in this proposed amendment and will become part of an amendment package for future consideration.

4. R7-2-1304: Strike through the language of subsection (A) to show its deletion; strike through "B" as that will now be the only subsection in the rule; reword the new subsection to make clear and concise.

11. A summary of the principal comments and the agency response to them:

The only comment received was related to R7-2-610, and the requirement that applicants possess a Class 1 fingerprint card for Special Education certification. The individual questioned the Board's authority to limit the requirement to a Class 1 fingerprint clearance card and to exclude individuals who hold a Class 2 fingerprint clearance card. After researching the enacted bill related to the new requirement, the Board adopted the proposed amendments, further amending R7-2-610 to include Class 2 fingerprint clearance cardholders.

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

Not applicable

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

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES

Section

R7-2-205. Certification Review, Suspension, and Revocation

ARTICLE 6. CERTIFICATION

Section

R7-2-607. General Certification Provisions

R7-2-608. Elementary Teaching Certificates

R7-2-609. Secondary Teaching Certificates

R7-2-610. Special Education Teaching Certificates

R7-2-611. Vocational Teaching Certificates

Arizona Administrative Register
Notices of Final Rulemaking

- R7-2-612. Other Teaching Certificates
- R7-2-614. Administrative Certificates
- R7-2-615. Other Professional Certificates

ARTICLE 13. CONDUCT

Section

- R7-2-1301. Definitions
- R7-2-1302. Statement of ~~Complaint~~ Allegations
- ~~R7-2-1304~~R7-2-1303. ~~Charge~~ Complaint
- ~~R7-2-1303~~R7-2-1304. ~~Notification of Complaint~~; Investigation
- R7-2-1305. Conviction of Criminal Offenses; Investigation
- R7-2-1306. Reviewable Offenses
- R7-2-1307. Criminal Offenses; Nonreviewable

ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES

R7-2-205. Certification Review, Suspension, and Revocation

- A. The Professional Practices Advisory Committee (“Committee”) shall act in an advisory capacity to the State Board of Education (“Board”) in regard to certification or recertification matters related to immoral conduct, unprofessional conduct, unfitness to teach, and revocation, suspension or surrender of certificates.
- B. The Committee shall consist of seven members comprised of the following:
 - 1. One elementary classroom teacher
 - 2. One secondary classroom teacher
 - 3. One principal
 - 4. One superintendent or assistant/associate superintendent
 - 5. Two lay members
 - 6. One local Governing Board member.
- C. Selection of members of the Committee, except for lay members, shall be from highly competent educators who shall meet at least the following requirements:
 - 1. Certified to teach in Arizona (except the local Governing Board member).
 - 2. Currently employed in or retired from the education profession in the specific category of their appointment.
 - 3. If currently employed, shall have been employed in this category for the three years immediately preceding their appointment.
- D. Appointment to the Committee from the specific categories will be recommended to the entire Board by a three-member subcommittee appointed by the President of the Board. ~~The subcommittee shall include the Executive Officer of the Board. All members of the Committee shall be subject to final approval by the Board.~~
- E. Terms of the members
 - 1. All regular terms shall be for four years except as set forth in (F) below.
 - 2. A member may be reappointed with Board approval.
- F. The Board may remove any member from the Committee. All vacancies shall be filled as prescribed in (C) and (D) above, and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.
- G. The Committee shall:
 - 1. Select from its members a Chairman, Vice-Chairman, and Secretary.
 - 2. Establish procedures for conducting business according to Robert’s Rules of Order Revised. A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.
 - 3. ~~Form an Executive Committee to consist of the Committee Chairman, Vice-Chairman, and Secretary to screen complaints to determine if the complaint states a cause of action sufficient to impose disciplinary action against the certified person.~~
 - 43. Hold meetings as needed to conduct hearings or other Committee business by call of the Chairman of the Committee. If the Chairman neglects or declines to call a meeting, then a majority of the Committee may call a meeting. The Board may call a meeting as required to conduct necessary business. Notice of any meeting shall be given to Committee members seven days prior to the meeting.
 - 54. Recommend the removal of any member who is absent from three consecutive meetings.
 - 65. Refer to the Code of Ethics of the American Association of School Administrators and the National Education Association to assist in determining whether the acts complained of constitute unprofessional conduct.
 - 76. Conduct its business pursuant to R7-2-1301 et seq. and hearings pursuant to R7-2-701 et seq.

ARTICLE 6. CERTIFICATION

R7-2-607. General Certification Provisions

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.
- H. No change.
- I. No change.
- J. No change.
- K. Class 1 and Class 2 fingerprint clearance cards shall be issued by the Arizona Department of Public Safety.

R7-2-608. Elementary Teaching Certificates

- A. No change.
- B. Provisional Elementary Certificate -- grades K-8
 - 1. The certificate is valid for 2 years and is not renewable.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in elementary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least 8 semester hours of practicum in grades K-8. Two years of verified teaching experience in grades Prekindergarten-8 may be substituted for the 8 semester hours of practicum; or
 - iii. A valid elementary certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the elementary education subject knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - e. A valid Class 1 or Class 2 fingerprint clearance card.
- C. Standard Elementary Certificate -- grades K-8
 - 1. The certificate is valid for 6 years.
 - 2. The requirements are:
 - a. Qualification for the provisional elementary certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - c. A valid Class 1 or Class 2 fingerprint clearance card; and
 - d. Forty-five hours or 3 semester hours of instruction in research-based systematic phonics. An accredited institution or other provider may provide this instruction.

R7-2-609. Secondary Teaching Certificates

- A. No change.
- B. Provisional Secondary Certificate -- grades 7-12
 - 1. The certificate is valid for 2 years and is not renewable.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in secondary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
 - ii. Thirty semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least 8 semester hours of practicum in grades 7-12. Two years of verified teaching experience in grades 7-postsecondary may substitute for the 8 semester hours of practicum; or
 - iii. A valid secondary certificate from another state.
 - c. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - e. A valid Class 1 or Class 2 fingerprint clearance card.
- C. Standard Secondary Certificate -- grades 7-12
 - 1. The certificate is valid for 6 years.
 - 2. The requirements are:
 - a. Qualification for the provisional secondary certificate; ~~and~~

Arizona Administrative Register
Notices of Final Rulemaking

- b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
- c. A valid Class 1 or Class 2 fingerprint clearance card.

R7-2-610. Special Education Teaching Certificates

- A. No change.
- B. No change.
- C. Provisional Cross-Categorical Special Education Certificate -- grades K-12
 - 1. The certificate is valid for 2 years and is not renewable.
 - 2. The holder is qualified to teach students with mild to moderate mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments.
 - 3. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in special education from an accredited institution, which included courses in mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments; or
 - ii. Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 21 semester hours of special education courses and 8 semester hours of practicum with students representing at least 3 of the 5 disability areas. Special education courses shall include survey of exceptional students; teaching methodologies and strategies for students with disabilities; foundations course in mild to moderate mental retardation, learning disability, emotional disabilities, and physical/health impairment; and diagnosis and assessment of mild disabilities. Two years of verified teaching experience in special education in grades K-12 may substitute for the 8 semester hours of practicum; or
 - iii. A valid cross-categorical special education certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the cross-categorical special education portion of the Arizona Teacher Proficiency Assessment; and
 - e. A valid Class 1 or Class 2 fingerprint clearance card.
- D. Standard Cross-Categorical Special Education Certificate -- grades K-12
 - 1. The certificate is valid for 6 years.
 - 2. The holder is qualified to teach students with mild to moderate mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments.
 - 3. The requirements are:
 - a. Qualification for the provisional cross-categorical Special Education certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- E. Provisional Specialized Special Education Certificate -- grades K-12
 - 1. The certificate is valid for 2 years and is not renewable.
 - 2. The holder is qualified to teach students with mental retardation, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
 - 3. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in the specified area of special education from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and 8 semester hours of practicum in the designated area of disability. Special education courses shall include survey of exceptional students; teaching methodologies for students with disabilities; foundations of instruction in the designated area of disability; and diagnosis and assessment of disabilities. Two years of verified teaching experience in the area of disability in grades K-12 may be substituted for the 8 semester hours of practicum; or
 - iii. A valid special education certificate in the specified area from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the specified disability special education portion of the Arizona Teacher Proficiency Assessment; and
 - e. A valid Class 1 or Class 2 fingerprint clearance card.
- F. Standard Specialized Special Education Certificate -- grades K-12
 - 1. The certificate is valid for 6 years.
 - 2. The holder is qualified to teach students with mental retardation, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.

Arizona Administrative Register
Notices of Final Rulemaking

3. The requirements are:
 - a. Qualification for the provisional Special Education certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- G.** Provisional Severely and Profoundly Disabled Certificate -- grades K-12
 1. The certificate is valid for 2 years and is not renewable.
 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in severely and profoundly disabled education from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and 8 semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with severe and profound disabilities, foundations of instruction of students with severe and profound disabilities, and diagnostic and assessment procedures for students with severe and profound disabilities. Two years of verified teaching experience with students in grades Prekindergarten-12 who are severely and profoundly disabled may be substituted for the 8 semester hours of practicum; or
 - iii. A valid Severely and Profoundly Disabled certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the severely and profoundly disabled special education portion of the Arizona Teacher Proficiency Assessment; and
 - e. A valid Class 1 or Class 2 fingerprint clearance card.
- H.** Standard Severely and Profoundly Disabled Certificate -- grades K-12
 1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualification for the provisional severely and profoundly disabled certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- I.** Provisional Hearing Impaired Certificate -- grades K-12
 1. The certificate is valid for 2 years and is not renewable.
 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in hearing impaired education from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the hearing impaired and 8 semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with hearing impairment, foundations of instruction of students with hearing impairment, and diagnostic and assessment procedures for the hearing impaired. Two years of verified teaching experience in the area of hearing impaired in grades Prekindergarten-12 may be substituted for the 8 semester hours of practicum; or
 - iii. A valid hearing impaired certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the hearing impaired special education portion of the Arizona Teacher Proficiency Assessment; and
 - e. A valid Class 1 or Class 2 fingerprint clearance card.
- J.** Standard Hearing Impaired Certificate -- grades K-12
 1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualification for the provisional hearing impaired certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- K.** Provisional Visually Impaired Certificate -- grades K-12
 1. The certificate is valid for 2 years and is not renewable.
 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:

Arizona Administrative Register
Notices of Final Rulemaking

- i. Completion of a teacher preparation program in visual impairment from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the visually impaired and 8 semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with visual impairment, foundations of instruction of students with visual impairment, and diagnostic and assessment procedures for the visually impaired. Two years of verified teaching experience in the area of visually impaired in grades Prekindergarten-12 may be substituted for the 8 semester hours of practicum; or
 - iii. A valid visually impaired special education certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the visually impaired special education portion of the Arizona Teacher Proficiency Assessment; and
 - e. A valid Class 1 or Class 2 fingerprint clearance card.
- L. Standard Visually Impaired Certificate -- grades K-12**
- 1. The certificate is valid for 6 years.
 - 2. The requirements are:
 - a. Qualifications for the provisional visually impaired certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- M. Provisional Speech and Language Impaired Certificate -- grades K-12**
- 1. This certificate is valid for 2 years and is not renewable.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in speech and language special education from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 30 semester hours of special education courses for the speech impaired. Special education courses shall include survey of exceptional students, teaching methodologies for students with speech impairment, foundations of instruction of students with speech impairment, diagnostic and assessment procedures for the speech impaired, and a minimum of 200 clock hours of supervised clinical practice in providing speech and language impairment services. All clinical practice clock hours shall be supervised by an American Speech and Language Association-certified pathologist or by a state-certified speech and language therapist; or
 - iii. A valid Speech and Language Impaired special education certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
 - e. A valid Class 1 or Class 2 fingerprint clearance card.
- N. Standard Speech and Language Impaired Certificate -- grades K-12**
- 1. The certificate is valid for 6 years.
 - 2. The requirements are:
 - a. Qualification for the provisional speech and language impaired certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- O. Provisional Early Childhood Special Education Certificate -- Birth to 5 years**
- 1. The certificate is valid for 2 years and is not renewable.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in early childhood special education from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the standards described in R7-2-602, including child development and learning, language development, social and emotional development, curriculum development and implementation, and assessment and evaluation, early childhood special education, and 8 semester hours of practicum in early childhood special education. Two years of verified teaching experience in the area of early childhood special education may be substituted for the 8 semester hours of practicum; or
 - iii. A valid early childhood special education certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~

Arizona Administrative Register
Notices of Final Rulemaking

- d. A passing score on the early childhood special education portion of the Arizona Teacher Proficiency Assessment; and
 - e. A valid Class 1 or Class 2 fingerprint clearance card.
- P. Standard Early Childhood Special Education Certificate -- Birth to 5 years**
- 1. The certificate is valid for 6 years.
 - 2. Requirements are:
 - a. Qualify for the provisional early childhood Special Education certificate; ~~and~~
 - b. Passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- R7-2-611. Vocational Teaching Certificates**
- A. No change.**
- B. Provisional Vocational Certificate - Agriculture -- grades K-12**
- 1. The certificate is valid for 2 years.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. Eighteen semester hours of courses in agriculture; ~~and~~
 - c. Two thousand clock hours of verified employment in agriculture in the last 6 years; and
 - d. A valid Class 1 or Class 2 fingerprint clearance card.
 - 3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the second renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- C. Standard Vocational Certificate - Agriculture -- grades K-12**
- 1. The certificate is valid for 6 years.
 - 2. The requirements are:
 - a. Qualification for the provisional vocational certificate - Agriculture;
 - b. Thirty semester hours of courses in agriculture with 5 semester hours of courses in 3 of the following areas: animal science; plant science including soils; agricultural engineering; economics or agricultural economics; or agricultural resources; ~~and~~
 - c. Eighteen semester hours of courses, to include the following areas: methods of teaching agriculture, curriculum and materials of instruction, and practicum in agriculture in grades K-12. Two years of experience teaching agriculture in grades K-12 may substitute for the practicum; and
 - d. A valid Class 1 or Class 2 fingerprint clearance card.
- D. Provisional Vocational Certificate - Business -- grades K-12**
- 1. The certificate is valid for 2 years.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. Thirty semester hours of business and office courses;
 - c. Six semester hours of vocational education courses; ~~and~~
 - d. Two thousand clock hours of verified employment in business/office occupations or a practicum in business/office occupations in the past 6 years; and
 - e. A valid Class 1 or Class 2 fingerprint clearance card.
 - 3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the second renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- E. Standard Vocational Certificate - Business -- grades K-12**
- 1. The certificate is valid for 6 years.
 - 2. The requirements are:
 - a. Qualification for the provisional vocational certificate - Business; ~~and~~
 - b. Twenty-one semester hours of vocational education courses, to include methods of teaching business and principles of vocational education; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- F. Provisional Vocational Certificate - Family and Consumer Sciences -- grades K-12**
- 1. The certificate is valid for 2 years.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. Thirty semester hours of courses in family and consumer sciences with one course in each of the following: life span development; family or human relations; clothing and textiles or merchandising; nutrition, health or food preparation; facility management, housing or interior design; consumer economics or family resources; culinary arts; and practicum in child care or elder care; ~~and~~

- c. Two thousand clock hours of verified employment in family and consumer sciences or 5 semester hours of practicum in family and consumer sciences, completed in the last 6 years; and
 - d. A valid Class 1 or Class 2 fingerprint clearance card.
3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the second renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- G. Standard Vocational Certificate - Family and Consumer Sciences -- grades K-12**
1. The certificate is valid for 6 years.
 2. Applicants shall meet all of the requirements in one of the following options:
 - a. Option A:
 - i. Qualification for the provisional vocational certificate - Family and Consumer Sciences; ~~and~~
 - ii. Eighteen semester hours of courses in vocational education to include methods of teaching family and consumer sciences; and
 - iii. A valid Class 1 or Class 2 fingerprint clearance card.
 - b. Option B:
 - i. A Bachelor's degree;
 - ii. Six thousand clock hours of verified employment in family and consumer sciences, completed in the last 6 years; ~~and~~
 - iii. Fifteen semester hours of courses in vocational education, to include methods of teaching family and consumer sciences; and
 - iv. A valid Class 1 or Class 2 fingerprint clearance card.
- H. Provisional Vocational Certificate - Health Occupations -- grades K-12**
1. The certificate is valid for 2 years.
 2. The requirements are:
 - a. A valid Class 1 or Class 2 fingerprint clearance card;
 - ~~ab.~~ A professional license and 6,000 clock hours of verified employment in a health occupation in the last 6 years; or
 - ~~bc.~~ A Bachelor's degree in a biological science, health science, or physical science; two thousand clock hours of verified employment in the area to be taught, completed in the past 6 years; and a professional license in a health occupation.
 3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the second renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- I. Standard Vocational Certificate - Health Occupations -- grades K-12**
1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualification for the provisional vocational certificate - Health Occupations; ~~and~~
 - b. Twelve semester hours of vocational education courses, to include the following: methods of teaching, curriculum development, and evaluation; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- J. Provisional Vocational Certificate - Industrial Technology -- grades K-12**
1. The certificate is valid for 2 years.
 2. The requirements are:
 - a. A valid Class 1 or Class 2 fingerprint clearance card.
 - ~~ab.~~ A Bachelor's degree and 2,000 clock hours of verified employment in the area to be taught; or
 - ~~bc.~~ Six thousand clock hours of verified employment in the area to be taught. A valid industry-recognized occupational certification or license may substitute for the employment.
 3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the second renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- K. Standard Vocational Certificate - Industrial Technology -- grades K-12**
1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualify for the provisional vocational certificate - Industrial Technology; ~~and~~
 - b. Fifteen semester hours of courses in vocational education, to include methods of teaching industrial technology; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- L. Provisional Vocational Certificate - Marketing -- grades K-12**
1. The certificate is valid for 2 years.
 2. The requirements are:

- a. A valid Class 1 or Class 2 fingerprint clearance card.
 - ~~ab.~~ A Bachelor's degree; and 6,000 clock hours of verified employment in the area to be taught; or
 - ~~bc.~~ A Bachelor's or more advanced degree in business or marketing; 2,000 clock hours of verified employment in marketing or a practicum in marketing occupations; and 6 semester hours of courses in each of the following: marketing, management, and finance.
3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the second renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- M. Standard Vocational Certificate - Marketing -- grades K-12**
1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualification for the provisional vocational certificate - Marketing under the requirements in subsection (L)(2)(b); ~~and~~
 - b. Twelve semester hours of marketing or business education courses to include methods of teaching, and curriculum and materials of instruction; and
 - c. A valid Class 1 or Class 2 fingerprint clearance card.

