

RULE PETITION PACKET

Enclosed please find:

- (1) R12-4-601. Petition for Rule or Review of Practice or Policy**
- (2) Form: Petition to the Arizona Game and Fish Commission**
- (3) Guide to Revising Rule Language**

Arizona Game and Fish Department
Director's Office
5000 W Carefree Hwy
Phoenix, AZ 85086

If you have any questions please contact the Rules & Risk Management Office Telephone:
(623) 236-7390 or E-mail: rulemaking@azgfd.gov

R12-4-601. Petition for Rule or Review of Practice or Policy

HOW TO PETITION THE COMMISSION TO ADOPT, AMEND, OR REPEAL A RULE

Requirements for requesting that the Arizona Game & Fish Commission adopt, amend, or repeal a Commission rule are detailed below in R12-4-601 of the Arizona Administrative Code.

Please note that a petition may address only one rule. The original and one copy of the petition should be mailed or delivered to:

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5000 W Carefree Hwy
Phoenix, AZ 85086

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* Address in subsection E. of R12-4-601 is incorrect please send to the above address

ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION

R12-4-601. Petition for Rule or Review of Practice or Policy

- A. Any individual, including any organization or agency, requesting that the Commission make, amend, or repeal a rule, shall submit a petition as prescribed in this Section.
- B. Any individual, including any organization or agency, requesting that the Commission review an existing Department practice or substantive policy that the petitioner alleges to constitute a rule (as defined in A.R.S. § 41-1001) under A.R.S. § 41-1033, shall submit a petition as prescribed in this Section.
- C. A petitioner shall not address more than one rule, practice, or substantive policy in the petition.
- D. If the Commission has considered and denied a petition, and a petitioner submits a petition within the next year that addresses the same substantive issue, the petitioner shall provide a written statement that contains any reason not previously considered by the Commission in making a decision.
- E. A petitioner shall submit an original and one copy of a petition to the Arizona Game and Fish Department, Director's Office, 2221 West Greenway Rd., Phoenix, Arizona 85023. The Commission shall render a decision on the petition as required by A.R.S. § 41-1033.
- F. Within five working days after a petition is submitted, the Director shall determine whether the petition complies with this Section.
 1. If the petition complies with this Section, the Director shall place the petition on a Commission open meeting agenda. The petitioner may present oral testimony at that meeting, by complying with R12-4-603.
 2. If a petition does not comply with subsections (G) through (L) of this Section, the Director shall return a copy of the petition as filed to the petitioner and indicate in writing why the petition does not comply with this Section. The Director shall not place the petition on a

- Commission agenda. The Department shall maintain the original petition on file for five years and consider the petition as a comment during the five-year review process.
- G. Petitions shall be typewritten, computer or word processor printed, or legibly handwritten, and double-spaced, on 8 1/2" x 11" paper; or typewritten, computer or word processor printed, or legibly handwritten on a form provided by the Department. The title shall be centered at the top of the first page and appear as "Petition to the Arizona Game and Fish Commission." The petition shall include the items listed in subsections (H) through (L). The items in the petition shall be presented in the order in which they are listed in this Section.
- H. The title of Part 1 shall be "Identification of Petitioner." The title shall be centered at the top of the first page of this part. Part 1 shall contain:
1. If the petitioner is a private individual, the name, mailing address, and telephone number of the petitioner;
 2. If the petitioner is a private group or organization, the name and address of the group or organization; the name, mailing address, and telephone number of an individual who is designated as the representative or official contact for the petitioner; the total number of individuals, and the number of Arizona residents represented by the petitioner; or the names and addresses of all individuals represented by the petitioner; or
 3. If the petitioner is a public agency, the name and address of the agency and the name, title, and telephone number of the agency's representative.
- I. The title of Part 2 shall be "Request for Rule" or "Request for Review," as applicable. The title shall be centered at the top of the first page of this part. Part 2 shall contain:
1. If the petition is for a new rule, a statement to this effect, followed by the heading and specific language of the proposed rule;
 2. If the request is for amendment of a current rule, a statement to this effect, followed by the Arizona Administrative Code (A.A.C.) number of the current rule proposed for amendment, the heading of the rule, the specific, clearly readable language of the rule, indicating language to be deleted with strikeouts, and language to be added with underlining;
 3. If the request is for repeal of a current rule, a statement to this effect, followed by the Arizona Administrative Code (A.A.C.) number of the rule proposed for repeal and the heading of the rule or;
 4. If the request is for review of an existing agency practice or substantive policy statement that the petitioner alleges qualifies as a rule (as defined in A.R.S. § 41-1001), a statement to this effect, followed by the practice or policy number, if any, the practice or policy heading, if any, or a brief description of the practice or policy subject matter.
- J. The title of Part 3 shall be "Reason for the Petition." The title shall be centered at the top of the first page of this part. Part 3 shall contain:
1. The reason the petitioner believes rulemaking or review of a practice or policy is necessary;
 2. Any statistical data or other justification supporting rulemaking or review of the practice or policy, with clear reference to any exhibits that are attached to or included with the petition;
 3. An identification of any individuals or special interest groups the petitioner believes would be impacted by the rule or a review of the practice or policy, and how they would be impacted; and
 4. If the petitioner is a public agency, a summary of issues raised in any public meeting or hearing regarding the petition, or any written comments offered by the public.
- K. The title of Part 4 shall be "Statutory Authority." The title shall be centered at the top of the first page of this part. In Part 4, the petitioner shall identify any statute that authorizes the

Commission to make the rule, if known, or cite to A.R.S. § 41-1033 if the petition relates to review of an existing practice or substantive policy statement.

