

FREE CONFERENCE COMMITTEE AMENDMENTS TO H.B. 2551
(Reference to Senate engrossed House bill)

- 1 Page 1, line 6, strike "and federal"
2 Line 12, after "shall" insert "ONLY"; strike "ONLY"; after "IS" insert
3 "EITHER OF THE FOLLOWING:
4 1."
5 Strike lines 14 through 42
6 Strike page 2, insert:
7 "2. OPEN AS INDICATED BY FEDERAL LAW.
8 Sec. 3. Repeal
9 Section 41-1005, Arizona Revised Statutes, as amended by senate
10 bill 1223, section 24, Fifty-first Legislature, First Regular Session, is
11 repealed.
12 Sec. 4. Section 41-1005, Arizona Revised Statutes, is amended to
13 read:
14 41-1005. Exemptions
15 A. This chapter does not apply to any:
16 1. Rule that relates to the use of public works, including streets
17 and highways, under the jurisdiction of an agency if the effect of the
18 order is indicated to the public by means of signs or signals.
19 2. Order OR RULE of the Arizona game and fish commission that DOES
20 THE FOLLOWING:
21 (a) Opens, closes or alters seasons or establishes bag or
22 possession limits for wildlife.
23 (b) ESTABLISHES A FEE PURSUANT TO SECTION 5-321, 5-322 OR 5-327.
24 (c) ESTABLISHES A LICENSE CLASSIFICATION, FEE OR APPLICATION FEE
25 PURSUANT TO TITLE 17, CHAPTER 3, ARTICLE 2.
26 3. Rule relating to section 28-641 or to any rule regulating motor
27 vehicle operation that relates to speed, parking, standing, stopping or
28 passing enacted pursuant to title 28, chapter 3.

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

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

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

8 7. Rule or substantive policy statement concerning inmates or
9 committed youths of a correctional or detention facility in secure custody
10 or patients admitted to a hospital, if made by the state department of
11 corrections, the department of juvenile corrections, the board of
12 executive clemency or the department of health services or a facility or
13 hospital under the jurisdiction of the state department of corrections,
14 the department of juvenile corrections or the department of health
15 services.

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

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

21 10. Fees prescribed by section 6-125.

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

24 12. Fees established under section 3-1086.

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

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

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

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

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

31 18. Rules made by the Arizona state parks board concerning the
32 operation of the Tonto natural bridge state park, the facilities located
33 in the Tonto natural bridge state park and the entrance fees to the Tonto
34 natural bridge state park.

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

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

- 1 21. Fee schedules established pursuant to section 36-3409.
- 2 22. Procedures of the state transportation board as prescribed in
3 section 28-7048.
- 4 23. Rules made by the state department of corrections.
- 5 24. Fees prescribed pursuant to section 32-1527.
- 6 25. Rules made by the department of economic security pursuant to
7 section 46-805.
- 8 26. Schedule of fees prescribed by section 23-908.
- 9 27. Procedure that is established pursuant to title 23, chapter 6,
10 article 5 or 6.
- 11 28. Rules, administrative policies, procedures and guidelines
12 adopted for any purpose by the Arizona commerce authority pursuant to
13 chapter 10 of this title if the authority provides, as appropriate under
14 the circumstances, for notice of an opportunity for comment on the
15 proposed rules, administrative policies, procedures and guidelines.
- 16 29. Rules made by a marketing commission or marketing committee
17 pursuant to section 3-414.
- 18 30. Administration of public assistance program monies authorized
19 for liabilities that are incurred for disasters declared pursuant to
20 sections 26-303 and 35-192.
- 21 31. User charges, tolls, fares, rents, advertising and sponsorship
22 charges, services charges or similar charges established pursuant to
23 section 28-7705.
- 24 B. Notwithstanding subsection A, paragraph 22 of this section, at
25 such time as the federal highway administration authorizes the
26 privatization of rest areas, the state transportation board shall make
27 rules governing the lease or license by the department of transportation
28 to a private entity for the purposes of privatization of a rest area.
- 29 C. Coincident with the making of a final rule pursuant to an
30 exemption from the applicability of this chapter under this section,
31 another statute or session law, the agency shall file a copy of the rule
32 with the secretary of state for publication pursuant to section 41-1012
33 and provide a copy to the council.
- 34 D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
35 chapter do not apply to the Arizona board of regents and the institutions
36 under its jurisdiction, except that the Arizona board of regents shall
37 make policies or rules for the board and the institutions under its

1 jurisdiction that provide, as appropriate under the circumstances, for
2 notice of and opportunity for comment on the policies or rules proposed.

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

10 F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
11 chapter do not apply to the state board of education, except that the
12 state board of education shall adopt policies or rules for the board and
13 the institutions under its jurisdiction that provide, as appropriate under
14 the circumstances, for notice of and opportunity for comment on the
15 policies or rules proposed for adoption. In order to implement or change
16 any rule, the state board of education shall provide at least two
17 opportunities for public comment.

18 Sec. 5. Conditional enactment

19 Sections 3 and 4 of this act are not effective unless senate bill
20 1223, section 24, Fifty-first Legislature, First Regular Session, relating
21 to game and fish, becomes law."

22 Amend title to conform

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