R7-2-612. Other Teaching Certificates

- A.** No change.
- B. Substitute Certificate -- grades K-12**
1. The certificate is valid for 6 years and renewable by reapplication.
 2. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only a substitute certificate shall not be assigned a contract teaching position.
 3. An individual who holds a valid teaching or administrator certificate shall not be required to hold a substitute certificate to be employed as a substitute teacher.
 4. A person holding only a substitute certificate shall be limited to teaching 120 days in the same school each school year.
 5. The requirement for issuance is a Bachelor's degree and a valid Class 1 or Class 2 fingerprint clearance card.
 6. Substitute certificates previously issued as valid for life under this rule shall remain valid for life.
- C. Emergency Substitute Certificate -- grades K-12**
1. The certificate is valid for 1 school year or part thereof. The expiration date shall be the following July 1.
 2. The certificate entitles the holder to substitute only in the specified county and in districts the county school superintendent approves.
 3. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only an emergency substitute certificate shall not be assigned a contract teaching position.
 4. The holder of an emergency substitute certificate shall be limited to 120 days of substitute teaching per school year and shall not serve in any 1 classroom for more than 20 working days.
 5. The requirements for initial issuance are:
 - a. High school diploma;
 - b. Verification from the school district superintendent that an emergency employment situation exists; ~~and~~
 - c. Concurrence by the county school superintendent that an emergency employment situation exists; and
 - d. A valid Class 1 or Class 2 fingerprint clearance card.
 6. The requirements for each reissuance are:
 - a. Two semester hours of academic courses completed since the last issuance of the Emergency Substitute Certificate. District in-service programs designed for professional development may substitute for academic courses. Fifteen clock hours of in-service is equivalent to 1 semester hour. In-service hours shall be verified by the district superintendent or personnel director. Individuals who have earned 30 or more semester hours are exempt from this requirement;
 - b. Verification from the school district superintendent that an emergency employment situation exists;
 - c. Concurrence by the county school superintendent that an emergency employment situation exists; and
 - d. A valid Class 1 or Class 2 fingerprint clearance card.
 7. When the requesting school is a Bureau of Indian Affairs school, a Bureau of Indian Affairs grant school, a tribally controlled or contract school, concurrence by the county school superintendent shall not be required.
- D. Emergency Teaching Certificate -- grades K-12**
1. The certificate is valid 1 school year or part thereof. The expiration date shall be the following July 1.
 2. The certificate entitles the holder to enter into a teaching contract.
 3. Emergency teaching certificates shall be issued only for elementary and secondary certificates required by A.R.S. § 15-502(B), special education certificates, and required endorsements.
 4. The requirements for initial issuance are:
 - a. A Bachelor's degree;

- b. Verification from the school district superintendent that an emergency employment situation exists; ~~and~~
 - c. Concurrence by the county school superintendent that an emergency employment situation exists; ~~and~~
 - d. A valid Class 1 or Class 2 fingerprint clearance card.
5. The requirements for reissuance are:
- a. Verification from the school district superintendent that an emergency employment situation exists;
 - b. Concurrence by the county school superintendent that an emergency employment situation exists; ~~and~~
 - c. Six semester hours of courses toward meeting the requirements for the specified certificate or endorsement, completed since the last issuance of the emergency teaching certificate. If an applicant is enrolled in a Board-approved teacher preparation program, 90 clock hours toward completion of the program may substitute for the 6 semester hours; ~~and~~
 - d. A valid Class 1 or Class 2 fingerprint clearance card.
6. When the requesting school is a charter school, a Bureau of Indian Affairs school, a Bureau of Indian Affairs grant school, tribally controlled or contract school, concurrence by the county school superintendent shall not be required.
- E. Teaching Intern Certificate -- grades K-12**
- 1. The certificate is valid for 2 years and is not renewable.
 - 2. The intern certificate entitles the holder to perform intern or paraprofessional duties in whatever grades or levels are assigned.
 - 3. The requirements are:
 - a. Current enrollment in a teacher preparation program; ~~and~~
 - b. A recommendation from the dean of a college of education or the administrator of a Board-approved teacher preparation program; ~~and~~
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
 - 4. The holder shall be under the direct supervision of college and certified school personnel.
- F. Adult Education Certificates**
- 1. The adult education certificates are issued for individuals teaching in the areas of Adult Basic Education, General Educational Development, English as a Second Language, or Citizenship.
 - 2. Provisional Adult Education Certificate
 - a. The certificate is valid for 3 years and is not renewable.
 - b. The requirement for issuance is a valid Class 1 or Class 2 fingerprint clearance card and a Bachelor's degree or 3 years of experience as a teacher, tutor, or aide in an adult education program or in grades K-12. Up to 2 years of experience may be waived by postsecondary academic credit, with 30 semester hours equivalent to 1 year of experience.
 - 3. Standard Adult Education Certificate
 - a. The certificate is valid for 6 years.
 - b. The requirements are:
 - i. One year of part-time or full-time teaching experience under a provisional adult education certificate, verified by an adult education program administrator; ~~and~~
 - ii. Completion of 10 clock hours in a professional development program described in R7-2-617(B) since the issuance of the provisional adult education certificate; ~~and~~
 - iii. A valid Class 1 or Class 2 fingerprint clearance card.
 - c. The renewal requirements are completion of 60 clock hours in a professional development program, described in R7-2-617(B).
- G. Junior Reserve Officer Training Corps Teaching Certificate -- grades 9-12**
- 1. The certificate is valid for 6 years and is renewable upon application.
 - 2. The certificate is valid at any local education agency which conducts an approved Junior Reserve Officer Training Corps program of the Air Force, Army, Navy, or Marine Corps.
 - 3. The requirements are:
 - a. Verification by the district of an approved Junior Reserve Officer Training Corps program of instruction in which the applicant will be teaching; ~~and~~
 - b. Verification by the district that the applicant meets the work experience required by the respective military service; ~~and~~
 - c. A valid Class 1 or Class 2 fingerprint clearance card.
- H. Athletic coaching certificate – grades 7-12**
- 1. The certificate is valid for 6 years.
 - 2. The certificate entitles the holder to perform coaching duties in interscholastic and extracurricular athletic activities. It is not required for teachers who hold a valid elementary, secondary, or special education certificate.
 - 3. The requirements are:
 - a. Valid certification in first aid and Coronary and Pulmonary Resuscitation (CPR);

- b. Completion of 15 semester hours of courses which shall include at least 3 semester hours in courses related to each of the following: methods of coaching; anatomy and physiology; sports psychology; adolescent psychology; and the prevention and treatment of athletic injuries; ~~and~~
 - c. 250 hours of verified coaching experience in the sport to be coached. Coaching experience may include experience as a head coach or assistant coach in a school program or in an organized athletic league; and
 - d. A valid Class 1 or Class 2 fingerprint clearance card.
4. Renewal requirements are:
- a. Completion of 60 clock hours in a professional development program described in R7-2-617(B);
 - b. Valid certification in first aid and CPR.

R7-2-614. Administrative Certificates

A. No change.

B. Supervisor Certificate -- grades Prekindergarten-12

1. The supervisor certificate is required for all personnel whose primary responsibility is administering instructional programs, supervising certified personnel, or similar administrative duties.
2. The certificate may be renewed with a concurrently held teaching certificate. The expiration date shall be the same as the expiration date of the teaching certificate.
3. The requirements are:
 - a. A standard elementary, secondary, or special education certificate;
 - b. A Master's or more advanced degree;
 - c. Three years of verified teaching experience in grades Prekindergarten-12;
 - d. Completion of a program in educational administration which shall consist of a minimum of 18 graduate semester hours of educational administration courses which teach the knowledge and skills described in R7-2-603;
 - e. A practicum in educational administration or 2 years of verified educational administrative experience in grades Prekindergarten-12;
 - f. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment; ~~and~~
 - g. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment; and
 - h. A valid Class 1 or Class 2 fingerprint clearance card.
4. A valid supervisor certificate from another state may be substituted for the teaching experience, program in educational administration, and practicum described in subsections (3)(c), (3)(d), and (3)(e) of this section.

C. Principal Certificate -- grades Prekindergarten-12

1. The principal certificate is required for all personnel who hold the title of principal, assistant principal, or others with similar administrative duties.
2. The certificate is valid for 6 years.
3. The requirements are:
 - a. A Master's or more advanced degree;
 - b. Three years of verified teaching experience in grades Prekindergarten-12;
 - c. Completion of a program in educational administration for principals including at least 30 graduate semester hours of educational administration courses teaching the knowledge and skills described in R7-2-603;
 - d. A practicum as a principal or 2 years of verified experience as a principal or assistant principal in grades Prekindergarten-12;
 - e. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment; ~~and~~
 - f. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment; and
 - g. A valid Class 1 or Class 2 fingerprint clearance card.
4. A valid principal certificate from another state may be substituted for the teaching experience, program in educational administration, and practicum described in subsections (3)(b), (3)(c), and (3)(d) of this section.

D. Superintendent Certificate -- grades Prekindergarten-12

1. The superintendent certificate is required for superintendents, assistant or associate superintendents, district chief executive officers regardless of title, and others with similar district-level administrative duties.
2. The certificate is valid for 6 years.
3. The requirements are:
 - a. A Master's or more advanced degree including at least 60 graduate semester hours;
 - b. Completion of a program in educational administration for superintendents, including at least 36 graduate semester hours of educational administrative courses which teach the standards described in R7-2-603;
 - c. Three years of verified teaching experience in grades Prekindergarten-12;
 - d. A practicum as a superintendent or 2 years verified experience as a superintendent, assistant superintendent, or associate superintendent in grades Prekindergarten-12;

- e. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment; ~~and~~
 - f. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment; ~~and~~
 - g. A valid Class 1 or Class 2 fingerprint clearance card.
4. A valid superintendent certificate from another state may be substituted for the program in educational administration, teaching experience, and practicum described in subsections (3)(b), (3)(c), and (3)(d) of this section.
5. Individuals who hold an Alternative Superintendent Certificate before the effective date of this rule shall be issued a Superintendent Certificate at the time of renewal. Individuals who were evaluated for an Alternative Superintendent Certificate before the effective date of this rule and who meet the qualifications in effect at the time of evaluation within 2 years of the evaluation shall be issued a Superintendent Certificate.

R7-2-615. Other Professional Certificates

- A. No change.
- B. Guidance Counselor Certificate -- grades K-12
- 1. The guidance counselor certificate is valid for 6 years.
 - 2. The requirements are:
 - a. A Master's or more advanced degree;
 - b. Completion of a graduate program in guidance and counseling. A valid guidance counselor certificate from another state may substitute for this requirement; ~~and~~
 - c. A valid Class 1 or Class 2 fingerprint clearance card; and
 - ed. One of the following:
 - i. Completion of a supervised counseling practicum in school counseling;
 - ii. Two years of verified, full-time experience as a school guidance counselor; or
 - iii. Three years of verified teaching experience.
- C. School Psychologist Certificate -- grades Prekindergarten-12
- 1. The school psychologist certificate is valid for 6 years.
 - 2. The requirements are:
 - a. A Master's or more advanced degree;
 - b. Completion of a graduate program in school psychology consisting of at least 60 graduate semester hours; ~~and~~
 - c. A practicum of at least 1,000 clock hours; ~~and~~
 - d. A valid Class 1 or Class 2 fingerprint clearance card.
 - 3. A valid school psychologist certificate from another state may be substituted for the completion of a program described in subsection (2)(b).

ARTICLE 13. CONDUCT

R7-2-1301. Definitions

In this Article, unless the context otherwise specifies:

- 1. "Alleging party" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or other agency who completes a statement alleging immoral or unprofessional conduct against a certificated individual.
- 2. "Applicant" means a person who has submitted an application to the Department requesting an evaluation of the requirements set forth in R7-2-601 et seq., requesting issuance of a certificate pursuant to R7-2-601 et seq., or requesting renewal of a previously held certificate issued pursuant to R7-2-601 et seq.
- 3. "Board" means the State Board of Education.
- 4. "Certificated individual" means an individual who holds an Arizona certificate issued pursuant to R7-2-601 et seq.
- 4. ~~"Complaining party" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or other agency who completes a statement of complaint alleging immoral or unprofessional conduct against a certificated individual.~~
- 5. ~~"ChargeComplaint" means the filing of allegations~~ a charge by the Board against a certificated individual alleging immoral or unprofessional conduct.
- 6. ~~"Department" means the Department of Education.~~
- 7. "Hearing" means an adjudicative proceeding held pursuant to Title 41, Chapter 6 and R7-2-701 et seq.
- 8. "PPAC" means the Professional Practices Advisory Committee established pursuant to R7-2-205.
- 9. ~~"Respondent" means a certificated individual who is charged with committing an immoral or unprofessional act.~~

R7-2-1302. Statement of Complaint Allegations

- A. Any person may file, with the Board, a statement of complaint allegations against a certificated individual on forms provided by the Board.
- B. A statement of complaint allegations shall state the facts under which ~~the complaining~~ a party is alleging immoral or unprofessional conduct and shall be signed and notarized.

- C. The facts in a statement of ~~complaint~~ allegations shall clearly state the details of the alleged immoral or unprofessional conduct.
- D. A statement of ~~complaint~~ allegations shall contain the names, addresses and telephone numbers of individuals who can be contacted to provide information regarding the allegations contained in the statement of ~~complaint~~. The list of individuals shall also include a brief summary of the substance and extent of each individual's knowledge regarding the allegations contained in the statement of ~~complaint~~.
- E. The ~~complain~~ ing ~~alleging~~ party may attach written or other evidence to a statement of ~~complaint~~ allegations at the time that the statement is filed with the ~~Department~~ Board.
- F. A statement of ~~complaint~~ allegations filed by a school district shall be accompanied by a certified copy of a school board resolution authorizing the statement of ~~complaint~~ allegations to be filed.
- G. A statement of ~~complaint~~ allegations may be returned to the ~~complain~~ ing ~~alleging~~ party if the statement is not complete or not legible.
- H. The Board shall conduct an investigation of all statements of allegations filed pursuant to this Article.

~~R7-2-1304~~ **R7-2-1303. Charge Complaint**

- A. Upon completion of an investigation resulting from a statement of ~~complaint~~ allegations, the Board may file a ~~charge com-~~ plaint against a certificated individual.
- B. The Board may, at its own discretion, investigate any matter and file a complaint against a certificated individual upon receiving any information, from any source, indicating immoral or unprofessional conduct has occurred.
- BC. A hearing shall be held on a charge complaint before the PPAC.

~~R7-2-1303~~ **R7-2-1304. Notification of Complaint; Investigation**

- ~~A. Within 20 days after the filing of a statement of complaint, the Board shall notify the certificated individual that a statement of complaint has been filed and the Board shall provide the certificated individual with a copy of said statement of complaint. Such notice shall be delivered personally or by certified mail to the last known address.~~
- ~~B. The certificated individual shall have 15 days from receipt of the complaint to file a response with the Board. notification by the Board to respond to the statement of complaint. The certificated individual's response to the complaint shall be filed with the Board.~~
- ~~C. An investigation of all statements of complaint filed pursuant to this Article shall be conducted.~~

R7-2-1305. Conviction of Criminal Offenses; Investigation

- A. Applicants shall certify on forms that are provided by the ~~Department~~ Board whether they are awaiting trial on, or have ever been convicted of, or have admitted in open court or pursuant to a plea agreement committing any offense listed in A.R.S. § 15-534. Applicants for certification shall not be required to disclose information regarding misdemeanor offenses other than those listed in A.R.S. § 15-534.
- B. Upon receipt of notification that an applicant or certificated individual has been convicted of or admitted in open court or pursuant to a plea agreement committing any criminal offense specified in A.R.S. § 15-534, the Board shall initiate an investigation.
- C. Applicants and certificated individuals who are alleged to have been convicted of a criminal offense specified in A.R.S. § 15-534 shall provide the Board with copies of court records or reports pertaining to the conviction.

R7-2-1306. Reviewable Offenses

- A. Reviewable offenses are those offenses listed in A.R.S. § 15-534 which are not included in R7-2-1307.
- B. Upon completion of an investigation, the Board may file a ~~charge~~ complaint against a certificated individual or may issue or deny certification to an applicant.

R7-2-1307. Criminal Offenses; Nonreviewable

- A. The Board shall revoke, not issue, or not renew the certification of a person who has been convicted of or admitted in open court or pursuant to a plea agreement committing any of the following criminal offenses in this state or similar offenses in another jurisdiction:
 1. Sexual abuse of a minor;
 2. Incest;
 3. First-degree murder;
 4. Sexual assault;
 5. Sexual exploitation of a minor;
 6. Commercial sexual exploitation of a minor;
 7. A dangerous crime against children as defined in A.R.S. § 13-604.01;
 8. Armed robbery;
 9. Sexual conduct with a minor;
 10. Molestation of a child;
 11. Exploitation of minors involving drug offenses.

- B. Upon notification that a certificated individual has been convicted of a nonreviewable offense, the Board shall revoke the certificate.

NOTICE OF FINAL RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

1. Sections Affected

R12-4-102
R12-4-108
R12-4-203

Rulemaking Action

Amend
Amend
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)

Implementing statutes: A.R.S. §§ 17-333, 17-333.03, and 17-245

3. The effective date of the rules:

R12-4-102 has 2 delayed effective dates designated within the rule text. The application fee for the big game drawing and the fees for big game tags will be increased July 1, 2000, in time for the big game drawing. The fees for the waterfowl stamp and the new state migratory bird stamp will also become effective July 1, 2000, since they are both fiscal year licenses. All other fee increases will become effective January 1, 2001, since they are for calendar-year licenses, for surcharges on these licenses, or for non-permit tag fees.

R12-4-108 has a delayed effective date of July 1, 2000 designated within the rule. Management Unit Boundaries are established for use by the Commission in setting hunt orders and by the public to ensure they are hunting within units legally designated for particular hunts. Therefore, it is imperative that the public be adequately informed of these boundaries and of any boundary changes. The agency does this primarily through the publishing of Management Unit maps within its annual *Hunt Regulation* publication. The next *Hunt Regulation* publication in which the amended Management Unit maps can appear (given printing schedules) is the July 1, 2000 to June 30, 2001 edition. Therefore, the effective date of the rule will be July 1, 2000.

R12-4-203 has an effective date of July 1, 2000 designated within the rule text to correspond to the date the migratory bird stamp becomes effective under statute.

4. A list of all previous notices appearing in the Register addressing the final rule:

R12-4-102 and R12-4-203:

Notice of Rulemaking Docket Opening: 5 A.A.R. 3000, September 3, 1999

Notice of Proposed Rulemaking: 5 A.A.R. 3653, October 8, 1999

R12-4-108:

Notice of Rulemaking Docket Opening: 5 A.A.R. 765 & 766, March 12, 1999.

Notice of Proposed Rulemaking: 5 A.A.R. 2313, July 23, 1999

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.)

R12-4-102, R12-4-108, R12-4-203:

The date the record was closed: January 21, 2000

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Dona Marie Markley, Rules Section

Address: Arizona Game and Fish Department
2221 West Greenway Road, DORR
Phoenix, AZ 85023-4399

Fax: (602) 789-3677

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

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

This rule prescribes fees, within statutory confines, to cover necessary Department expenditures. The Game and Fish Department receives no appropriation from the state general fund, but is supported by those fees prescribed in this rule; license fees are the major source of funding.

The majority of license fees have been at ceiling since January 1, 1991. Fees for most big game tags have been established since 1983. It became apparent with the 1998 biannual budget request that the agency could not maintain operations 3 years out without an increase in license fees. The Arizona Game and Fish Commission therefore made the decision to introduce legislation to raise the ceiling on fees. That legislation died in committee at the vote, but the sportsmen in the state took up the cause. The Wildlife Conservation Advisory Council decided it was important enough to show their support as "payers." Because of this the legislation, H.B. 2015, did pass.

In developing the proposal to implement the new legislation, the agency determined that it was most logical to propose going to the maximum allowed on all fees possible, rather than in small increments. This will give the Department the revenue base it needs when it needs it. When increases were made incrementally prior to 1991, buyers showed resistance to "continually increasing" prices by buying fewer licenses as long as the increases were ongoing. A one-time increase will decrease this continual "buyer resistance" effect. There should also be some assurance that another increase will not be needed for another 10 years. The effective date for the license fee increases is January 1, 2001, which is 10 years from the last license fee increase. Hunt permit-tags, which are issued through the big game drawing, will increase effective July 1, 2000 (again, the last increase for most of these was in 1983).

Most licenses are valid for a calendar year, and go on sale months before the year for which they are valid. This makes it essential to do rulemaking as quickly as possible, to enact final fees far enough in advance to order license forms, print information for the public and license dealers who sell hunting and fishing licenses, and make adjustments in internal support processes to ensure a smooth transition within the normal framework of business operations. The rulemaking schedule the agency has embarked upon should result in final action by the Commission in January 2000, with review by the Governor's Regulatory Review Council in early April 2000. This will mean the new fees will be finalized before the Commission's traditional April meeting when the majority of hunting seasons are established and permit levels are set. It will allow the Department to gain much-needed revenue in the last half of the year 2000, as fees for big game tags will be increased July 1, 2000, in time for the big game drawing, when many hunters will also purchase their hunting license for the calendar year 2001.

