

FREQUENTLY ASKED QUESTIONS REGARDING DEPARTMENT
RULES AND RULEMAKING

Q: *What are rules?*

A: A.R.S. § 41-1001(17) states, “ ‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.” Virtually everything in our daily lives is affected in some way by rules published in the *Arizona Administrative Code*, from the quality of air we breathe to the licensing of your dentist.

Q: *What is the Arizona Administrative Code?*

A: The *Arizona Administrative Code* (A.A.C.) is the official compilation of rules that govern Arizona State agencies, boards, and commissions. The 10-volume set includes rules divided into 20 Titles and 230 Chapters. The *Code* contains all rules made by the regulatory agencies of the state and filed with the Office after either certification by the Attorney General (AG) or approval by the Governor’s Regulatory Review Council (GRRC).

Q: *What is the Arizona Administrative Register?*

A: The *Arizona Administrative Register* (A.A.R.) is the official publication that notices the public of all rulemaking activity; from an idea or concept of the making of a rule (Docket Opening) - to the proposal of the rule (Proposed Rule) and public participation of the making of the rule - to an agency making a final rule and getting it approved by the Governor’s Regulatory Review Council (GRRC) or the Attorney General’s Office (AG). Other documents may be included if the documents are concerned with rulemaking or if state statute requires that they be published in the *Register*.

Q: *How is a rule made?*

A: For a generalized overview of how a rule is made, please view The Eight Basic Steps to Regular Rulemaking and Rulemaking Process Map on the Department’s Rules Section Intranet site.

Q: *How can the public find out about a change in rules?*

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A: That's where the *Arizona Administrative Register* comes in. The *Register* is an official state publication that contains the rulemaking activity of the state's agencies, including proposed, final, emergency, summary, and exempt rules. The rulemaking process is lengthy and can be complicated, but the *Register* is the medium for "tracking" a rule as it makes its way through the process.

Q: *Who do I contact if I have a question about a rule?*

A: When commenting on a proposed rulemaking, please contact the individual listed under item #4 of the preamble (beginning) of the proposed rule as published in the *Administrative Register*. If you have a comment about a rule that is not currently under review or being amended, contact the Rules Section:

By mail: Arizona Game and Fish Department, DORR
5000 W. Carefree Highway
Phoenix, AZ 85086

By e-mail: Rulemaking@azgfd.gov

By phone: (623) 236-7390

Q: *How can I change a rule?*

A: There are two principle methods for changing a rule. The first method is to submit a comment about the rule to the Rules Section. Comments may be submitted at any time. The Department will retain the comment for future consideration by the rule review or rulemaking team, as applicable. The other method is to submit a petition for a rule change directly to the Commission who will then decide whether to actively pursue rulemaking changes.

Q: *When can I comment on a rule?*

A: Comments may be submitted at any time. However, comments relating to a Notice of Proposed Rulemaking must be submitted during the public comment period in order for them to be considered by the final rulemaking team. Unless otherwise specified in the Notice of Proposed Rulemaking, public comments are accepted for thirty (30) calendar days after the date on which the notice is published in the *Arizona Administrative*

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Register. The Notice of Proposed Rulemaking will notify the general public when comment period for proposed rule changes begins and closes.

Q: *How does the Department communicate rule changes to the public?*

A: The Department's Rules Section notifies the public in a number of ways. Notification is given through the *Arizona Administrative Register*, through the Department's website, and Wildlife News newsletter. The Wildlife News is further distributed to additional news services, such as newspapers and outdoor websites. In addition, postcards are mailed to individuals who have asked to be notified whenever the Department is considering rulemaking. These same resources are used to inform the public when the Department intends to hold public meetings on a rule change and when a comment period opens and closes.

Q: *Who approves rule changes?*

A: Most rule changes are first approved by the Arizona Game and Fish Commission and then by the Governor's Regulatory Review Council (GRRC). Exempt and Emergency rules are first approved by the Commission and then by the Attorney General's Office (AG). A rule only becomes effective once it has been approved by GRRC or the AG, as applicable, and filed with the Secretary of State's Office.

Q: *Where can I find the Game and Fish Laws and Rules?*

A: The AZGFD Laws and Rules Book, 2007-2008 Edition and its supplement are available to download on the Arizona Game and Fish Department's Rulemaking Process website (right side of page). In addition; laws may be accessed through the Arizona State Legislature website via the online Arizona Revised Statutes at <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=17>; rules may be accessed through the Secretary of State's Office website via the online *Code* at: http://www.azsos.gov/public_services/Title_12/12-04.htm.

Q: *Where can I find the most current rule language?*

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A: Because the *Arizona Administrative Code* is updated on a quarterly basis, the most recent amendments may not always be in the online or official printed version of the *Code*. The best way to ensure that you have the most current rule language is to first check the Department's Rulemaking Intranet page. If the Department's Intranet Rulemaking page does not display the rule that you are looking for, then the most current language may be accessed via the online *Code* at: http://www.azsos.gov/public_services/Title_12/12-04.htm. Amendments are published on the Department's Internet website in their edited form; meaning they will include editing marks such as underlining for new language and strike-throughs for deleted language. By law, the Rules Section cannot provide clean copies of rule language for distribution to the public. This is explicitly the province of the Secretary of State's Office. The edited amendments will remain on the Department's websites until the final rule is published in the *Code*.

Q: *What is a five-year review and what does it do?*

A: Per A.R.S. § 41-1056, an agency must review all of its rules to determine whether any rule should be amended or repealed. The purpose of the review is to determine whether the Department's rules are in compliance with statute, meet their objective, are enforced as written, and are clear, concise, and understandable. A five-year review tells the Governor's Regulatory Review Council (GRRC) how an agency intends to amend rules that do not meet this criterion. A five-year rule review in itself does not amend rules.