L. The title of Part 5 shall be "Date and Signature." The title shall be centered at the top of the first page of this part. Part 5 shall contain:

1. An original signature of the representative or official contact, if the petitioner is a private group or organization or private individual named under subsection (H)(1) or (H)(2); or
2. If the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
3. The month, day, and year that the petition is signed.

Historical Note

Adopted effective December 22, 1987 (Supp. 87-4). Amended by final rulemaking at 10
A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

Petition to the Arizona Game and Fish Commission

This form is being provided by the Arizona Game and Fish Department to assist petitioners in completing petitions in accordance with 12 A.A.C. 4, Article 6. Petitioners using this form should check applicable boxes, complete all parts, and carefully follow instructions. Failing to complete all parts and relevant sections of this form may result in your petition being rejected. Exact rule language governing petitions to the Commission can be found in the Arizona Administrative Code, R12-4-601.

Part 1

Identification of Petitioner

A. Petitioner is a private individual

Name: _____

Mailing address: _____

Telephone: _____

B. Petitioner is private group or organization

Group or organization name: _____

Group or organization address: _____

Individual designated as the representative or official contact for the petitioner:

Name: _____

Mailing address: _____

Telephone: _____

1. Number of individuals represented by the petitioner: _____

2. Number of Arizona residents represented by the petitioner: _____

OR

3. The names and addresses of all individuals represented by the petitioner.

[You may attach additional pages to this Part 1]

C. Petitioner is a public agency

Public agency name: _____

Public agency address: _____

Public agency representative:

Name: _____

Title: _____

Telephone: _____

Part 3

Reason for the Petition

1. Reason the petitioner believes rulemaking or review of a practice or policy is necessary:

_____ [You may attach additional pages to this Part 3]

2. Statistical data or other justification supporting the rulemaking or review of the practice or policy, with clear reference to any exhibits that are attached to or included with the petition:

_____ [You may attach additional pages to this Part 3]

3. Identify any individuals or special interest groups the petitioner believes would be impacted by the rule or a review of the practice or policy, and how they would be impacted:

_____ [You may attach additional pages to this Part 3]

4. If the petitioner is a public agency, summarize the issues raised in any public meeting or hearing regarding the petition, or any written comments offered by the public:

_____ [You may attach additional pages to this Part 3]

Part 4

Statutory Authority

Identify any statute that authorizes the Commission to make the rule, if known, or cite to A.R.S. § 41-1033 if the petition relates to review of an existing practice or substantive policy statement:

Part 5

Date and Signature

Original signature of the representative or official contact, if the petitioner is a private group or organization or private individual named under Part 1; or

If the petitioner is a public agency, the signature of the agency head or the agency head's deignee; and

The month, day, and year that the petition is signed.

Signature _____

Date _____

Guide to Revising Rule Language

HOW TO REVISE CURRENT RULE LANGUAGE TO SHOW A PROPOSED RULE AMENDMENT

Include the entire language of the current rule. Any language to be deleted shall be struck out but clearly readable, and any language to be added by the proposed amendment shall be underlined.

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General Examples

A. If the changes are minor changes within a sentence, you can make the changes in the sentence.

If you want to Change: The sea is almost blue under the night sky.

To: The sea was light blue beneath the evening sky.

Write: The sea was light ~~is almost~~ blue beneath ~~under~~ the evening ~~night~~ sky.

If the changes are major changes within a sentence or paragraph, you can strike out the old language and write new language.

If you want to Change: A petition may not address more than one regulation.

To: Only those persons representing groups or organizations may present multiple regulations within a single petition filed with the North American Fictional Association.

Write: Only those persons representing groups or organizations may present multiple regulations within a single petition filed with the North American Fictional Association. ~~A petition may not address more than one regulation.~~

Rule Amendment Example

The following is an example of an amended rule. It is not an actual rule and is provided to be instructive on amending rule language. Language to be deleted is struck out but clearly readable, and language to be added by the proposed amendment is underlined.

R00-0-100. Fictional Contest Permit Regulations

- A. ~~An application~~ Application for a fictional contest permit pursuant to A.R.S. § 00-407 requires that the following information be provided by the fictional contest director ~~applicant~~ to the Department of Fictional Contests:
1. Name of the fictional contest director, date of birth, telephone number, and mailing address. The “fictional director” means the individual designated by the sponsor as the person responsible for compliance with this rule.
 - ~~2. Two letters of reference for the applicant.~~
 2. Contest name and sponsor.
 3. Contest Location and dates.
 4. Anticipated number of contest participants.
- B. A fictional contest permit ~~shall be carried by the applicant at all times and~~ shall be available for inspection by Department personnel at the contest site.
- C. This rule is effective January 1, 2000. ~~January 1, 1995.~~