In addition to addressing licenses and tags, the legislation also amended A.R.S. § 17-345 to add license classes to which surcharges may be added. Up to \$2 may be added to Class A, B, C, D, F, G, H, or I licenses. Monies collected under this authority must be segregated from other fees and deposited in the conservation development fund. Currently, surcharges are paid only by persons purchasing a trout stamp and by persons purchasing the combination license which authorizes hunting, fishing, and trout fishing, although improvements from the monies collected benefit all customers. The surcharge is not applied to the Class A fishing license, even though currently authorized. With a view to ongoing and future Department facility development needs, the agency is proposing surcharges be added to all licenses authorized. The surcharge will be removed from the trout stamp, since the person would already have paid the surcharge through the fishing license or the combination license. This also ensures equity between user groups. These surcharges will be implemented with license fee increases effective January 1, 2001.

A discussion of each fee change follows.

License Fees

Class A general fishing license. Currently authorized by A.R.S. § 17-333(A)(1) with a ceiling of \$12.00 resident, \$38.00 nonresident. The fee is currently set at \$12.00 resident, \$38.00 nonresident. This fee became effective January 1, 1991. There is no surcharge on this license even though it is authorized by A.R.S. § 17-345. The new ceiling is set at \$16.00 resident, \$49.50 nonresident. The new fee, including the \$2 added surcharge authorized by A.R.S. § 17-345, is \$18.00 resident, \$51.50 nonresident. Pursuant to a new provision within A.R.S. § 17-333(A)(1), the fee for this license issued in November or December is one-half price. The rule clarifies that this applies to licenses purchased in November or December of the year for which the license is valid, and establishes that the reduction includes one-half of the surcharge prescribed as authorized by A.R.S. § 17-345. This is necessary to meet the spirit of the law establishing the "half price" sale during the last 2 months of the license year.

Class B nonresident general four-month fishing license. Currently authorized by A.R.S. § 17-333(A)(3), with a ceiling of \$27.50, the fee is set at \$22.00; it became effective in December 1992. (Legislation authorizing this license and fee became effective October 31, 1992.) The new ceiling is \$35.50. The new fee, including the \$2 added surcharge authorized by A.R.S. § 17-345, is \$37.50.

Class C five-day fishing license. Currently authorized by A.R.S. § 17-333(A)(4), with a ceiling of \$18.50 for nonresidents only. Current fee is set at \$18.50, which became effective January 1, 1991. The new ceiling is \$24.00. The new fee, including the \$2 added surcharge authorized by A.R.S. § 17-345, is \$26.00.

Class D one-day fishing license. Currently authorized by A.R.S. § 17-333(A)(5), with a ceiling of \$8.00 resident or nonresident. The current fee is set at \$8.00. This was established on January 1, 1991. The new ceiling is \$10.50. The new fee, including the \$2 added surcharge authorized by A.R.S. § 17-345, is \$12.50.

Class E Colorado River only fishing license. Currently authorized by A.R.S. § 17-333(A)(7), to nonresidents only at \$32.50. The current fee is \$32.50, established January 1, 1991. The new ceiling is \$42.50. The new fee is \$42.50. There is no surcharge authorized for this license.

Class F combination general hunting and fishing license. Currently authorized by A.R.S. § 17-333(A)(8) at \$32.00 resident, \$135.50 nonresident. Current fee established by R12-4-102 (A)(6), is \$34.00 resident adult, \$100.00 nonresident adult, and \$18.00 for resident or nonresident youth (effective 1-1-97); this includes a \$2.00 surcharge authorized by A.R.S. § 17-345. The new ceilings are \$42.00 resident, \$175.50, nonresident. The new fees, including the \$2 added surcharge authorized by A.R.S. § 17-345, are \$44.00 resident, \$177.50 nonresident adult, and \$25.50 for resident or nonresident youth. The special youth price is intended to encourage youths to hunt and fish, which is essential for the future of wildlife management. The price is based upon and tied to the new fee for the Class G general hunting license. A youth purchasing a combination license pays the cost for a hunting license and receives "free" the authority to fish.

Class G general hunting license. Currently authorized by A.R.S. § 17-333(A)(10), at \$18.00 resident, \$85.50 nonresident. The current fee of \$18.00 resident and \$85.50 nonresident became effective January 1, 1991. The new ceiling is \$23.50 resident, \$111.50 nonresident. The new fee, including the \$2 added surcharge authorized by A.R.S. § 17-345, is \$25.50 resident, \$113.50 nonresident.

Class H three-day hunting license. Currently authorized by A.R.S. § 17-333(A)(11) at \$38.00 for nonresidents only. Current fee is \$38.00. This fee was established January 1, 1991. The new ceiling is \$49.50. The new fee, including the \$2 added surcharge authorized by A.R.S. § 17-345, is \$51.50.

Urban fishing license. Authorized by A.R.S. § 17-333(A)(9), at \$14.00 resident or nonresident, the fee at R12-4-102 (A)(11) is \$12.00, established September 15, 1982. Since 1985 this license has remained at the same \$12 rate. The 1999 legislation increased the ceiling to \$16.00. The new fee, which does not include a surcharge, is \$16.00 effective January 1, 2001.

Hunt Permit-tag Fees

R12-4-101 defines "hunt permit-tag" as a tag for a hunt for which the Commission has assigned a hunt number. R12-4-114(C) provides that a hunt number be assigned whenever the number of hunt permits must be limited, and a hunt permit-tag is then required to hunt in that season. The only way a hunt permit-tag can be obtained is through a drawing. R12-4-104 establishes the procedures for applying for a hunt permit-tag. Applicants must remit the fees for the tag at the time they apply for the drawing. Since these are specific to hunting seasons and not issued on a calendar year basis, the agency is proposing that the effective date for changes for these fees be July 1, 2000. This will bring in much-needed revenue for the year 2000. However, Section 8 of the new legislation says "...the Arizona Game and Fish Commission shall not increase fees before July 1, 2000 by more than two-thirds of the increase increment authorized by this act." To meet the *intent* of that portion of the new legislation, the agency proposes to increase these tags by only two-thirds of the increase increment authorized, even though the increase will not become effective *before* July 1, 2000.

Antelope tag. Currently authorized by A.R.S. § 17-333(A)(17) at \$50.00 resident, \$250.00 nonresident. The resident fee has been in effect since January 1, 1984, when it was increased by \$10.00 to the current \$50.00; the nonresident fee was last increased January 1, 1983, when it went up \$100.00 to the current \$250.00. The new legislation at (A)(18) increases the ceiling to \$65.00 resident, \$325.00 nonresident. The new fee is \$59.50 resident, \$299.50 nonresident.

Bear tag. Currently authorized by A.R.S. § 17-333(A)(14), at \$11.00 resident, \$150.00 nonresident. This fee became effective January 1, 1989, when the resident fee increased \$3.50 to \$11.00, and the nonresident fee increased \$99.50 to \$150.00. (The Legislature changed the ceiling for this fee in 1987.) The new legislation at (A)(15) increases the ceiling to \$14.50 resident, \$200.00 nonresident. The new fee is \$13.00 resident, \$183.00 nonresident.

Bighorn Sheep tag. Currently authorized by A.R.S. § 17-333(A)(19) at \$150.00 resident, \$750.00 nonresident. Both fees became effective January 1, 1983, when the resident fee was raised by \$75.00 to \$150.00, and the nonresident fee by \$375.00 to \$750.00. The new legislation at (A)(20) increases the ceiling to \$195.00 resident, \$1,000 nonresident. The new fee is \$179.50 resident, \$915.00 nonresident.

Deer tag. Currently authorized by A.R.S. § 17-333(A)(16) at \$14.50 resident, \$75.50 nonresident. Fees have remained unchanged since 1983. The new legislation at (A)(17) increases the ceiling to \$19.50 resident, \$125.50 nonresident. The new fee is \$17.50 resident, \$108.50 nonresident.

Elk tag. Currently authorized by A.R.S. § 17-333(A)(18), at \$60.00 resident, \$300.00 nonresident. The resident fee became effective January 1, 1984, when it was increased by \$10.00 to \$60.00. The nonresident fee was last increased January 1, 1983, when it was increased by \$100.00 to \$300.00. The new legislation at (A)(19) increases the ceiling to \$78.00 resident, \$400.00 nonresident. The new fee is \$71.50 resident, \$366.00 nonresident.

Javelina tag. Currently authorized by A.R.S. § 17-333(A)(12), at \$9.50 resident and \$50.50 nonresident. This fee was set on January 1, 1983, when the resident fee was increased \$2.00 to \$9.50 and the nonresident fee was increased \$25.00 to \$50.50. The new legislation at (A)(13) increases the ceiling to \$12.50, resident, \$70.00 nonresident. (It is noted that the new legislation increases the nonresident archery javelina tag to \$75.00. The agency has determined it appropriate to maintain tradition and keep the prices the same for archery tags as for "general" tags.) The new fee is \$11.00 resident, \$63.00 nonresident.

Mountain Lion tag. As for the bear, the 1987 Legislature increased the statutory fee for this big game species. The fee authorized by A.R.S. § 17-333(A)(15), is \$11.00 resident, \$150.00 nonresident. This fee was increased effective January 1, 1989, to the current \$11.00 resident, \$150.00 nonresident. The new legislation at (A)(16) increases the ceiling to \$14.50 resident, \$200.00 nonresident. The new fee is \$13.00 resident, \$183.00 nonresident.

Turkey tag. Currently authorized by A.R.S. § 17-333(A)(13), at \$8.50 resident, \$50.50 nonresident. This fee became effective January 1, 1984, when the resident tag was increased \$1.50 to \$8.50. The last increase for the nonresident fee was January 1, 1983, when it increased \$25.00 to \$50.50. The new legislation at (A)(14) increases the ceiling to \$11.00 resident, but retains the \$50.50 price for nonresident, except that the nonresident price for the archery tag was increased to \$75.00. The agency has determined it appropriate to maintain tradition and keep the prices the same for archery tags as for "general" tags. The new fee is \$10.00 resident, with no change to the \$50.50 price for nonresident.

Nonpermit-Tag Fees

Nonpermit-tags, defined in R12-4-101, are sold "over the counter" for big game hunts for which permits are not limited. There are actually few of these hunts at present: archery-only deer and turkey seasons, and general and archery-only seasons for bear and mountain lion. Changing the price for these tags mid-year is not feasible due to cost to the Department for reprinting and re-issuing these tags to license dealers as well as Department offices. Since these tags are not hunt-specific (several hunts may be established within a season order) it would also mean that persons who bought their tags earlier in the year would pay a lower price to participate in the same seasons as those who purchased their tags later.

To avoid these concerns, the agency will leave the price for nonpermit-tags unchanged until January 1, 2001, when they will increase to the same price as those for hunt permit-tags. This will be the first time there has ever been a cost differential between these tags, and it will be temporary. However, the temporary cost differential has made it necessary to list non-permit tags separately within R12-4-102, which has also not been done before. All big game tags are listed, even though it is unlikely that nonpermit-tags will be offered for most big game species in the year 2000 or thereafter. This was determined necessary in order to retain the Commission's needed wildlife management flexibility as it establishes seasons and determines whether or not to limit permits available for each season. Having a price established for nonpermit-tags does not mean the Department will have to make the tags available, unless the Commission establishes a season for which they would be valid and necessary.

For a discussion and history on each tag, see previous narrative on hunt permit-tags. The only difference is the effective date, which is January 1, 2001, instead of July 1, 2000 as for hunt permit-tag fee changes.

Stamps and Special Use Permit Fees

State waterfowl stamp. Currently authorized by A.R.S. § 17-333(A)(31), at \$5.50. The law requiring a state waterfowl stamp, A.R.S. § 17-333.01, was passed by the 1986 Legislature; all proceeds from the stamp go to the Waterfowl Conservation Fund. The fee became effective July 1, 1987. The new legislation at (A)(32) increases the ceiling to \$7.50. The new fee is \$7.50. A.R.S. § 17-333.01(A) says "The Commission shall issue state waterfowl stamps annually, expiring from and after June 30." Since this is a fiscal-year license, the new fee will become effective on July 1, 2000.

State migratory bird stamp. This is a new stamp created by the new legislation. (See related amendments to R12-4-203.) The fee is set at A.R.S. § 17-333(A)(33), at \$3.00. A.R.S. § 17-333.03(A)(1) requires that these be issued annually, expiring from and after June 30 of each year. Since this is a fiscal-year license, the \$3.00 fee will become effective on July 1, 2000.

Trout stamp. Authorized by § 17-333(A)(2), with a current ceiling of \$8.00 resident, \$38.00 nonresident. The fee is currently \$10.00 for either resident or nonresident. This fee includes a \$2.00 surcharge authorized by A.R.S. § 17-345. The new legislation increases the ceiling to \$10.50 resident, \$49.50 nonresident. The new fee is \$10.50 resident, \$49.50 nonresident. The new fee does not include a \$2 added surcharge.

Permit application fee. Currently authorized by A.R.S. § 17-333(A)(30), at \$3.00; set at \$3.00 by R12-4-102(F)(2). This is charged to applicants applying for a hunt permit-tag through the drawing and is essentially for paying the cost of the drawing. This fee has been in place since at least 1982. The new legislation increases the ceiling to \$5.00. The new fee is \$5.00 and will become effective on July 1, 2000, as it is needed to implement the big game drawing in the year 2000.

R12-4-108. Management Unit Boundaries

This rule 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

Arizona Administrative Register
Notices of Final Rulemaking

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. A.R.S. § 17-245 authorizes this rule. Although this 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 the Department will not renumber the Management Units as a result of the proposed rulemaking, since the retention of constant unit numbers minimizes confusion and creates fixed points of reference that can be depended upon by the public. In addition, the Department will retain the current format for R12-4-108. 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 subsections 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.

As a result of five-year review of this rule and subsequent analysis, the following changes were identified:

Add New Metropolitan Unit 7M for the Flagstaff Area: This proposed rule amendment will require the creation of a new Metropolitan Unit for the Flagstaff area and the corresponding boundary modification of adjacent Management Units 5B, 6A, 6B, and 7. The amendment will also require the addition of a new definition, for the abbreviation of milepost as “mp”, under R12-4-108(A)(4). The Department will redesignate portions of the existing wildlands in Units 5B, 6A, 6B, 7 as non-wildlands and combine these to form a new Metropolitan Unit that encompasses the municipality of Flagstaff and several satellite communities.

This change is being proposed in direct response to public input received by the Arizona Game & Fish Department’s Region II/Flagstaff over the past several years. The creation of a new Flagstaff Metropolitan Management Unit is needed to facilitate management of wildlife populations and recreational hunting opportunities in an area that encompasses Flagstaff and several satellite communities. The growth in human population and attendant development does not lend itself to the same management that occurs in adjacent wildlands.

In 1996 the population of Flagstaff exceeded 50,000. This increasing population coupled with yearlong recreation such as mountain biking, jogging, Nordic skiing, and a significant increase in satellite neighborhoods has resulted in conflicts between citizens and hunters. On the urban interface the conflicts usually involve uninformed hunters who do not realize they are hunting near residences or in some cases within the corporate limits. Often youths are involved because they are hunting near home. The presence of big game along the urban interface also aggravates the problem. Hunting in and around the urban interface and in high use recreation areas in proximity to Flagstaff has become an issue. Over the last few years the Department has received a large number of requests for information about where the public can hike, walk, or view the fall colors without encountering hunters. After reviewing the regulations these concerns seem reasonable. Again this year as in the past, there are continuous hunts in the area around Flagstaff from August 22 to December 31. Surveys of public opinion conducted at the open houses for the Flagstaff Open Spaces and Greenway planning process indicated the public did not want hunting in proximity to their homes. Follow-up questioning of the respondents suggested strongly that they did not disapprove of hunting in general, but the concern was specific to the area adjacent to Flagstaff. A separate survey conducted during a Forest Service planning effort for the Lake Mary Ecosystem confirmed that the concern about hunting is specific to areas adjacent to Flagstaff. The second survey found the majority of respondents felt hunting was a positive contribution to this area just outside Flagstaff. It seems that attitudes toward hunting varied with the area the public was considering when answering the question. The follow-up questioning to the first survey also revealed changes in management could greatly increase acceptance of hunting around Flagstaff. Ideas included: increased and more visible enforcement; increased information about wildlife management in the area; innovative hunt design; and advertising when hunts were ongoing so that non-hunters (people who are unfamiliar with hunt structures) could avoid conflicts with hunters. The “where can I create and not encounter hunters” question and safety concerns from the public were brought to the Department during the Flagstaff Open Space and Greenway process. The Flagstaff Open Spaces and Greenway Plan is recommending the Department respond to urban wildlife and safety concerns raised by the public.

The creation of Metropolitan Unit 7M for the Flagstaff area will allow for adaptive, site-specific management that includes modification of standard hunting seasons, restriction of lawful devices to those that have reduced effective ranges, and development of wildlife population management objectives that provide for more compatibility with urban population growth. As the Department currently conceives the Metropolitan Management Unit, the hunt structure would be limited to shotgun shooting shot and archery or muzzleloaders under normal circumstances. The Department would retain the ability to use rifle hunts, if required, with some extra coordination and education. The season dates would be specific to the adjacent management units, reducing the total number of days open for hunting in any year. Hunts might be advertised to the public in the local paper. These measures would allow the Department to meet its management goals and reduce the perceived conflict between hunters and residents.

Arizona Administrative Register
Notices of Final Rulemaking

If a new Metropolitan Management Unit is not created for Flagstaff, the land will continue to be managed as wildlands as portions of Units 5B, 6A, 6B and 7. Present and future conflicts with wildlife population management, wildlife, recreational opportunities, and human population growth and development will continue or increase.

Change to “Navajo Army Depot” References to “Camp Navajo”: The proposed rule amendment will change all “Navajo Army Depot” references to “Camp Navajo.” This will incorporate a name change, which occurred since the last review. Failure to correct the name will create confusion. This amendment will revise current language in Unit 8 and will be used in the revision of Unit 6B and the creation of Unit 7M.

Change “Highway 666” References to “U.S. Highway 191”: The proposed rule amendment will change all “Hwy 666” references to “U.S. Hwy 191”. Since the highway has been renumbered to “U.S. Highway 191”, failure to correct the highway designation will create confusion. This amendment will revise current language in Units 2A, 2B, 2C, 28, 30A, 30B, and 31.

Delete all “AZ Hwy 81” References: The proposed rule amendment will delete all “AZ Hwy 81” references, since the state highway designation is no longer used. This amendment will revise current language in Units 2B and 2C.

Delete Units that are Reservation Land Only: The proposed rule amendment will delete those Management Units that are references to Indian reservations, rather than true game Management Units. The Department does not manage wildlife on Indian lands, and these references should be removed, as they are misleading. As a result of this amendment, Units 11, 14, 25, 26, and 38 will be removed. The remaining Units will not be renumbered, since the retention of constant unit numbers minimizes confusion and creates fixed points of reference that can be depended upon by the public.

Recognize Sovereign Tribal Lands within Management Units: The proposed rule amendment adds language to subsection (B) 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, and identifies that sovereign tribal lands exist within, but are not part of Management Units 2A, 6A, 9, 10, 12B, 13A, 15A, 15D, 18A, 18B, 19A, 19B, 20A, 22, 39, 39M, 40B, 43A, 43B, and 44A.

Revise Unit 22 and Unit 23 Boundaries: This proposed rule amendment will revise the boundaries between Management Units 22 and 23, to clarify that Unit 22 includes approximately 3/4 of a mile of land at the Mogollon Rim that was deforested by the 1990s Dude Fire.

This change is being proposed by the Arizona Game & Fish Department’s Region VI/Mesa to clarify the unit boundaries near the Tonto Creek Hatchery at the headwaters of Tonto Creek, where the canyon forks. Unit 22 is in the west fork of Tonto Creek and Unit 23 is in the east fork of Tonto Creek. In 1990, the Dude Fire along the Mogollon Rim destroyed an area of heavily forested land with small wildlife populations located near the Tonto Creek Hatchery at the headwaters of Tonto Creek, where the canyon forks. As a result, elk and whitetail herds increased, as did hunter access to the previously inaccessible land. This land, approximately 3/4 of a mile in area, was believed to be in Unit 22. However, in 1996 a whitetail deer hunter with a Unit 23 Permit was given a citation for shooting a deer in Unit 22. In a resulting court case, the Judge found the unit boundaries between Units 22 and 23 confusing and found the hunter not guilty. The Judge also asked the Department officers to clarify the boundaries to alleviate such problems in the future.

R12-4-203. National Harvest Information Program (HIP)

This rule requires that persons taking migratory birds in the state of Arizona demonstrate compliance with the mandatory U.S. Fish and Wildlife Service (USFWS) Migratory Bird Harvest Information Program. The general authority of A.R.S. § 17-231(A)(1) and the specific authority of A.R.S. §§ 17-333, 17-333.01, and 17-333.03 authorize this rule.

The Migratory Bird Harvest Information Program (Program) was developed as a cooperative effort between state wildlife agencies and the USFWS to obtain more accurate, comparable data on the harvest of migratory game birds. Accurate harvest data is a vital tool for management of wildlife populations. Since migratory game bird populations occur in several states and countries, data must be collected throughout the annual range of the population. Although all states collect some type of harvest data, differences in methodology did not allow compilation of regional or national totals, nor direct comparison. The federal Program, enacted in final rule on August 18, 1995, and revised as final rule on September 1, 1998, was created in order to address this problem.

The Program requires all licensed migratory game bird hunters to participate in the program by (1) supplying their names, addresses, and information on past and anticipated migratory bird hunting activity to the hunting licensing authority of the state in which they hunt and (2) possessing evidence of Program participation through a “Program validation” which is either printed on or attached to the annual state hunting license or its supplementary equivalent. In Arizona, the Arizona Game & Fish Department is required to gather the harvest information and forward it to the USFWS on a monthly basis, and to provide migratory bird hunters with “Program validation.”

The USFWS conducts the harvest surveys using a stratified random sample of hunters based upon the hunters’ responses regarding their hunting activity the previous year. The selected hunters receive a questionnaire on current harvest by period (month), area (county), and species or group of species harvested. The responses are compiled and statewide harvest estimates developed. When this information is combined with harvest data from other states and countries (including Canada and Mexico) within the range of any given population, the total harvest pressure on that

Arizona Administrative Register
Notices of Final Rulemaking

population can be determined. The harvest data in conjunction with population survey data will facilitate adjustment of hunting regulations commensurate with population status and objectives. Because all states will be collecting comparable data, hunt regulations can also be adjusted to achieve equitable sharing of the resource among the various states, provinces and nations.

In compliance with Program requirements, the Arizona Game & Fish Department adopted R12-4-203, which became effective July 1, 1997. This current rule creates a Harvest Information Program (HIP) stamp or code number that is provided at no charge to migratory bird hunters by the Department. To obtain a HIP stamp or code number the migratory bird hunter must provide the Department with the hunter's name, address, and information on past and anticipated migratory bird hunting activity; this information is recorded on a HIP registration form. Through this rule all federal program participation requirements for Arizona and Arizona migratory bird hunters are met.

In 1999, through the passage of House Bill 2015, A.R.S. § 17-333 was revised and A.R.S. § 17-333.03 was added to create a new state migratory bird stamp, effective July 1, 2000. Like the existing state waterfowl stamp, which requires all hunters, sixteen years of age or older, of ducks, geese, or swans to have a state validation for the taking of ducks, geese, or swans, the new state migratory bird stamp will require all hunters, sixteen years of age or older, of doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse to have a state validation for these birds. With the addition of the state migratory bird stamp, all Arizona migratory bird hunters, sixteen years of age or older, will now be required to have a state validation (either the state waterfowl stamp or the state migratory bird stamp), in addition to the state required hunting license.

This means that under the current R12-4-203, without any rule changes, migratory bird hunters would be required to have all of the following:

1. Hunters of doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse would be required to have a valid Class F, G, or H, complimentary or lifetime license, a valid state migratory bird stamp, and a HIP stamp/code number;
2. Hunters of ducks, geese, or swans would be required to have a valid Class F, G, or H, complimentary or lifetime license, a valid state waterfowl stamp, and a HIP stamp/code number;
3. Hunters of ducks, geese, or swans and doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse would be required to have a valid Class F, G, or H, complimentary or lifetime license, a valid state waterfowl stamp, a valid state migratory bird stamp, and a HIP stamp/code number; and
4. Hunters of ducks would be required to have federal waterfowl stamp for the taking of ducks.

In evaluating the new legislation, it was determined that since all migratory birds will now be covered under the two state stamps, a separate HIP stamp is no longer necessary. Therefore, the rulemaking will eliminate the current Harvest Information Program stamp/code number and will use the required state waterfowl stamp and/or migratory bird stamp as federal Program validation for migratory bird hunters. Under the rule, effective July 1, 2000:

1. Hunters of doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse will be required to have a valid Class F, G, or H, complimentary or lifetime license and a valid state migratory bird stamp;
2. Hunters of ducks, geese, or swans will be required to have a valid Class F, G, or H, complimentary or lifetime license and a valid state waterfowl stamp;
3. Hunters of ducks, geese, or swans and doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse will be required to have a valid Class F, G, or H, complimentary or lifetime license, a valid state waterfowl stamp, and a valid state migratory bird stamp; and
4. Hunters of ducks will be required to have federal waterfowl stamp for the taking of ducks.

The stamps will be available from all Department offices and license dealers and will be sold with a one page, easy to complete HIP registration form on which the hunter provides the hunter's name, address, and information on past and anticipated migratory bird hunting activity. The HIP registration forms will be collected by the seller and sent to the Arizona Game & Fish Department's Wildlife Management Game Management Branch for transmittal to the USFWS.

This rulemaking will reduce the regulatory burden on Arizona migratory bird hunters and ensure Arizona's continued compliance with all federal requirements of the Migratory Bird Harvest Information Program.

7. A reference to any study that the agency relied on in its evaluation of or justification for the 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:

R12-4-102. Fees for License, Tags, Stamps, and Permits:

The Arizona Game and Fish Commission considered the following survey information in evaluating public comments and arguments on R12-4-102. *Arizona Game and Fish Department, a report of a survey conducted for the Arizona Department of Game and Fish. Study 98-1468. Field Dates: November-December 1998. Pages 10,11,14,and 15.* The survey was conducted by Michael J. O'Neil, Ph.d., O'Neil Associates Inc. 412 East Southern Avenue, Tempe, Arizona 85282.

Arizona Administrative Register
Notices of Final Rulemaking

A person may obtain a copy of or review this study by contacting:

Name: Dona Marie Markley, Rules Management Section

Address: Arizona Game and Fish Department
2221 W. Greenway Road DORR
Phoenix, Arizona 85023

Fax Number: (602) 789-3677

8. 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

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

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits.

The last increase for the majority of these license fees occurred in 1991, ten years before the projected effective date for the new increases. Most tag prices have not changed since 1983-84. Budget projections show that the Department will be operating at a deficit in three years without fee increases, with negative impact on wildlife management in Arizona. License fee increases will allow the Department to continue programs and operations. The surcharges, which go into the Conservation Development Fund, will allow the Department to address long-term capital development and improvement needs.

R12-4-108. Management Unit Boundaries

There are no new costs to the Department or to any person resulting from this proposed rulemaking. The addition of a new Metropolitan Management Unit 7M for the Flagstaff area will directly affect hunters, residents, landowners, and non-hunting recreationists in the metropolitan Flagstaff area. 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.

Approximately 20 big game hunters who annually hunt in Management Units 22 and 23 will benefit from the clarification of hunt area boundaries, the elimination of confusion regarding the validity of hunt tags in the two units, and the increased probability of legal hunts.

The proposed rulemaking will also benefit the public by updating the names of location references. The deletion of Reservation Land Management Units and the addition of language clarifying that Sovereign Tribal Lands are not part of Management Units, will benefit the Sovereign Tribes in Arizona by clearly identifying for the public that sovereign tribal lands located within management units boundaries are not managed by the Arizona Game and Fish Commission.

R12-4-203. National Harvest Information Program (HIP)

The rulemaking will benefit the approximately 70,000 migratory bird hunters in Arizona. The overall regulatory burden on the migratory bird hunters will be reduced by (1) allowing them to use the state waterfowl stamp and the state migratory bird stamp to demonstrate federal Program compliance and (2) having them provide migratory bird harvest information on a HIP registration form at the time of stamp purchase from license dealer outlets or Department offices. This benefit will outweigh any inconveniences to the migratory bird hunter caused by eliminating the use of the telephone as a means of providing HIP registration information or by increasing the stamp sales transaction time due to the completion of the HIP registration form.

The rulemaking will also affect over 400 Arizona license dealers. Since completion of the HIP registration form will be a requirement for the purchase of the state waterfowl and state migratory bird stamps, the HIP registration form will be considered part of the license inventory a license dealer must carry pursuant to R12-4-105(G). The license dealer will be required to give the HIP registration form to and collect the completed HIP registration form from the migratory bird hunter as a prerequisite of sale of the state waterfowl stamp and the state migratory bird stamp, and to submit the HIP registration to the Department on a monthly basis. Costs borne by the license dealers to store, track, and mail the forms will be reimbursed to the license dealer through the revenue received from the sale of the state waterfowl stamp and the new state migratory bird stamp; 5% of sale price under A.R.S. § 17-338.

The rulemaking will also benefit the Department through administrative cost savings of approximately \$50,000. All Arizonans, including all migratory bird hunters, will also benefit by ensuring continued compliance with federal regulations created to improve the overall management of migratory game bird populations.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Minor grammatical and stylistic changes were made at the request of the Governor's Regulatory Review Council's staff. Changes between the text of the rules contained in the notices of proposed rulemaking filed with the Secretary

Arizona Administrative Register
Notices of Final Rulemaking

of State and the text of the rules as finally adopted by the Arizona Game and Fish Commission on January 21, 2000, are as follows:

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits.

Hunting and Fishing License Fees: Urban Fishing License: The note referencing other pending rulemaking is deleted. Since a proposed amendment to raise the urban fishing license fee from \$12.00 to \$14.00 effective January 1, 2000 was not adopted by the Arizona Game and Fish Commission, the final rule shows a January 1, 2000 and July 1, 2000 fee of \$12.00, which is the current fee.

Hunt Permit-tag Fees: Buffalo, Yearling or Cow: The note referencing other pending rulemaking is deleted. The rule-making was completed and this category became effective January 1, 2000.

Hunt Permit-tag Fees: Turkey and Archery Turkey: The nonresident fee effective July 1, 2000 and the nonresident fee effective January 1, 2001 are changed to \$50.50. The \$66.50 found in the notice of proposed rulemaking was a typographical error. The fee was always intended to remain unchanged.

Nonpermit-tag Fees: Buffalo, Yearling or Cow: The note referencing other pending rulemaking is deleted. The rule-making was completed and this category became effective January 1, 2000.

Nonpermit-tag Fees: Turkey and Archery Turkey: The nonresident fee effective January 1, 2001 is changed to \$50.50. The \$66.50 found in the notice of proposed rulemaking was a typographical error. The fee was always intended to remain unchanged.

Stamps and Special Use Permit Fees: Trout Stamp: The Arizona Game and Fish Commission removed the \$2 surcharge since the person would already have paid the surcharge through the required fishing license or combination license. Therefore, the resident fee was reduced from \$12.50 to \$10.50 and the nonresident fee was reduced from \$51.50 to \$49.50.

The changes are not substantial, in that they do not change the subject matter of the rule, and do not change a person's understanding of the rule. Although the changes in effect adversely impact the Commission, the Commission is willing to assume this burden and views the changes as minor considering the rules as a whole.

R12-4-108. Management Unit Boundaries

Reservation Land Management Units and Sovereign Tribal Lands: In the Notice of Proposed Rulemaking for this rule, the agency identified that management units that were Indian reservation land would be deleted and that adjacent management unit boundaries might be modified to account for additional Indian lands. An analysis of the sovereign tribal lands located within the agency's existing management units identified that 17 tribes have sovereign tribal lands within the 21 management units. Therefore to identify for the public which management units contain sovereign land and to clarify that the agency does not manage wildlife on these sovereign tribal lands, the following additional revisions have been made:

The phrase "except those portions that are sovereign tribal lands of the (TRIBE NAME)" is added at the end of the management units descriptions for Unit 2A, Unit 6A, Unit 9, Unit 10, Unit 12B, Unit 13A, Unit 15A, Unit 15D, Unit 18A, Units 18B, Unit 19A, Unit 19B, Unit 20A, Unit 22, Unit 39, Unit 39M, Unit 40B, Unit 43A, Unit 43B, and Unit 44A.

The sentence "For the purpose of this rule, Indian reservation land contained within management units is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department, see R12-4-117" is added at the end of subsection (B).

Units 2B and 2C: "AZ Hwy 81," which is no longer a valid designation, is deleted from Management Units 2B and 2C. This is a technical change.

Units 20B, 21 and 42M: The amendment to revise the northern boundary of Unit 42M and the adjacent southern boundaries of Units 20B and 21 has been removed. The Arizona Game and Fish Commission will consider this change in separate rulemaking. A new rulemaking docket should be published in February 2000.

Subsection (D): An effective date of July 1, 2000 is designated in the rule text under subsection (D). Management Unit Boundaries are established for use by the Commission in setting hunt orders and by the public to ensure they are hunting within units legally designated for particular hunts. Therefore, it is imperative that the public be adequately informed of these boundaries and of any boundary changes. The agency does this primarily through the publishing of Management Unit maps within its annual *Hunt Regulation* publication. The next *Hunt Regulation* publication in which the amended Management Unit maps can appear (given printing schedules) is the July 1, 2000 to June 30, 2001 edition. Therefore, the effective date of the rule will be July 1, 2000.

The changes are not substantial, in that they do not change the subject matter of the rule, and do not change a person's understanding of the rule. The Commission views the changes in effect as minor, considering the rules as a whole.

11. A summary of the principal comments and the agency response to them:

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

1. Argument: There were general comments made in support of the Arizona Game and Fish Commission fee increases. (Written Comments 102-8 through 20; Written Comment 102-23; Written Comment 102-25; Oral Comment 102-26; Oral Comment 102-27)

Evaluation: The agency agrees. The last increase for the majority of these license fees occurred in 1991, ten years before the projected effective date for the new increases. Most tag prices have not changed since 1983-84. Budget projections show that the agency will be operating at a deficit in three years without fee increases, with negative impact on wildlife management in Arizona. License fee increases will allow the agency to continue programs and operations. The surcharges, which go into the Conservation Development Fund, will allow the agency to address long-term capital development and improvement needs.

2. Argument: There were arguments that nonresident fees should be raised comparable to those in Utah, Nevada, and New Mexico. (Written Comments 102-8 through 20)

Evaluation: The fee increase sets fees at the maximum allowed under statute. The agency cannot increase fees beyond that which is authorized under statute. However, the nonresident fees proposed by the agency are generally in line with those charged by our neighboring western states of California, Colorado, Nevada, New Mexico, and Utah. A comparison of selected **nonresident fees** follows:

FISHING LICENSE

State	Nonresident Fee
New Mexico	\$ 39.00
Colorado	\$ 40.25
Utah	\$ 48.00
Nevada	\$ 51.00
Arizona	\$ 51.50
California	\$ 72.25

BIG GAME ELK

State	Nonresident Fee	Application Fee	Nonresident Hunting License	Total
Colorado	\$250.25	\$3.00		\$253.25
Utah	\$328.00	\$5.00		\$333.00
California	\$266.25	\$6.50	\$95.50	\$368.25
New Mexico	\$471.00	\$6.00		\$477.00
Arizona	\$366.00	\$5.00	\$113.50	\$484.500
Nevada	\$500.00	\$10.00	\$111.00	\$621.00

BIG GAME DEER

State	Nonresident Fee	Application Fee	Nonresident Hunting License	Total
Colorado	\$150.25	\$3.00		\$153.25
New Mexico	\$180.00	\$6.00		\$186.00
Utah	\$198.00	\$5.00		\$203.00
Arizona	\$108.50	\$5.00	\$113.50	\$227.00
California	\$163.00	\$1.00	\$95.50	\$259.50
Nevada	\$150.00	\$5.00	\$111.00	\$266.00

3. Argument: There was an argument opposing a 77% increase in the non-resident combination license. Game and Fish lowered the fee to \$100, just a few years ago. A minor adjustment would be reasonable, but not a 77% increase. Since Arizona requires that a license be purchased to participate in the bonus point system, this requires a major

Arizona Administrative Register
Notices of Final Rulemaking

investment over the years when you consider that it may take 10 to 12 years to be drawn for a bighorn sheep. At the proposed fee rate, it could cost \$1,028.50 to apply and draw a Bighorn Sheep Permit, compared to the old cost of \$835.00, a \$200 increase. If this fee goes through, I will have no choice but to forfeit bonus points and apply in other states. Please do some comparisons with other states before you increase fees. For example Colorado nonresident Deer costs \$153.25, Elk \$253.25, including the application fee. Utah nonresident deer cost \$224.00, Elk \$334. Please don't price average working sportsmen out of hunting in Arizona. (Written Comment 102-31)

Evaluation: The nonresident combination license increase is 77.5%. The combination license includes the fishing license, hunting license, and trout stamp. The percent increase appears so high because the current nonresident trout stamp is only \$10.00 (the same as resident). The new nonresident trout stamp is \$51.50, to bring the fee in line with other nonresident fees. Nonresidents who wish to hunt for big game in Arizona are not required, however, to purchase an annual combination license, which authorizes hunting, fishing, and trout fishing. Both resident and nonresident big-game hunters may purchase an annual hunting license at considerably less than (about 60% of) the cost of the annual combination license. A market comparison with other western states shows that our nonresident fees for big-game are comparable to those charged by our neighboring western states of California, Colorado, Nevada, New Mexico, and Utah. (See evaluation under #2.)

4. Argument: There was an argument that a portion of the fee increase should be used to raise salaries of Game and Fish employees. (Written Comments 102-8 through 20)

Evaluation: The license fee increase is essentially a no-growth proposal that will allow the agency to continue programs and operations. It is meant to keep the agency from cutting existing programs. However, the fee increase should allow the agency to continue to move towards a more competitive employee salary schedule and to fill vacancies that have not been filled because of budget constraints.

5. Argument: There were arguments that fees should be in whole dollars; or that fees including the \$0.50 that are under \$26.00 should be rounded down and fees including the \$0.50 that are \$26.00 or over should be rounded up. Rationale for the elimination of the coin change included the argument that the inclusion of the \$0.50 will increase the number of rejected applications because people will fail to include the \$0.50, and the argument that the addition of the \$0.50 will create a hardship on license dealers and agency personnel who will have to count change, make change, and record change. (Written Comment 22; Written Comment 102-23)

Evaluation: The agency does not agree that all fees should be in whole dollars. The fee increase sets fees at the maximum allowed under statute. In some cases these statutory ceilings are not set at whole dollars. Since the agency cannot increase fees beyond that which is authorized under statute, the agency could not round fees up to the next whole dollar if that amount exceeded statutory authority. The agency's current fee schedule already includes fees that are not in whole dollars. Three of the agency's current license fees include \$0.50, six of the agency's current hunt permit-tag fees include \$0.50, and one of the agency's current stamps includes \$0.50. Although the fee increase will raise the number of fees that include the \$0.50 from ten to eighteen, the agency does not believe that this change will create a new or enhanced hardship on agency personnel or license dealers who currently collect fees involving coin change. In addition, there is no conclusive data to support the argument that application rejection rates will increase for those applications whose fees are not set in whole dollars. Therefore, reducing fees set in half-dollars to whole dollars would represent an unnecessary financial loss to the agency of approximately \$100,000.

6. Argument: There was an argument that the surcharge on the trout stamp should be eliminated since there will be a new surcharge on the fishing license (Written Comment 102-6)

Evaluation: The agency agrees that the addition of a \$2.00 surcharge on both the fishing licenses and the trout stamp creates an unacceptable financial burden on the fishing public. Therefore, the agency will remove the \$2.00 surcharge from the trout stamp.

7. Argument: There were concerns about the surcharge on smaller licenses (Written Comment 102-1)

Evaluation: The agency does not believe that the addition of a \$2.00 surcharge to licenses such as the annual fishing license or the one-day fishing license will create a financial hardship on the public consumer. The fees, even with the \$2.00 surcharges, still represent an economical recreational expenditure. In addition, the surcharges, which go into the Conservation Development Fund, will allow the agency to address long-term capital development and improvement needs. The agency believes that the long-term benefits to game and fish habitats and wildlife conservation programs will far outweigh costs incurred by the state's sportsmen and sportswomen.

8. Argument: There was an argument that the public shouldn't need to pay any more surcharges; that they already pay too much in surcharges and taxes on hunting goods. (Written Comment 102-30)

Evaluation: The agency believes that the surcharges, which go into the Conservation Development Fund, are absolutely necessary. These funds will allow the agency to address long-term capital development and improvement needs. The agency believes that the long-term benefits to game and fish habitats and wildlife conservation programs will far outweigh costs incurred by the state's sportsmen and sportswomen.

9. Argument: There were concerns raised about how the increased hunting revenues would be spent, or that the monies should be spent only to improve hunting conditions. It was asked if the increased fees will provide more wild-

Arizona Administrative Register
Notices of Final Rulemaking

life for hunters, will reverse trends in large animal population decreases, will stop the decline in deer herds, and/or will stop the loss of game habitat. (Oral Comment 102-2; Written Comment 102-3; Oral Comment 102-28)

Evaluation: The agency recognizes the importance of maintaining or improving hunting conditions through game herd population control and habitat management. Throughout the Western United States, wildlife biologists, conservationists, and governments are studying the decline in game populations such as the mule deer. The agency has and continues to be active in research and planning activities designed to maximize the hunting experience in Arizona. However, the fee increase is essentially a no growth proposal; meant to keep the agency from cutting existing programs. Although the agency is committed to ensuring that hunting revenues continue to be reflected in the game management budgets, the additional revenues generated through the hunting fee increases cannot be used exclusively to repopulate game species for the sole benefit of hunters.

10. Argument: There were concerns raised about how the increased fishing revenues would be spent, or that the monies should be spent only to improve fishing conditions. (Written Comment 102-3; Written Comment 102-29)

Evaluation: The agency recognizes the importance of maintaining or improving fishing conditions in Arizona. However, the fee increase is essentially a no growth proposal; meant to keep the agency from cutting existing programs. Although the agency is committed to ensuring that fishing revenues continue to be reflected in the fisheries management budgets, the additional revenues generated through the fishing fee increases cannot be used exclusively to increase the number of fish available to Arizona anglers.

11. Argument: There were arguments opposing hunting and fishing fee increases citing that hunting and fishing conditions are too poor to warrant increase, or that fees haven't been used to increase number of game or fish, or to improve game or fish habitats. For example, since waterfowl stamp revenues haven't improved habitat; migratory bird stamp revenue won't improve dove habitat. (Written Comment 102-3; Written Comment 102-4; Written Comment 102-5)

Evaluation: The agency believes that many variables require consideration in setting license fees, not just hunter and angler satisfaction and game availability. Operating costs, public-trust expectations, legal mandates, and comprehensive achievement of the agency mission are additional considerations. Although hunter/angler satisfaction is important to the agency, the agency mission extends far beyond that. The agency is charged with conserving, enhancing and restoring Arizona's diverse wildlife resources and habitats through aggressive protection and management programs, and providing wildlife resources and safe watercraft and off-highway vehicle recreation for the enjoyment, appreciation, and use of present and future generations. To this end, the agency is responsible for securing and managing the funds necessary to carry out this mission. Without the increased fees, the agency will be unable to operate in the best interest of Arizona. It should also be noted that both hunter and angler satisfaction in Arizona is currently quite high. An Arizona Game and Fish Department Study conducted in November-December 1998 showed that nearly two-thirds of the active anglers surveyed reported that they were satisfied or very satisfied with fishing in Arizona and four-fifths of the active hunters surveyed reported that they were satisfied or very satisfied with hunting in Arizona.

12. Argument: There was an argument that Arizona's fees are already significantly higher than surrounding states. (Written Comment 102-30)

Evaluation: The agency believes that its fees are reasonable and in line with our neighboring western states of California, Colorado, Nevada, New Mexico, and Utah. A comparison of selected **resident fees** follows:

FISHING LICENSE

State	Resident Fee
New Mexico	\$ 17.50
Arizona	\$ 18.00
Colorado	\$ 20.25
Nevada	\$ 21.00
Utah	\$ 26.00
California	\$ 26.75

Notices of Final Rulemaking

BIG GAME ELK

State	Resident Fee	Application Fee	Resident Hunting License	Total
Colorado	\$30.25	\$3.00		\$33.25
Utah	\$50.00	\$5.00		\$61.00
New Mexico	\$66.00	\$6.00		\$72.00
Arizona	\$71.50	\$5.00	\$25.50	\$102.00
Nevada	\$100.00	\$10.00	\$24.00	\$134.00
California	\$266.25	\$6.50	\$27.25	\$300.00

BIG GAME DEER

State	Resident Fee	Application Fee	Resident Hunt- ing License	Total
Colorado	\$20.25	\$3.00		\$23.25
New Mexico	\$23.00	\$6.00		\$29.00
Utah	\$25.00	\$5.00		\$36.00
California	\$17.75	\$1.00	\$27.25	\$46.00
Arizona	\$17.50	\$5.00	\$25.50	\$48.00
Nevada	\$20.00	\$5.00	\$24.00	\$49.00

13. Argument: There were arguments that the hunting and fishing fee increases are too high or that fees are already too expensive. The argument was made that the fee increases will make hunting and fishing unaffordable, and will keep less fortunate people from enjoying hunting and fishing. (Written Comment 102-4; Written Comment 102-5; Written Comment 102-21; Written Comment 102-24)

Evaluation: The agency does not believe that the fee increases are too high or too expensive. Market comparisons with other western states show that the fees are reasonable. (See evaluations under #2 and #12.) In addition, the fees continue to represent a recreational value, especially when compared with other recreational costs. Annual licenses issued by the agency are only pennies a day.

The last increase for the majority of these license fees occurred in 1991, ten years before the projected effective date for the new increases. Most tag prices have not changed since 1983-84. Budget projections show that the agency will be operating at a deficit in three years without fee increases, with negative impact on wildlife management in Arizona.

14. Argument: There was an argument that the hunting license increase is excessive, particularly since you can now hunt fewer species with a hunting license, since you need a migratory bird stamp. (Written Comment 102-32)

Evaluation: The agency does not believe that the hunting fee increases are excessive. Although it is correct that the new state migratory stamp will reduce the number of species that can be hunted without a special tag, stamp, or permit, the \$25.50 cost of the general hunting license remains reasonable and is in line with our neighboring western states.

15. Argument: There was an argument that instead of increasing fees, the agency should review budgets and better utilize funding available. Arizona population growth translates to more fees collected, should be enough to support Department and activities. (Written Comment 102-30)

Evaluation: Given the fact that license fees have not been increased since 1991 and tag fees since 1984, the agency believes it has done a superior job in budgeting and resource management. Unfortunately, the premise that population growth translates to more fees collected cannot be supported. Arizona's population growth has not resulted in matching growth in agency license, permit, and stamp sales. The population growth, however, has increased the challenges facing wildlife managers and has compounded the impact of the agency's limited financial resources. Therefore, despite the agency's best efforts, budget projections show that the agency will be operating at a deficit in three years without fee increases, with negative impact on wildlife management in Arizona.

16. Argument: There was an argument that grouse are not migratory birds and that there should be a separate grouse stamp. (Written Comment 102-32)

Evaluation: It is correct that a grouse is not a migratory bird. However, ARS § 17-333(A)(33) states that a migratory bird stamp is required for the taking of migratory birds and grouse. Therefore, a hunter wishing to take grouse must have a valid hunting license and a state migratory bird stamp. In addition, since the agency wants to continue to collect data on the blue grouse, it is being included on the HIP registration form that will accompany the migratory bird

Arizona Administrative Register
Notices of Final Rulemaking

stamp. The agency has neither the authority to waive the new stamp requirement for hunters who hunt only grouse or to replace it with a complimentary grouse stamp.

17. Argument: There was a comment made that the trout stamp is a farce. (Written Comment 102-5)

Evaluation: The agency cannot evaluate this comment. The trout stamp is required under ARS § 17-333(A)(2) and allows the state to stock trout, which is a non-native fish.

18. Argument: There was an argument that the fishing license fee increase will make people fish illegally. (Written Comment 102-4)

Evaluation: The agency believes that the fee increases are absolutely necessary for the agency to continue to operate in the best interest of Arizona and to continue to provide recreational values to Arizona sportsmen and sportswomen. The agency has no evidence or data to suggest that the increase in fees, especially fishing fees, will cause more people to hunt or fish illegally. On the contrary, if programs, including law enforcement, are cut due to insufficient revenues, public compliance with agency laws and rules will decrease. In addition, the agency does not believe that either the degree of difficulty associated with rule enforcement or the possibility that a rule can be violated are sufficient grounds to reject a rule.

19. Argument: There was a complaint that Harvest Information Program stamp will cost money next year. (Written Comment 102-7)

Evaluation: The rulemaking does set a \$3.00 fee for a new state migratory bird stamp effective July 1, 2000, which was created in 1999, through the passage of House Bill 1015 and the addition of A.R.S. § 17-333.03. Like the fees generated by the existing state waterfowl stamp, the revenues from this new fee will be used to help offset the agency costs associated with the administration of the required federal Migratory Bird Harvest Information Program.

The reference to the "Harvest Information Program stamp" relates to the agency's companion rulemaking that will amend R12-4-203. This rulemaking will eliminate the current complimentary Harvest Information Program (HIP) stamp/code number and allow migratory bird hunters to demonstrate federal Migratory Bird Harvest Information Program compliance through the state waterfowl stamp and/or the new state migratory bird stamp.

20. Argument: There was an argument that as an alternative to the hunting fee increases, everybody that enters the draw buy a license to be eligible to enter the draw. (Written Comment 102-21)

Evaluation: The agency does not believe that this is a viable alternative to the rulemaking. This alternative, aimed at big-game hunters only, would not ensure equity among user groups and would contribute nothing to the agency's conservation development fund, which is dedicated to capital development. In addition, the additional revenues that the agency realistically could expect to generate by requiring everyone entering the draw to buy a license, without other accompanying fee increases, would not be sufficient to offset the projected agency deficit that will occur in three years. Given that only a small percentage of non-licensed resident or nonresident hunters (less than 10%) enter the draw, this would generate less than \$600,000 in additional revenues. Therefore, the actual revenues would be far short of those needed to continue to fund the agency. This alternative would also likely create far greater buyer resistance and public dissatisfaction than that expected from the fee increases currently proposed by the agency.

21. Argument: There was an argument that as an alternative to the hunting fee increases, there should be a modest increase in elk tags of \$7.00 to \$10.00 and in all other tags of \$1.50 to \$2.00. Maybe higher on sheep and buffalo. (Written Comment 102-21)

Evaluation: The agency does not believe that this is a viable alternative to the rulemaking. Fee increases in hunt-permit tags of \$1.50 to \$10.00, without other fee increases, would not generate sufficient revenues to offset the projected agency deficit that will occur in three years. It should be noted that the hunt-permit tag fee increases, with the exception of the bighorn sheep, are modest. The increase for the resident elk tag is \$11.50; for the antelope tag \$9.50; for the deer tag \$3.00; for the bear and mountain lion tags \$2.00; for the javelina and turkey tags \$1.50.

22. Argument: There was an argument that as an alternative to the hunting fee increases, there should be a \$2.00 drawing application fee increase. (Written Comment 102-21)

Evaluation: The rulemaking already includes an increase in the draw application fee from \$3.00 to \$5.00. This increase alone, however, would not generate sufficient revenues to offset the projected agency deficit that will occur in three years.

23. Argument: There was an argument that as an alternative to the fee increases, Suggest raising by a few dollars now and wait and then raise them again. (Written Comment 102-24)

Evaluation: The agency does not believe that this is a viable alternative to the rulemaking. Initial modest fee increases would not generate sufficient revenues to offset the projected agency deficit that will occur in three years. In addition, the agency does not believe that incremental fee increases occurring every few years are in the best interest of the public or the agency. Staggered incremental fee increases would hinder the agency's ability to engage in effective long-term budgeting and strategic planning, create unnecessary internal administrative problems, interfere with the agency's allocation of resources to on-going wildlife and habitat management programs, and create buyer resistance and public dissatisfaction.

24. Argument: There was an argument that as an alternative to the hunting fee increases, the agency should contact Ducks Unlimited for help since they have 8 million acres under their control and are quite effective in habitat development and preservation. (Written Comment 102-3)

Evaluation: Ducks Unlimited is a private, nonprofit entity, not unlike the Rocky Mountain Elk Foundation, the National Wild Turkey Foundation, the Arizona Mule Deer Association, and Quail Unlimited. A species-specific organization, Ducks Unlimited is dedicated to wetlands and waterfowl conservation. The agency recognizes the importance of maintaining or improving waterfowl habitat conditions and works cooperatively with Ducks Unlimited in the areas of habitat development and preservation. These cooperative efforts, however, do not alleviate the agency's need for additional revenue to maintain comprehensive management programs for all wildlife species. The fee increases are absolutely necessary for the agency to continue to operate in the best interest of Arizona and to keep the agency from cutting existing hunting, fishing, habitat, and recreational programs.

25. Argument: There was an argument that Game and Fish agency is in existence as a management entity and not as a tax stamp purveyor. (Written Comment 102-3)

Evaluation: It is correct that under the provisions of A.R.S. § 17-231, the Arizona Game and Fish Commission establishes policy for the management, preservation, and harvest of wildlife. Neither the Commission nor the Game and Fish Department, however, receives any appropriation from the state general fund to carry out this legislative mandate. Instead, the agency is required under statute to set and collect fees to be used to fund the activities and programs of the agency. The fee increases are necessary to allow the agency to continue without cutting existing programs.

R12-4-108. Management Unit Boundaries

1. Argument: There was a comment that shooting with a centerfire rifle should be allowed in Metro Units. (Oral Comment 108-1)

Evaluation: The rulemaking for R12-4-108 deals with changes in existing Management Unit Boundaries and the creation of a new Metropolitan Management Unit for Flagstaff, not with lawful methods for taking wildlife, which is addressed in R12-4-304. The rule does not preclude the use of any lawful device, contained in R12-4-304, from being used in metropolitan units. The Commission, through Commission Order retains the authority to authorize the use of lawful devices within these units, which are designed for growing urban populations in unincorporated areas and in recreational use areas. Therefore, allowing the use of centerfire rifles in Metro Units cannot be evaluated as an argument for or against this proposed rulemaking.

2. Argument: There were comments opposing the new boundary line between Management Unit 42M and Management Units 20B and 21. There was an argument that the metropolitan unit was unnecessarily being extended into a non-urbanized area, where hunting is safe and legal, that should not be classified as metropolitan. There was an argument that Metro areas should be only those areas where you cannot legally and safely hunt with rifled firearms, that the agency should leave these boundaries alone as long as possible, and that the agency should not address "development potential" when changing boundaries, but rather actual development. (Oral Comment 108-2; Oral Comment 108-4)

Evaluation: The agency agrees that a metropolitan unit should not be extended unnecessarily into a non-urbanized area, where hunting is safe and legal. Therefore the amendment to revise the northern boundary of Unit 42M and the adjacent southern boundaries of Units 20B and 21 has been removed from the rulemaking. The agency will consider this boundary revision in separate rulemaking.

3. Argument: There was a comment made in support of extending the Management Unit 42M boundary line to include portions of Cave Creek. (Oral Comment 108-3)

Evaluation: The agency agrees that the Unit 42M northern boundary should be extended north to include urbanized areas such as Cave Creek. The change is necessary to address community concerns regarding proximity of rifle firearms hunters to rapidly increasing urban areas. However, to ensure that Unit 42M is not being extended unnecessarily into other non-urbanized areas, where hunting is safe and legal, the amendment to revise the northern boundary of Unit 42M and the adjacent southern boundaries of Units 20B and 21 has been removed from the rulemaking. The agency will consider this boundary revision in separate rulemaking.

R12-4-203. National Harvest Information Program (HIP)

1. Argument: There was a general comment made in support of the Arizona Game and Fish Commission amendment of R12-4-203. (Oral Comment 203-2)

Evaluation: The agency agrees. This rulemaking will eliminate the current Harvest Information Program (HIP) stamp/code number and allow migratory bird hunters to demonstrate federal Migratory Bird Harvest Information Program compliance through the state required waterfowl stamp and/or the new state required migratory bird stamp. This rulemaking will reduce the regulatory burden on Arizona migratory bird hunters and ensure Arizona's continued compliance with all federal requirements of the Migratory Bird Harvest Information Program.

2. Argument: There was comment that questioned why blue grouse, an upland game bird, was included under this rule. (Oral Comment 203-3)

Arizona Administrative Register
Notices of Final Rulemaking

Evaluation: In 1999, through the passage of House Bill 2015, A.R.S. § 17-333 was revised and A.R.S. § 17-333.03 was added to create a new state migratory bird stamp, effective July 1, 2000. The statute states that a migratory bird stamp is required for the taking of migratory birds and grouse. Information was originally collected on the blue grouse when it was included under the old game bird stamp, and has continued to be collected under the current R12-4-203 rule. Since the agency wants to continue to collect data on the blue grouse, it is being included on the HIP registration form that will accompany the migratory bird stamp.

3. Argument: There was comment that questioned why chukars, an upland game bird, were not included under this rule. (Oral Comment 203-3)

Evaluation: Chukars, which are neither migratory birds nor waterfowl, are not specifically identified in A.R.S. § 17-333. Therefore, neither a migratory bird stamp nor a waterfowl stamp is required for the taking of chukars. Since the chukar is not a migratory bird, there is no federal requirement that hunters provide data on the taking of chukars. In addition, since the agency does not want to collect data on the chukar, there is no justification to create a requirement that hunters report data on the taking of chukars. Like the pheasant, chukars are introduced exotic game birds with very low populations.

4. Argument: There was a complaint that Harvest Information Program stamp will cost money next year. (Written Comment 203-1)

Evaluation: The agency currently issues Harvest Information Program (HIP) stamps at no charge to hunters who provide federally required survey data required to demonstrate compliance with the federal Migratory Bird Harvest Information Program. In 1999 a new state migratory bird stamp was created through the passage of House Bill 2015 and the addition of A.R.S. § 17-333.03. Since all migratory birds on which federally required survey data is required are now covered by this new stamp and the existing waterfowl stamp, a separate HIP stamp is no longer necessary. This rulemaking will eliminate the current Harvest Information Program (HIP) stamp and allow migratory bird hunters to demonstrate federal compliance through the state required waterfowl stamp and/or the new state required migratory bird stamp. The new migratory bird stamp will cost \$3.00. Like the fees generated by the existing state waterfowl stamp, the revenues from this new fee will be used to help offset the agency costs associated with the administration of the required federal Migratory Bird Harvest Information Program.

5. Argument: There was an argument that the Harvest Information Program Questionnaires are only a slim cut above a SWAG (scientific wild- [word deleted] guess) unless there is sufficient "ground truthing." The comment stated that data supplied is vague and the biologists need to get [themselves] into the field and collect hard data, reliable data, like they used to. (Written Comment 203-1)

Evaluation: The agency does not agree that the Harvest Information Program data collected is vague or guesswork. The agency has neither the authority to eliminate the harvest surveys or to replace them with field data collected by agency personnel. Persons taking migratory birds in the state of Arizona must demonstrate compliance with the mandatory U.S. Fish and Wildlife Service (USFWS) Migratory Bird Harvest Information Program (Program). The Program was developed as a cooperative effort between state wildlife agencies and the USFWS to obtain more accurate, comparable data on the harvest of migratory game birds. Accurate harvest data is a vital tool for management of wildlife populations. Since migratory game bird populations occur in several states and countries, data must be collected throughout the annual range of the population. The Program requires all licensed migratory game bird hunters to participate in the program by (1) supplying their names, addresses, and information on past and anticipated migratory bird hunting activity to the hunting licensing authority of the state in which they hunt and (2) possessing evidence of Program participation through a "Program validation" which is either printed on or attached to the annual state hunting license or its supplementary equivalent. In Arizona, the Arizona Game and Fish Department is required to gather the harvest information and forward it to the USFWS on a monthly basis, and to provide migratory bird hunters with "Program validation."

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

Not applicable

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

Not applicable

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

Arizona Administrative Register
Notices of Final Rulemaking

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section

- R12-4-102. Fees for Licenses, Tags, Stamps, and Permits
- R12-4-108. Management Unit Boundaries

ARTICLE 2. MISCELLANEOUS LICENSES AND PERMITS

Section

- R12-4-203. National Harvest Information Program (HIP)

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

A. The following fees for licenses, stamps, and tags established within maximum limits authorized by A.R.S. § 17-333(A), including surcharges authorized by A.R.S. § 17-345, shall be required at the time of application.

B. Hunting and fishing license fees:

1. Class A, general fishing license	Resident	\$ 12.00
	Nonresident	\$ 38.00
2. Class B, four-month fishing license	Nonresident	\$ 22.00
3. Class C, five-day fishing license	Nonresident	\$ 18.50
4. Class D, one-day fishing license	Resident or Nonresident	\$ 8.00
5. Class E, Colorado River only fishing license	Nonresident	\$ 32.50
6. Class F, combination hunting and fishing license Youth fee applies before and through the calendar year of the applicant's 20th birthday.	Resident Adult	\$ 34.00
	Resident or Nonresident Youth	\$ 18.00
	Nonresident Adult	\$ 100.00
7. Class G, general hunting license	Resident	\$ 18.00
	Nonresident	\$ 85.50
8. Class H, three-day hunting license	Nonresident	\$ 38.00
9. Resident youth group two-day fishing license		\$ 25.00
10. Urban fishing license	Resident or Nonresident	\$ 12.00

C. Big game tag fees:

1. Antelope tag	Resident	\$ 50.00
	Nonresident	\$ 250.00
2. Bear tag	Resident	\$ 11.00
	Nonresident	\$ 150.00
3. Bighorn sheep tag	Resident	\$ 150.00
	Nonresident	\$ 750.00
4. Buffalo permit tag		
a. Adult bulls or any buffalo	Resident	\$ 750.00
	Nonresident	\$ 3,750.00
b. Adult cows	Resident	\$ 450.00
	Nonresident	\$ 2,250.00
e. Yearling	Resident	\$ 240.00
	Nonresident	\$ 1,200.00
d. Yearling or cow	Resident	\$ 450.00
	Nonresident	\$ 2,250.00
5. Deer tag and archery deer tag	Resident	\$ 14.50
	Nonresident	\$ 75.50
6. Elk tag	Resident	\$ 60.00
	Nonresident	\$ 300.00
7. Javelina tag and archery javelina tag	Resident	\$ 9.50
	Nonresident	\$ 50.50
8. Mountain lion tag	Resident	\$ 11.00

Arizona Administrative Register

Notices of Final Rulemaking

	Nonresident	\$ 150.00
9. Turkey tag and archery turkey tag	Resident	\$ 8.50
	Nonresident	\$ 50.50
D. Stamps and special use permit fees:		
1. Arizona Colorado River special use permit stamp, for use by California fishing licensees	Resident or Nonresident	\$ 3.00
2. Arizona Colorado River special use stamp, for use by Nevada fishing licensees	Resident or Nonresident	\$ 3.00
3. Arizona Lake Powell stamp, for use by resident Utah licensees		\$ 3.00
4. Bobcat permit tag (Effective 10-1-96)		\$ 2.00
5. Sandhill crane permit	Resident or Nonresident	\$ 5.00
6. State waterfowl stamp, validates Class F, G, or H license for ducks, geese, and swans	Resident or Nonresident	\$ 5.50
7. Trout stamp; when affixed to the back of the license, validates Class A license for trout	Resident or Nonresident	\$ 10.00
8. Two-pole stamp; when affixed to the back of a Class A, B, C, D, E, F, pioneer or urban fishing license, allows simultaneous fishing as defined in R12-4-101.	Resident or Nonresident	\$ 4.00
E. Other license fees:		
1. Sport falconry license		\$ 75.00
2. Field trial license		\$ 5.00
3. Fur dealer's license		\$ 100.00
4. Guide license	Resident	\$ 100.00
	Nonresident	\$ 100.00
5. License dealer's license		\$ 75.00
6. Minnow dealer's license		\$ 30.00
7. Private game farm license		\$ 40.00
8. Shooting preserve license		\$ 100.00
9. Taxidermist license		\$ 50.00
10. Trapping license (Effective 10-1-96)	Resident	\$ 10.00
	Nonresident	\$ 50.00
	Resident juvenile	\$ 10.00
11. White amur stocking license		\$ 100.00
12. Wildlife hobby license		\$ 5.00
13. Zoo license		\$ 100.00
F. Administrative fees:		
1. Duplicate fee; duplicates are not issued for trout stamps, Arizona Colorado River special use permits, Arizona Colorado River special use stamps, Arizona Lake Powell stamps, or state waterfowl stamps		\$ 3.00
2. Permit application fee		\$ 3.00
3. Kaibab North special deer hunting permit	Resident or Nonresident	\$ 5.00
G. This rule is effective January 1, 2000.		

Arizona Administrative Register

Notices of Final Rulemaking

Persons purchasing the licenses, tags, stamps, or permits listed in this section shall pay the prescribed fees at the time of application.

	<u>Fee effective July 1, 2000</u>	<u>Fee effective January 1, 2001</u>
<u>Hunting and Fishing License Fees</u>		
<u>Class A, General Fishing License</u>		
• <u>Resident</u>	<u>\$12.00</u>	<u>\$18.00</u>
• <u>Nonresident</u>	<u>\$38.00</u>	<u>\$51.50</u>
<u>Pursuant to A.R.S. § 17-333(A)(1), the fee for this license issued in November or December of the year for which the license is valid is 1/2 price; that includes 1/2 of the surcharge prescribed as authorized by A.R.S. § 17-345.</u>		
<u>Class B, Four-month Fishing License</u>		
• <u>Nonresident</u>	<u>\$22.00</u>	<u>\$37.50</u>
<u>Class C, Five-day Fishing License</u>		
• <u>Nonresident</u>	<u>\$18.50</u>	<u>\$26.00</u>
<u>Class D, One-day Fishing License</u>		
• <u>Resident or Nonresident</u>	<u>\$8.00</u>	<u>\$12.50</u>
<u>Class E, Colorado River Only Fishing License</u>		
• <u>Nonresident</u>	<u>\$32.50</u>	<u>\$42.50</u>
<u>Class F, Combination Hunting and Fishing License</u>		
• <u>Resident Adult</u>	<u>\$34.00</u>	<u>\$44.00</u>
• <u>Nonresident Adult</u>	<u>\$100.00</u>	<u>\$177.50</u>
• <u>Resident or Nonresident Youth. Fee applies before and through the calendar year of the applicant's 20th birthday.</u>	<u>\$18.00</u>	<u>\$25.50</u>
<u>Class G, General Hunting License</u>		
• <u>Resident</u>	<u>\$18.00</u>	<u>\$25.50</u>
• <u>Nonresident</u>	<u>\$85.50</u>	<u>\$113.50</u>
<u>Class H, Three-day Hunting License</u>		
• <u>Nonresident</u>	<u>\$38.00</u>	<u>\$51.50</u>
• <u>Resident Youth Group Two-day Fishing License</u>	<u>\$25.00</u>	<u>\$25.00</u>
<u>Class U, Urban Fishing License</u>		
• <u>Resident or Nonresident</u>	<u>\$12.00</u>	<u>\$16.00</u>
<u>Hunt Permit-tag Fees</u>		
<u>Antelope</u>		
• <u>Resident</u>	<u>\$59.50</u>	<u>\$59.50</u>
• <u>Nonresident</u>	<u>\$299.50</u>	<u>\$299.50</u>
<u>Bear</u>		
• <u>Resident</u>	<u>\$13.00</u>	<u>\$13.00</u>
• <u>Nonresident</u>	<u>\$183.00</u>	<u>\$183.00</u>
<u>Bighorn Sheep</u>		
• <u>Resident</u>	<u>\$179.50</u>	<u>\$179.50</u>
• <u>Nonresident</u>	<u>\$915.00</u>	<u>\$915.00</u>
<u>Buffalo</u>		
• <u>Adult Bulls or Any Buffalo</u>		
• <u>Resident</u>	<u>\$750.00</u>	<u>\$750.00</u>

Arizona Administrative Register
Notices of Final Rulemaking

• <u>Nonresident</u>	<u>\$3,750.00</u>	<u>\$3,750.00</u>
• <u>Adult Cows</u>		
• <u>Resident</u>	<u>\$450.00</u>	<u>\$450.00</u>
• <u>Nonresident</u>	<u>\$2,250.00</u>	<u>\$2,250.00</u>
• <u>Yearling</u>		
• <u>Resident</u>	<u>\$240.00</u>	<u>\$240.00</u>
• <u>Nonresident</u>	<u>\$1,200.00</u>	<u>\$1,200.00</u>
• <u>Yearling or Cow</u>		
• <u>Resident</u>	<u>\$450.00</u>	<u>\$450.00</u>
• <u>Nonresident</u>	<u>\$2,250.00</u>	<u>\$2,250.00</u>
<u>Deer and Archery Deer</u>		
• <u>Resident</u>	<u>\$17.50</u>	<u>\$17.50</u>
• <u>Nonresident</u>	<u>\$108.50</u>	<u>\$108.50</u>
<u>Elk</u>		
• <u>Resident</u>	<u>\$71.50</u>	<u>\$71.50</u>
• <u>Nonresident</u>	<u>\$366.00</u>	<u>\$366.00</u>
<u>Javelina and Archery Javelina</u>		
• <u>Resident</u>	<u>\$11.00</u>	<u>\$11.00</u>
• <u>Nonresident</u>	<u>\$63.00</u>	<u>\$63.00</u>
<u>Mountain Lion</u>		
• <u>Resident</u>	<u>\$13.00</u>	<u>\$13.00</u>
• <u>Nonresident</u>	<u>\$183.00</u>	<u>\$183.00</u>
<u>Turkey and Archery Turkey</u>		
• <u>Resident</u>	<u>\$10.00</u>	<u>\$10.00</u>
• <u>Nonresident</u>	<u>\$50.50</u>	<u>\$50.50</u>
<u>Sandhill Crane</u>		
• <u>Resident or Nonresident</u>	<u>\$5.00</u>	<u>\$5.00</u>
<u>Nonpermit-tag Fees</u>		
<u>Antelope</u>		
• <u>Resident</u>	<u>\$50.00</u>	<u>\$59.50</u>
• <u>Nonresident</u>	<u>\$250.00</u>	<u>\$299.50</u>
<u>Bear</u>		
• <u>Resident</u>	<u>\$11.00</u>	<u>\$13.00</u>
• <u>Nonresident</u>	<u>\$150.00</u>	<u>\$183.00</u>
<u>Bighorn Sheep</u>		
• <u>Resident</u>	<u>\$150.00</u>	<u>\$179.50</u>
• <u>Nonresident</u>	<u>\$750.00</u>	<u>\$915.00</u>
<u>Buffalo</u>		
• <u>Adult Bulls or Any Buffalo</u>		
• <u>Resident</u>	<u>\$750.00</u>	<u>\$750.00</u>
• <u>Nonresident</u>	<u>\$3,750.00</u>	<u>\$3,750.00</u>
• <u>Adult Cows</u>		
• <u>Resident</u>	<u>\$450.00</u>	<u>\$450.00</u>
• <u>Nonresident</u>	<u>\$2,250.00</u>	<u>\$2,250.00</u>
• <u>Yearling</u>		
• <u>Resident</u>	<u>\$240.00</u>	<u>\$240.00</u>

Arizona Administrative Register

Notices of Final Rulemaking

• <u>Nonresident</u>	<u>\$1,200.00</u>	<u>\$1,200.00</u>
• <u>Yearling or Cow</u>		
• <u>Resident</u>	<u>\$450.00</u>	<u>\$450.00</u>
• <u>Nonresident</u>	<u>\$2,250.00</u>	<u>\$2,250.00</u>
<u>Deer and Archery Deer</u>		
• <u>Resident</u>	<u>\$14.50</u>	<u>\$17.50</u>
• <u>Nonresident</u>	<u>\$75.50</u>	<u>\$108.50</u>

<u>Elk</u>		
• <u>Resident</u>	<u>\$60.00</u>	<u>\$71.50</u>
• <u>Nonresident</u>	<u>\$300.00</u>	<u>\$366.00</u>
<u>Javelina and Archery Javelina</u>		
• <u>Resident</u>	<u>\$9.50</u>	<u>\$11.00</u>
• <u>Nonresident</u>	<u>\$50.50</u>	<u>\$63.00</u>
<u>Mountain Lion</u>		
• <u>Resident</u>	<u>\$11.00</u>	<u>\$13.00</u>
• <u>Nonresident</u>	<u>\$150.00</u>	<u>\$183.00</u>
<u>Turkey and Archery Turkey</u>		
• <u>Resident</u>	<u>\$8.50</u>	<u>\$10.00</u>
• <u>Nonresident</u>	<u>\$50.50</u>	<u>\$50.50</u>

Stamps and Special Use Permit Fees

<u>Arizona Colorado River Special Use Permit Stamp. For use by California fishing licensees, resident or nonresident.</u>	<u>\$3.00</u>	<u>\$3.00</u>
<u>Arizona Colorado River Special Use Permit Stamp. For use by Nevada fishing licensees, resident or nonresident.</u>	<u>\$3.00</u>	<u>\$3.00</u>
<u>Arizona Lake Powell Stamp. For use by resident Utah licensees.</u>	<u>\$3.00</u>	<u>\$3.00</u>
<u>Bobcat Permit Tag. For resident or nonresident.</u>	<u>\$2.00</u>	<u>\$2.00</u>
<u>State Waterfowl Stamp. Validates resident or nonresident Class F, G, or H license for ducks, geese, and swans.</u>	<u>\$7.50</u>	<u>\$7.50</u>
<u>State Migratory Bird Stamp, as prescribed in A.R.S. § 17-333.03. Resident or nonresident.</u>	<u>\$3.00</u>	<u>\$3.00</u>
<u>Trout Stamp. When affixed to the back of the license, validates Class A license for trout.</u>		
• <u>Resident</u>	<u>\$10.00</u>	<u>\$10.50</u>
• <u>Nonresident</u>	<u>\$10.00</u>	<u>\$49.50</u>
<u>Two-Pole Stamp. When affixed to the back of a Class A, B, C, D, E, F, Pioneer or Urban fishing license, allows simultaneous fishing as defined in R12-4-101.</u>	<u>\$4.00</u>	<u>\$4.00</u>

Other License Fees

<u>Falconer License</u>	<u>\$75.00</u>	<u>\$75.00</u>
<u>Field Trial License</u>	<u>\$5.00</u>	<u>\$5.00</u>
<u>Fur Dealer's License</u>	<u>\$100.00</u>	<u>\$100.00</u>
<u>Guide License</u>		
• <u>Resident or Nonresident</u>	<u>\$100.00</u>	<u>\$100.00</u>
<u>License Dealer's License</u>	<u>\$75.00</u>	<u>\$75.00</u>
<u>Minnow Dealer's License</u>	<u>\$30.00</u>	<u>\$30.00</u>
<u>Private Game Farm License</u>	<u>\$40.00</u>	<u>\$40.00</u>

Arizona Administrative Register
Notices of Final Rulemaking

<u>Shooting Preserve License</u>	<u>\$100.00</u>	<u>\$100.00</u>
<u>Taxidermist License</u>	<u>\$50.00</u>	<u>\$50.00</u>
<u>Trapping License</u>		
• <u>Resident</u>	<u>\$10.00</u>	<u>\$10.00</u>
• <u>Nonresident</u>	<u>\$50.00</u>	<u>\$50.00</u>
• <u>Resident Juvenile</u>	<u>\$10.00</u>	<u>\$10.00</u>
<u>White Amur Stocking License</u>	<u>\$100.00</u>	<u>\$100.00</u>
<u>Wildlife Hobby License</u>	<u>\$5.00</u>	<u>\$5.00</u>
<u>Zoo License</u>	<u>\$100.00</u>	<u>\$100.00</u>
<u>Administrative Fees</u>		
<u>Duplicate Fee. Duplicates are not issued for Trout Stamps, Arizona Colorado River Special Use Permits, Arizona Colorado River Special Use Permit Stamps, Arizona Lake Powell Stamps, State Migratory Bird Stamps, or State Waterfowl Stamps.</u>	<u>\$3.00</u>	<u>\$3.00</u>
<u>Permit Application Fee.</u>	<u>\$5.00</u>	<u>\$5.00</u>
<u>Kaibab North Special Deer Hunting Permit, resident or nonresident</u>	<u>\$5.00</u>	<u>\$5.00</u>

R12-4-108. Management Unit Boundaries

- A. For the purpose purposes of this rule, parentheses mean “also known as,” and the following definitions shall apply:
1. No change.
 2. No change.
 3. No change.
 4. “mp” means “milepost.”
- B. The state of Arizona shall be divided into units for the purpose of managing wildlife. Each unit shall be identified by a number, or a number and letter. For the purpose of this rule, Indian reservation land contained within management units is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department, see R12-4-117.
- C. No change.
- Unit 1 -- No change.
- Unit 2A -- Beginning at St. Johns on U.S. Hwy 191 Hwy 666 (AZ Hwy 61); north on U.S. Hwy 191 Hwy 666 (AZ Hwy 61) to the Navajo Indian Reservation boundary; westerly along the reservation boundary to AZ Hwy 77; south on AZ Hwy 77 to Exit 292 on I-40; west on the westbound lane of I-40 to Exit 286; south on AZ Hwy 77 to U.S. Hwy 180; southeast on U.S. Hwy 180 to AZ Hwy 180A; south on AZ Hwy 180A to AZ Hwy 61; east on AZ Hwy 61 to U.S. Hwy 180 (AZ Hwy 61); east to U.S. Hwy 191 Hwy 666 at St. Johns; except those portions that are sovereign tribal lands of the Zuni Tribe.
- Unit 2B -- Beginning at Springerville; east on U.S. Hwy 60 to the New Mexico state line; north along the state line to the Navajo Indian Reservation boundary; westerly along the reservation boundary to U.S. Hwy 191 Hwy 666 (AZ Hwy 61); south on U.S. Hwy 191 Hwy 666 (U.S. Hwy 180, ~~AZ Hwy 81~~) to Springerville.
- Unit 2C -- Beginning at St. Johns on U.S. Hwy 191 Hwy 666 (AZ Hwy 61); west on U.S. Hwy 180 (AZ Hwy 61) to Concho; southwest on AZ Hwy 61 to U.S. Hwy 60; east on U.S. Hwy 60 to U.S. Hwy 191 Hwy 666 (U.S. Hwy 180, ~~AZ Hwy 81~~); north on U.S. Hwy 191 Hwy 666 (U.S. Hwy 180, ~~AZ Hwy 81~~) to St. Johns.
- 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 -- Beginning at the junction of U.S. Hwy 89A and Lake Mary-Clint’s Well road (FH3) and the south rim of Walnut Canyon (mp 337.5 on FH3); southeasterly on FH3 to AZ Hwy 87; northeasterly on AZ Hwy 87 to FR 69; westerly and northerly on FR 69 to I-40 (Exit 233); west on I-40 to the bottom of Walnut Canyon (mp 210.2 on I-40); southwesterly along Walnut Canyon to Walnut Canyon National Monument; southwesterly along the northern boundary of the Walnut

Arizona Administrative Register
Notices of Final Rulemaking

Canyon National Monument to the south rim of Walnut Canyon; southwesterly along the south rim of Walnut Canyon to FH3. U.S. Hwy 89A; south on 89A to FH3.

Unit 6A -- Beginning at the junction of U.S. Hwy 89A and FR 237; Lake Mary-Clint's Well road (FH3); southwesterly on U.S. Hwy 89A to the Verde River; southeasterly along the Verde River to Childs; easterly on the Childs-Strawberry road to the Tonto-Coconino National Forest boundary; easterly along this boundary to AZ Hwy 87; northeasterly on AZ Hwy 87 to Lake Mary-Clint's Well road (FH3); northwesterly on FH3 to FR 132; southwesterly on FR 132 to FR 296; southwesterly on FR 296 to FR 296A; southwesterly on FR 296A to FR 132; northwesterly on FR 132 to FR 235; westerly on FR 235 to FR 235A; westerly on FR 235A to FR 235; southerly on FR 235 to FR 235K; northwesterly on FR 235K to FR 700; northerly on FR 700 to Mountainaire Road; west on Mountainaire Road to FR 237; westerly on FR 237 to U.S. Hwy 89A U.S. 89A except those portions that are sovereign tribal lands of the Yavapai-Apache Nation.

Unit 6B -- Beginning at mp 188.5 on I-40 at a point just north of the east boundary of Camp Navajo; south along the eastern boundary of Camp Navajo to the southeastern corner of Camp Navajo; southeast approximately 1/3 mile through the forest to the forest road in section 33; southeast on that forest road to FR 231 (Woody Mountain Road); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to the Verde River; northerly along the Verde River to Sycamore Creek; northeasterly along Sycamore Creek and Volunteer Canyon to the southwest corner of the Camp Navajo boundary; northerly along the western boundary of Camp Navajo to the northwest corner of Camp Navajo; continuing north to I-40 (mp 180.0); easterly along I-40 to mp 188.5. Beginning at U.S. 89A at I-40 (in Flagstaff); westerly on I-40 to a point directly north of the west boundary of the Navajo Army Depot; south along this boundary to Volunteer Canyon; southwest along Volunteer Canyon and Sycamore Creek to the Verde River; southerly along the Verde to U.S. Hwy 89A; northerly on AZ Hwy 89A to I-40.

Unit 7 -- Beginning at the junction of AZ Hwy 64 and I-40 (in Williams); easterly on I-40 to FR 171 (mp 187.4 on I-40); northerly on FR 171 to the Transwestern Gas Pipeline; easterly along the Transwestern Gas Pipeline to FR 420 (Schultz Pass Road); northeasterly on FR 420 to U.S. Hwy 89; north on U.S. Hwy 89 to FR 545; east on FR 545 to the Sunset Crater National Monument; easterly along the southern boundary of the Sunset Crater National Monument to FR 545; east on FR 545 to the 345 KV transmission lines 1&2; southeasterly along the power lines to I-40 (mp 212 on I-40); east on I-40 to the southwest corner of the Navajo Indian Reservation boundary; northerly and westerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; west on U.S. Hwy 180 to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 7M -- Beginning at the junction of Lake Mary-Clint's Well road (FH3) and Walnut Canyon (mp 337.5 on FH3); northeasterly along the south rim of Walnut Canyon to the Walnut Canyon National Monument boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; northeasterly along the bottom of Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1&2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Road); west along FR 545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Crater National Monument to FR 545; west on FR 545 to U.S. Hwy 89; south on U.S. Hwy 89 to FR 420 (Schultz Pass Road); southwesterly on FR 420 to the Transwestern Gas Pipeline; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of Camp Navajo (mp 188.5 on I-40); south along the eastern boundary of Camp Navajo to the southeast corner of Camp Navajo; southeast approximately 1/3 mile to forest road in section 33; southeasterly along that forest road to FR 231 (Woody Mountain Road); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to FR 237; northeasterly on FR 237 to Mountainaire Road; easterly on Mountainaire Road to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH3; southeasterly on FH3 to the south rim of Walnut Canyon (mp 337.5 on FH3).

Unit 8 -- Beginning at the junction of I-40 and U.S. Hwy 89 (in Ash Fork, Exit 146); south on U.S. Hwy 89 to the Verde River; easterly along the Verde River to Sycamore Creek; northerly along Sycamore Creek to Volunteer Canyon; north-easterly along Volunteer Canyon to the west boundary of Camp Navajo the Navajo Army Depot; north along the boundary to a point directly north of I-40; west on I-40 to U.S. Hwy 89.

Unit 9 -- Beginning at the junction of Havasu Creek and the Colorado River; easterly along the Colorado River to Shinumo Wash; southeasterly along Shinumo Wash to the Navajo Indian Reservation boundary; southerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; westerly on the Flagstaff-Valle-Cataract Creek road to Cataract Creek at Island Tank; northwesterly along Cataract Creek to Havasu Creek; northwesterly along Havasu Creek to the Colorado River ; except those portions that are sovereign tribal lands of the Havasupai Tribe.

Unit 10 -- Beginning at the junction of AZ Hwy 64 and I-40; westerly on I-40 to Crookton Road (AZ Hwy 66, Exit 139); westerly on AZ Hwy 66 to the Hualapai Indian Reservation boundary; northeasterly along the reservation boundary to the Colorado River; easterly along the Colorado River to Havasu Creek in Cataract Canyon; southeasterly along Havasu

Creek and Cataract Creek in Cataract Canyon to Island Tank; easterly on the Island Tank-Valle road to AZ Hwy 64; south on AZ Hwy 64 to I-40 ; except those portions that are sovereign tribal lands of the Havasupai Tribe.

~~Unit 11 -- All of the Navajo and Hopi Indian Reservations.~~

Unit 12A -- No change.

Unit 12B -- Beginning at Shinumo Wash and the Navajo Indian Reservation boundary; northeasterly on the reservation boundary to the Arizona-Utah state line; westerly along the state line to Kanab Creek; southerly along Kanab Creek to the Kaibab National Forest boundary; northerly, easterly, and southerly along this boundary to South Canyon; down South Canyon to the Colorado River; northerly along the Colorado River to Shinumo Wash; southeasterly along Shinumo Wash to the Navajo Indian Reservation boundary ; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13A -- Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to the Mt. Trumbull road; westerly along the Mt. Trumbull road to the town of Mt. Trumbull (Bundyville); southerly along Main Street from the town Mt. Trumbull (Bundyville) to Whitmore Canyon; southeasterly along the bottom of Whitmore Canyon to the Colorado River; easterly along the Colorado River to Kanab Creek; northerly along Kanab Creek to the Utah state line; west along the Utah state line to the western edge of the Hurricane Rim ; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13B -- No change.

~~Unit 14 -- All of the Hualapai Indian Reservation.~~

Unit 15A -- Beginning at Pearce Ferry on the Colorado River; southerly on the Pearce Ferry road to Antares road; southeasterly on Antares road to AZ Hwy 66; easterly on AZ Hwy 66 to the Hualapai Indian Reservation; west and north along the west boundary of the reservation to the Colorado River; westerly along the Colorado River to Pearce Ferry ; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 15B -- No change.

Unit 15C -- No change.

Unit 15D -- Beginning at AZ Hwy 68 and Davis Dam; southerly along the Colorado River to I-40; east and north on I-40 to Kingman (Exit 48); northwest on U.S. Hwy 93 to AZ Hwy 68; west on AZ Hwy 68 to Davis Dam ; except those portions that are sovereign tribal lands of the Fort Mohave Indian Tribe.

Unit 16A -- No change.

Unit 16B -- No change.

Unit 17A -- No change.

Unit 17B -- No change.

Unit 18A -- Beginning at Seligman; westerly on AZ Hwy 66 to the Hualapai Indian Reservation; southwest and west along the reservation boundary to AZ Hwy 66; southwest on AZ Hwy 66 to the Hackberry road; south on the Hackberry road to U.S. Hwy 93; south on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeast along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; north and east along the forest boundary to the Seligman-Prescott road (FR 6); northerly on this road to Seligman and AZ Hwy 66 ; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 18B -- Beginning at Bagdad; southeast on AZ Hwy 96 to the Santa Maria River; southwest along the Santa Maria River to U.S. Hwy 93; northerly on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeasterly along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; south along the forest boundary to the Baca Grant; east, south and west along the joint Baca Grant Prescott Forest Boundary. Continuing south along the west boundary of the Prescott National Forest; to the Camp Wood-Bagdad road; southwest on this road to Bagdad ; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 19A -- Beginning at AZ Hwy 69 and U.S. Hwy 89 (in Prescott); northerly on U.S. Hwy 89 to the Verde River; easterly along the Verde River to I-17; southwesterly on the southbound lane of I-17 to AZ Hwy 69; northwesterly on AZ Hwy 69 to U.S. Hwy 89 ; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe and the Yavapai-Apache Nation;

Unit 19B -- Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69 northwesterly through Prescott to the junction of Williamson Valley Road and Iron Springs road; northerly on the Williamson Valley-Prescott-Seligman road) FR 6, Williamson Valley Road) to AZ Hwy 66 at Seligman; east on Crookton Road (AZ Hwy 66) to I-40 (Exit 139); east on I-40 to U.S. Hwy 89; south on U.S. Hwy 89 to the junction with AZ Hwy 69; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Notices of Final Rulemaking

Unit 20A -- Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69; northwest to Iron Springs road, west and south on the Iron Springs-Skull Valley-Kirkland Junction road to U.S. Hwy 89; continue south and easterly on the Kirkland Junction-Wagoner-Crown King-Cordes road to Cordes, from Cordes southeast to I-17 (Exit 259); north on the southbound lane of I-17 to AZ Hwy 69; northwest on AZ Hwy 69 to junction of U.S. Hwy 89 at Prescott; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20B -- No change.

Unit 20C -- No change.

Unit 21 -- No change.

Unit 22 -- Beginning at the junction of the Salt and Verde Rivers; north along the Verde River to Childs; easterly on the Childs-Strawberry road to the Tonto-Coconino National Forest boundary along the Mogollon Rim; easterly along this boundary to the Tonto-Sitgreaves National Forest boundary; easterly along this boundary to Tonto Creek; southerly along the east fork of Tonto Creek to the spring box, north of the Tonto Creek Hatchery, and continuing southerly along Tonto Creek to the Salt River; westerly along the Salt River to the Verde River; except those portions that are sovereign tribal lands of the Tonto Apache Tribe and the Fort McDowell Mohave-Apache Community.

Unit 23 -- Beginning at the confluence of Tonto Creek and the Salt River; northerly along Tonto Creek to the spring box, north of the Tonto Creek Hatchery, on Tonto Creek; northeasterly along the east fork of Tonto Creek to the Tonto-Sitgreaves National Forest boundary along the Mogollon Rim; east along this boundary to the Fort Apache Indian Reservation boundary; southerly along the reservation boundary to the Salt River; westerly along the Salt River to Tonto Creek.

Unit 24A -- No change.

Unit 24B -- No change.

~~Unit 25 -- All of the Fort Apache Indian Reservation.~~

~~Unit 26 -- All of the San Carlos Indian Reservation.~~

Unit 27 -- No change.

Unit 28 -- Beginning at I-10 and the New Mexico state line; north along the state line to AZ Hwy 78; southwest on AZ Hwy 78 to U.S. ~~Hwy 191 Hwy 666~~; northwest on U.S. ~~Hwy 191 Hwy 666~~ to Clifton; westerly on the Clifton-Morenci-San Carlos road to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. ~~Hwy 191 Hwy 666~~; south on U.S. ~~Hwy 191 Hwy 666~~ to I-10 Exit 352; easterly on I-10 to the New Mexico state line.

Unit 29 -- No change.

Unit 30A -- Beginning at the junction of the New Mexico state line and U.S. Hwy 80; south along the state line to the U.S.-Mexico border; west along the border to U.S. ~~Hwy 191 Hwy 666~~; northerly on U.S. ~~Hwy 191 Hwy 666~~ to I-10 Exit 331; northeasterly on I-10 to the Bowie-Apache Pass road; southerly on the Bowie-Apache Pass road to AZ Hwy 186; southeasterly on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the Rucker-Turkey Creek cutoff road; southerly on the cutoff road to Rucker Canyon road; easterly on this road to the Tex Canyon road; southerly on this road to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line.

Unit 30B -- Beginning at U.S. ~~Hwy 191 Hwy 666~~ and the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to I-10 Exit 331; northeasterly on I-10 to U.S. ~~Hwy 191 Hwy 666~~; southerly on U.S. ~~Hwy 191 Hwy 666~~ to the U.S.-Mexico border.

Unit 31 -- Beginning at Willcox Exit 340 on I-10; north on the Willcox-Bonita-Klondyke road to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; northerly along AZ Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. ~~Hwy 191 Hwy 666~~; south on U.S. ~~Hwy 191 Hwy 666~~ to the 352 exit on I-10; southwest on I-10 to Exit 340.

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.

Arizona Administrative Register
Notices of Final Rulemaking

Unit 37B -- No change.

Unit 37M -- No change.

~~Unit 38 -- All of the Tohono O'odham (Papago) Indian Reservation.~~

Unit 39 -- Beginning at AZ Hwy 85 and the Gila River; east along the Gila River to the western boundary of the Gila River Indian Reservation; southeasterly along the reservation boundary to Maricopa road; south on this road to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur road to I-8; westerly on I-8 to Exit 87; north on the Sentinel-Sundad road to the Cotton Center-Palo Verde road; northeasterly on the Cotton Center-Palo Verde road to AZ Hwy 85; southerly on AZ Hwy 85 to the Gila River ; except those portions that are sovereign tribal lands of the Tohono O'odham Nation and the Ak-Chin Indian Community.

Unit 39M -- Beginning at I-10 and the Salt River; westerly along the Salt River to the Gila River; westerly along the Gila River to the western boundary of the Gila Indian Reservation; southeasterly along the reservation boundary to Maricopa road; south on Maricopa road to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur road to the Tohono O'odham (Papago) Indian Reservation; easterly along the reservation boundary to Battaglia road; east on this road to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; westerly on U.S. Hwy 60 to I-10; westerly on I-10 to the Salt River ; except those portions that are sovereign tribal lands of the Gila River Indian Community and the Ak-Chin Indian Community.

Unit 40A -- No change.

Unit 40B -- Beginning at Gila Bend; westerly on I-8 to the Colorado River; southerly along the Colorado River to the Mexican border at San Luis; southeasterly along the border to the Cabeza Prieta National Wildlife Refuge; northerly, easterly and southerly around the refuge boundary to the Mexican border; southeast along the border to the Tohono O'odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; northwesterly on AZ Hwy 86 to AZ Hwy 85; north on AZ Hwy 85 to Gila Bend ; except those portions that are sovereign tribal lands of the Cocopah Tribe.

Unit 41 -- No change.

Unit 42 -- No change.

Unit 42M -- No change.

Unit 43A -- Beginning at AZ Hwy 95 and the Bill Williams River; west along the Bill Williams River to the Arizona-California state line; southerly to the south end of Cibola Lake; northerly and easterly on the Cibola Lake road to U.S. Hwy 95; south on U.S. Hwy 95 to the Stone Cabin-King Valley road; east along the Stone Cabin-King Valley road to the west boundary of the Kofa National Wildlife Refuge; northerly along the refuge boundary to the Crystal Hill road; northwesterly on this road to U.S. Hwy 95; northerly on U.S. Hwy 95 to the Bill Williams River ; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 43B -- Beginning at the south end of Cibola Lake; southerly along the Arizona-California state line to I-8; southeasterly on I-8 to U.S. Hwy 95; easterly and northerly on U.S. Hwy 95 to the Castle Dome road; northeast on this road to the Kofa National Wildlife Refuge boundary; north along the refuge boundary to the Stone Cabin-King Valley road; west along this road to U.S. Hwy 95; north on U.S. Hwy 95 to the Cibola Lake road; west and south on this road to the south end of Cibola Lake ; except those portions that are sovereign tribal lands of the Quechan Tribe.

Unit 44A -- Beginning at U.S. Hwy 95 and the Bill Williams River; south along U.S. Hwy 95 to AZ Hwy 72; southeasterly on AZ Hwy 72 to Vicksburg; south on the Vicksburg-Kofa National Wildlife Refuge road to I-10; easterly on I-10 to the Salome-Hassayampa road (Exit 81); northwesterly on this road to Eagle Eye road; northeasterly on Eagle Eye road to Aguila; east on U.S. Hwy 60 to AZ Hwy 71; northeasterly on AZ Hwy 71 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River; westerly along the Santa Maria and Bill Williams rivers to U.S. Hwy 95 ; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 44B -- No change.

Unit 45A -- No change.

Unit 45B -- No change.

Unit 45C -- No change.

Unit 46A -- No change.

Unit 46B -- No change.

D. This rule is effective July 1, 2000 ~~January 1, 1996~~.

Arizona Administrative Register
Notices of Final Rulemaking

ARTICLE 2. MISCELLANEOUS LICENSES AND PERMITS

R12-4-203. National Harvest Information Program (HIP)

- A.** An individual taking ducks, geese, doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse shall have in possession either:
1. A Harvest Information Program (HIP) stamp, affixed to the back of a Class F, G, or H license; or
 2. A Harvest Information Program code number, written in the designated space on the back of a Class F, G, or H license.
- B.** HIP stamps and code numbers are available from the Department annually from July 1 through March 10, and are valid from September 1 through March 10. To obtain the stamp or the code number, individuals shall provide their name, mailing address, date of birth, hunting license number, identification number (if available), and information regarding past and anticipated hunting activities. The HIP stamp or code number validates a license for taking band-tailed pigeons only if the individual indicates the intent to take band-tailed pigeons at the time of application.
1. Individuals may obtain a HIP stamp by providing the required information to the Department on a form available in the annual "Hunt Regulations" publication or available from any Department office.
 2. Individuals may obtain a HIP code number by providing the required information by touch-tone telephone to a toll-free number available from the Department.
- C.** This rule is effective July 1, 1997.
- A.** An individual taking ducks, geese, swans, doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse in the state of Arizona shall participate in the National Harvest Information Program. Participation requires:
1. A person taking ducks, geese, or swans shall have in possession an Arizona state waterfowl stamp, affixed to a Class F, G, or H, complimentary or lifetime license. The stamp expires on June 30 of each year.
 2. A person taking doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse shall have in possession an Arizona state migratory bird stamp, affixed to a Class F, G, or H, complimentary or lifetime license. The stamp expires on June 30 of each year.
- B.** The Department shall make state waterfowl stamps and state migratory bird stamps available annually from July 1 through March 10.
1. To obtain a state waterfowl stamp or state migratory bird stamp, a person shall pay the required fee and complete and submit a HIP registration form to the license dealer or Department office. The HIP registration form shall include the person's name, mailing address, date of birth, and information on past and anticipated hunting activity.
 2. A license dealer shall submit HIP registration forms for all state waterfowl stamps and state migratory bird stamps sold with the monthly report required by A.R.S. § 17-338.
- C.** This rule is effective July 1, 2000.

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION**

PREAMBLE

1. **Sections affected:** R17-4-506
Rulemaking Action: 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. § 28-366
Implementing statutes: A.R.S. §§ 28-3306(A)(3), 28-1382, 28-695, 28-672(C), 28-672(A), and 28-644(A)(2)
3. **The effective date of the rules.**
March 9, 2000
4. **A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 4 A.A.R. 3547, October 30, 1998
Notice of Rulemaking Docket Opening: 5 A.A.R. 2743, August 13, 1999
Notice of Proposed Rulemaking: 5 A.A.R. 4048, October 29, 1999
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Lynn S. Golder

Arizona Administrative Register
Notices of Final Rulemaking

Address: Arizona Department of Transportation
Motor Vehicle Division, Mail Drop 507M
3737 North 7th Street, Suite 160
Phoenix, Arizona 85014-5017

Telephone: (602) 712-7941

Fax: (602) 241-1624

E-mail: lgolder@dot.state.az.us

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

In final rule R17-4-506, the Arizona Department of Transportation, Motor Vehicle Division ("Division") rewrites subsections (A) through (D). New subsections (A) through (D) constitute a new driver point system rule. Subsections (E) through (I), unchanged by this rulemaking action, are the subject of a separate rulemaking action by the Division on traffic survival schools.

The new driver point system rule updates statutory citations, consistent with the 1997 renumbering of Title 28, Arizona Revised Statutes. Subsection (A) of the final rule updates the definitions. Subsections (C) and (D) update driver point system procedures. Subsection (B) of the new rule assigns appropriate points to the following 5 new offenses enacted in 1998:

A.R.S. § 28-1382, extreme DUI;

A.R.S. § 28-695, aggressive driving;

A.R.S. § 28-672(C), a specified moving violation resulting in a fatal accident;

A.R.S. § 28-672(A), a specified moving violation resulting in a serious-injury accident; and

A.R.S. § 28-644(A)(2), a gore-area violation.

Correct assignment of points for traffic offenses enables the Division to take the appropriate action to curb unsafe driving behavior. The Division orders a driver to complete traffic survival school training and educational sessions to improve the driver's safety and habits or removes a driver from the Arizona roads.

The final rule makes it clear that a person driving on the Arizona roads, who is convicted or found responsible for a violation listed in R17-4-506(B), will accumulate the appropriate demerit points. As appropriate under R17-4-506(C) and (D), the Division will suspend the person or will assign the person to traffic survival school. If suspension is appropriate and the Division did not issue a driver license to the person, the Division will suspend the person's Arizona driving privilege.

Appropriate action by the Division increases the safety of the Arizona roads. The new rule provides a driver point system directed toward increased safety.

7. A reference to any study that the agency relied on in its evaluation of or justification for the 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:

None

8. 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

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

Rulemaking on R17-4-506(A) to R17-4-506(D) has an economic impact on agencies, entities, or groups in Arizona as follows:

The Division has the costs of rulemaking and reprogramming its driver database;

The Attorney General and Secretary of State had rule review and rule publication costs for the emergency rule-making;

The Governor's Regulatory Review Council and Secretary of State have rule review and rule publication costs for the regular rulemaking;

Drivers who accumulate 8 or more points in a 12-month period under the driver point system rule have costs associated with a suspension or traffic survival school.

Arizona courts incurred data entry costs from the 5 new traffic offenses enacted in 1998, may have incurred programming costs, and may incur costs from more civil traffic violation hearing requests.

• The Administrative Office of the Courts ("AOC") of the Arizona Supreme Court maintains a table of all chargeable violations in its information system. Entering the 5 traffic offenses, without the demerit points, took the AOC less than 5 minutes. Entry on the AOC system automatically updated the chargeable violations tables of the approximately 140 lower courts connected to the AOC system. For the approximately 40 lower courts not connected to the

AOC system, such as the Pima County Consolidated Justice Courts and the Phoenix City Court, each individual court entered the 5 traffic offenses, with or without the demerit points, on its list of chargeable offenses. This data entry took between 5 and 10 minutes.

- Courts that report traffic offense convictions and findings of responsibility to the Division by tape or computer-to-computer, such as Phoenix City Court, had to program the reporting format to include the new offenses and test the modified reporting format. Programming and testing took approximately 30 hours and cost approximately \$2500.

- Additionally, a driver found responsible for violating a new civil traffic offense with demerit points, such as the gore-area violation, may face suspension. When facing suspension, a driver is more likely to request a hearing on the civil traffic violation. More hearing requests increase a court's workload and costs. On the other hand, a driver found responsible for a civil traffic violation after a hearing may be more likely to pay the fine.

Arizona law enforcement agencies are affected by the new offenses enacted by the Legislature. These agencies must also stay current with regard to the driver point system. However, they do not incur costs from the driver point system.

The public benefits from a rule that assigns appropriate points to traffic offenses and correctly reflects the actions taken by the Division under the driver point system. Arizona roads are safer when drivers who accumulate at least 8 points in a 12-month period improve their driving behavior through the curriculum of a traffic survival school licensed by the Division or face removal from the Arizona roads. Licensed traffic survival schools benefit from fees paid by drivers ordered by the Division to complete the traffic survival school curriculum.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

In addition to minor punctuation and preposition changes, the Division made the final rule more clear, concise, and understandable as follows:

- Changed "driver license point system" to "driver point system" in the preamble, rule heading, and body of the rule, clarifying that the Division gives the same treatment to all similarly situated drivers on the Arizona roads;
- Deleted session law references in the preamble and R17-4-506(B) for conciseness;
- Added "suspend the driver's Arizona driver license and Arizona driving privilege, suspend the Arizona driving privilege of a driver not licensed by the Division" after the word "suspend" in line 2 of R17-4-506(B), further clarifying the Division's similar treatment of similarly situated drivers;
- Changed "regulation governing the movement of vehicles" to "regulation that governs a vehicle moving under its own power" in R17-4-506(B)(11) for clarity;
- Added "a driver" after the word "Send" in line 1 of R17-4-506(C)(1) for clarity;
- Changed "the violation resulting in Division action" to "the violation resulting in the order of suspension" in R17-4-506(C)(1)(b) for clarity;
- Restructured R17-4-506(C)(3) from:
 - Instruct the driver, on the order of suspension, to submit any hearing request to the Division before the effective date of the suspension stated on the order.
to:
Specify, on the order of suspension:
 - a. The time period within which a hearing request to the Division may be made, and
 - b. The effective date of the suspension.
- Changed "a driver with at least 8 points" to "a driver with 8 to 12 points" and changed "who does not come under R17-4-506(C)" to "who did not complete traffic survival school within 24 months before the date of the violation resulting in the accumulation of 8 to 12 points" in lines 2 and 3 of R17-4-506(D) for clarity;
- Added "address" and changed "phone" to "telephone" in R17-4-506(D)(1)(a);
- Changed "if the county of residence has no traffic survival schools" to "if the driver's county of residence does not have a traffic survival school" in R17-4-506(D)(1)(a)(ii);
- Changed "by" to "within" in R17-4-506(D)(1)(c);
- Changed "Warn the driver" to "instruct the driver" and changed "may result in a 6-month suspension" to "will result in the Division's issuing a 6-month order of suspension" in R17-4-506(D)(1)(d);
- Changed "Division records shall reflect a driver's completion of traffic survival school" to "The Division shall record that a driver completed traffic survival school" in line 1 of R17-4-506(D)(2);
- Changed "an order of suspension for 6 months" to "a 6-month order of suspension" in line 1 of R17-4-506(D)(3); and
- Restructured the last 2 lines of R17-4-506(D)(3) from:

Arizona Administrative Register
Notices of Final Rulemaking

The order of suspension shall instruct the driver to submit any hearing request to the Division before the effective date of the suspension stated on the order.

to:

- c. The Division shall specify on the order of suspension:
- i. The time period within which a hearing request to the Division may be made, and
 - ii. The effective date of the suspension.

11. A summary of the principal comments and the agency response to them:

The Division received no oral or written comments prior to the close of the record at 5:00 p.m. on December 3, 1999.

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

Not applicable

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

None

14. Was this rule previously adopted as an emergency rule?

Yes.

Notice of Emergency Rulemaking: 5 A.A.R. 204, January 22, 1999

Notice of Emergency Rulemaking: 5 A.A.R. 3929, October 22, 1999

Major changes to the text of the rule between emergency rulemaking and final rulemaking:

- For the emergency rulemaking, the Division amended only R17-4-506(B). The Division updated statutory references in that subsection, clarified the language of the subsection, and added to the subsection the 5 new offenses enacted in 1998 and appropriate points. The final rule rewrites subsections (A) through (D), retaining in subsection (B) all but 1 of the offenses and appropriate points stated in subsection (B) of the emergency rule.
- For the regular rulemaking, the Division deleted the obsolete provision, subsection (B)(3) in the emergency amendment, that assigned only 8 points to a driver convicted of both DUI and reckless driving “when both violations are charged in 1 citation.” In *Peterson v. Jacobson*, 2 Ariz. App. 593, 595, 411 P.2d 31 (1966), Division 2 of the Arizona Court of Appeals stated: “The crime of reckless driving, however, and that of driving while intoxicated are separate and distinct offenses and are established by different evidence.” Consistent with the case law, the Division’s information system will give a driver 8 points for a DUI conviction and 8 points for a reckless driving conviction resulting from the same event.
- For the final rule, the Division changed “driver license point system” to “driver point system” in the preamble, the rule heading, and body of the rule, clarifying that the Division gives the same treatment to all similarly situated drivers on the Arizona roads.

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION**

ARTICLE 5. DRIVER LICENSES

Section

R17-4-506. ~~Driver license point system~~ Driver Point System

ARTICLE 5. DRIVER LICENSES

R17-4-506. Driver license point system Driver Point System

- A.** Definitions. The words and phrases, when used in these rules, shall have the meanings respectively ascribed to them.
1. “Department” means the Motor Vehicle Division, Arizona Department of Transportation, acting directly or through its duly authorized officers and agents.
 2. “Assistant Director” means the Assistant Director of the Department of Transportation for the Motor Vehicle Division.
 3. “Licensee” means a person licensed as an operator or chauffeur.
 4. “Conviction” means, for the purpose of this rule, a final conviction. Also, for the purpose of this rule, a forfeiture of bail or collateral deposited to secure a defendant’s appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.
 5. “Fee” means the fee provided for in A.R.S. § 28-446(D). It shall be the only monies collected from licensee in connection with approved training sessions.
 6. “Judgment” means a final judgment on a civil traffic violation.

Arizona Administrative Register
Notices of Final Rulemaking

7. "TSS" means a school offering a course approved by the Department pursuant to A.R.S. § 28-446.

A. In this Section, unless the context otherwise requires:

"Civil traffic violation" has the meaning prescribed in A.R.S. § 28-121(B).

"Conviction" has the meaning prescribed in A.R.S. § 28-101(12).

"Division" means the Arizona Department of Transportation, Motor Vehicle Division.

"Driver" has the meaning prescribed in A.R.S. § 28-101(18).

"Fee" has the meaning prescribed in A.R.S. § 28-3307(C).

"Judgment" has the meaning prescribed in A.R.S. § 28-3001(11).

"Suspension" has the meaning prescribed in A.R.S. § 28-3001(16).

"Traffic survival school" has the meaning prescribed in A.R.S. § 32-2351(4)(b).

B. Point system. For the purpose of determining under A.R.S. § 28-3306(A)(3) when there has been a frequency of convictions or judgments of serious offenses against traffic regulations governing the movement of vehicles as to warrant suspension or to require any licensee to attend and successfully complete approved training and educational sessions designed to improve the safety and habits of drivers, the following convictions or judgments shall be assigned the points indicated below:

	Points
1. Conviction of violation of A.R.S. § 28-1381, driving or actual physical control of a vehicle while under the influence of intoxicating liquor or drugs.	8
2. Conviction of violation of A.R.S. § 28-1382, driving or actual physical control of a vehicle while under the extreme influence of intoxicating liquor.	8
3. Conviction of violation of A.R.S. §§ 28-1381, driving or actual physical control of a vehicle while under the influence of intoxicating liquor or drugs, and 28-693, reckless driving, when both violations are charged in 1 citation.	8
4. Conviction of violation of A.R.S. § 28-693, reckless driving.	8
5. Conviction of violation of A.R.S. § 28-708, racing on highways.	8
6. Conviction of violation of A.R.S. § 28-695, aggressive driving.	8
7. Conviction or judgment of a violation of A.R.S. §§ 28-662, 28-663, 28-664, 28-665, leaving the scene of an accident.	6
8. Conviction or judgment of a violation of A.R.S. § 28-672(C), failure to comply with a red traffic control signal, failure to yield the right of way when turning left at an intersection, or failure to comply with a stop sign or yield sign, and the failure results in an accident causing death to another person.	6
9. Conviction or judgment of a violation of A.R.S. § 28-672(A), failure to comply with a red traffic control signal, failure to yield the right of way when turning left at an intersection, or failure to comply with a stop sign or yield sign, and the failure results in an accident causing serious physical injury to another person.	4
10. Conviction or judgment of a violation of A.R.S. § 28-701, speeding.	3
11. Conviction or judgment of a violation of A.R.S. § 28-644(A)(2), driving over or across or parking in any part of a gore area.	3
12. Conviction or judgment of a violation of any other traffic regulation governing the movement	

Arizona Administrative Register
Notices of Final Rulemaking

of vehicles.

2

- B.** Under A.R.S. § 28-3306(A)(3), if a driver accumulates at least 8 points in a 12-month period, the Division shall suspend the driver's Arizona driver license and Arizona driving privilege, suspend the Arizona driving privilege of a driver not licensed by the Division, or order the driver to successfully complete the curriculum of a licensed traffic survival school. The Division shall assign points to a driver as follows:

Points

1. Conviction of violating A.R.S. § 28-1381, driving or actual physical control of a vehicle while under the influence of intoxicating liquor or drugs; 8
 2. Conviction of violating A.R.S. § 28-1382, driving or actual physical control of a vehicle while under the extreme influence of intoxicating liquor; 8
 3. Conviction of violating A.R.S. § 28-693, reckless driving; 8
 4. Conviction of violating A.R.S. § 28-708, racing on highways; 8
 5. Conviction of violating A.R.S. § 28-695, aggressive driving; 8
 6. Conviction or judgment of violating A.R.S. §§ 28-662, 28-663, 28-664, 28-665, leaving the scene of an accident; 6
 7. Conviction or judgment of violating A.R.S. § 28-672, failure to comply with a red traffic-control signal, failure to yield the right of way when turning left at an intersection, or failure to comply with a stop sign or yield sign, and the failure results in an accident causing death to another person; 6
 8. Conviction or judgment of violating A.R.S. § 28-672, failure to comply with a red traffic-control signal, failure to yield the right of way when turning left at an intersection, or failure to comply with a stop sign or yield sign, and the failure results in an accident causing serious physical injury to another person; 4
 9. Conviction or judgment of violating A.R.S. § 28-701, speeding; 3
 10. Conviction or judgment of violating A.R.S. § 28-644, driving over or across, or parking in any part of a gore area; and 3
 11. Conviction or judgment of violating any other traffic regulation that governs a vehicle moving under its own power. 2
- C.** General provisions. Upon receipt of a conviction or judgment which brings the licensee's total points within any 12-month period to 8 points, as set forth in subsection (B), or when the Department's records or other sufficient evidence show that the licensee falls within any of the categories set forth in A.R.S. § 28-446(A), subparagraphs 1 through 8, the Department shall determine that:
1. The licensee shall be suspended, or
 2. The licensee should be required to attend and successfully complete approved training and educational sessions, or
- C.** The Division shall:
1. Send a driver an order of suspension under A.R.S. § 28-3318 when the driver:
 - a. Accumulates at least 13 points in any 12-month period, or
 - b. Completed traffic survival school within 24 months before the date of the violation resulting in the order of suspension;
 2. Specify, on the order of suspension, the length of the suspension as follows:
 - a. A 3-month suspension for accumulation of 8 to 14 points in any 12-month period,
 - b. A 6-month suspension for accumulation of 15 to 19 points in any 12-month period, and
 - c. A 12-month suspension for accumulation of 20 or more points in any 12-month period; and

Arizona Administrative Register
Notices of Final Rulemaking

3. Specify, on the order of suspension:
 - a. The time period within which a hearing request to the Division may be made, and
 - b. The effective date of the suspension.
- D.** Suspension, assignment to TSS:
 1. If the Department determines that the licensee should be suspended, notice thereof will be sent by mail in accordance with A.R.S. § 28-453 together with a request for surrender of the license and notification that the licensee has the right to request a hearing within 15 days after mailing thereof or the suspension shall become effective.
 2. If the Department determines that the licensee should attend TSS, notice thereof to the licensee will be in accordance with A.R.S. § 28-453. The notice will inform the licensee:
 - a. Of the names and locations of the schools which may be attended;
 - b. Of the last date upon which to report to the selected school for enrollment;
 - c. That failure to report to a TSS in the required time may result in the suspension of his driver license;
 - d. That failure to attend all sessions of the TSS or successfully complete the school may result in the suspension of his driver license;
 - e. Of the length of time of suspension; and
 - f. That there is a right to request a hearing in writing within 15 days after mailing of the notice or the terms of the notice will become final.
 3. If the licensee decides to attend TSS as directed in subsection (D)(2), the licensee shall:
 - a. Select from the furnished list of TSSs a school to attend.
 - b. Report to the selected TSS within 15 days after mailing of the Department's notice. Upon reporting, the licensee's current driver license shall be surrendered and a temporary driver permit good for a maximum of 60 days shall be issued. Upon a written showing of good cause, the Department may authorize 1 extension of such permit for an additional 60 days.
 4. Upon receipt by the Department of a report from the TSS, it shall be determined either that the licensee has or has not attended and successfully completed the school.
 5. If it is determined that the licensee has successfully completed the school, the Department shall notify the licensee and return the permanent license with any reasonable restrictions placed thereon which are in the interest of public safety when the requirements of A.R.S. § 28-446(D) have been met.
- D.** The Division shall send a dated order of assignment to traffic survival school under A.R.S. § 28-3318 to a driver with 8 to 12 points in a 12-month period, who did not complete traffic survival school within 24 months before the date of the violation resulting in the accumulation of 8 to 12 points.
 1. The order of assignment shall:
 - a. List the names, addresses, and telephone numbers of the licensed traffic survival schools:
 - i. In the driver's Arizona county of residence;
 - ii. In a neighboring Arizona county, if the driver's county of residence does not have a traffic survival school;
or
 - iii. For a nonresident driver, state the Division telephone number to call about complying with the order of assignment;
 - b. State that a licensed traffic survival school will charge a fee;
 - c. Instruct the driver to submit any hearing request to the Division within 15 days after the date of the order of assignment; and
 - d. Instruct the driver that failure to successfully complete traffic survival school within 60 days after the date of the order of assignment will result in the Division's issuing a 6-month order of suspension.
 2. The Division shall record that a driver completed traffic survival school when:
 - a. A licensed traffic survival school reports the driver's successful completion of the curriculum, or
 - b. The driver presents to the Division an original certificate of completion issued by a licensed traffic survival school, within 30 days of issuance of the certificate.
 3. The Division shall send a driver a 6-month order of suspension under A.R.S. § 28-3318 when:
 - a. The driver does not establish completion of traffic survival school under R17-4-506(D)(2), and
 - b. At least 61 days pass after the date of the order of assignment.
 - c. The Division shall specify on the order of suspension:
 - i. The time period within which a hearing request to the Division may be made, and
 - ii. The effective date of the suspension.
- E.** No change.
- F.** No change.
- G.** No change.
- H.** No change.
- I.** No change.

Arizona Administrative Register
Notices of Final Rulemaking
