

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 or the Attorney General. 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 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 1. SECRETARY OF STATE RULES AND RULEMAKING

PREAMBLE

1. Sections Affected

Rulemaking Action

R1-1-101	Amend
R1-1-102	Amend
R1-1-103	Amend
R1-1-104	Amend
R1-1-105	Amend
R1-1-106	Amend
R1-1-107	Amend
R1-1-108	Amend
R1-1-109	Amend
R1-1-110	Amend
R1-1-111	Repeal
R1-1-112	Amend
R1-1-114	Amend
R1-1-201	Amend
R1-1-202	Amend
R1-1-203	Repeal
R1-1-204	Repeal
R1-1-205	Amend
R1-1-206	Amend
R1-1-207	Repeal
R1-1-208	Amend
R1-1-209	Amend
R1-1-210	Amend
R1-1-211	Amend
R1-1-212	Amend
R1-1-301	Amend
R1-1-302	Amend
R1-1-401	Amend
R1-1-402	Amend
R1-1-403	Amend
R1-1-404	Amend
R1-1-405	Amend
R1-1-406	Amend
R1-1-407	Amend
R1-1-408	Amend
R1-1-409	Amend
R1-1-410	Repeal
R1-1-411	Amend
R1-1-412	Amend
R1-1-413	Amend

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R1-1-414	Amend
R1-1-415	New Section
R1-1-501	Amend
R1-1-502	Amend
R1-1-503	Amend
R1-1-504	Amend
R1-1-505	Amend
R1-1-506	Amend
R1-1-507	Amend
R1-1-601	Amend
R1-1-602	New Section
R1-1-701	Amend
R1-1-801	Amend
R1-1-901	Amend
R1-1-902	New Section
Article 10	New Article
R1-1-1001	New Section

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. § 41-1011

Implementing statutes: A.R.S. §§ 41-1001 through 41-1036

3. The effective date of the rules:

March 23, 2004

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

Notice of Rulemaking Docket Opening: 5 A.A.R. 1022, April 9, 1999

Notice of Proposed Rulemaking: 5 A.A.R. 1474, May 21, 1999

Notice of Rulemaking Docket Opening: 7 A.A.R. 1679, April 20, 2001

Notice of Proposed Rulemaking: 7 A.A.R. 5306, November 30, 2001

Notice of Termination of Rulemaking: 8 A.A.R. 2168, May 17, 2002

Notice of Rulemaking Docket Opening: 8 A.A.R. 2170, May 17, 2002

Notice of Proposed Rulemaking: 8 A.A.R. 4518, November 1, 2002

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

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Assistant Director, Public Services Division

or

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

The purpose of this rulemaking is to update the Secretary of State's rules on the rulemaking process, which have remained unchanged for nine years. The changes are necessary to make the rules uniform and consistent, improve clarity, comply with changes in the Administrative Procedure Act (APA), and respond to requests for updates by agency rulewriters.

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Laws 2002, Ch. 334 made numerous changes to the APA. Those changes are reflected in this rulemaking. Laws 2003, Ch. 104, § 26 amended A.R.S. § 41-1028. Those changes are reflected in this rulemaking.

7. A reference to any study relevant to the rules that the agency reviewed and either relied on in its evaluation of or justification for the rules or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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

The proposed changes to the rulemaking rules will have minimal economic impact on state agencies and the Secretary of State’s Office in the preparation, filing, and publication of rules. Because the proposed rules lower the required number of copies for filing, some printing costs will decrease for state agencies. In addition, Laws 2002, Ch. 334 removed the requirement for filing the Concise Explanatory Statement as a separate document.

Laws 2003, Ch. 104, § 26 removed the requirement that agencies file incorporated by reference material with the Secretary of State’s Office. This will provide savings to agencies that currently purchase multiple copies of the material.

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

Five Sections were added to the Notice of Final Rulemaking: R1-1-102, R1-1-206, R1-1-405, R1-1-503, and R1-1-505. Minor grammatical and style corrections were made to some Sections to conform the text to the rulewriting style of the Secretary of State. Some Sections were amended to eliminate potential confusion or to clarify submission requirements (see item #11).

R1-1-113, the fees rule, was removed from the Notice of Final Rulemaking. The Secretary of State’s Office amended this Section by exempt rulemaking at 9 A.A.R. 3825, August 29, 2003.

11. A summary of the comments made regarding the rules and the agency response to them:

Comment	Response
As long as the Office is updating 1 A.A.C. 1, it should clean up the text in certain Sections that are not part of the proposed rulemaking.	The Office added five Sections to the final rulemaking (R1-1-102, R1-1-206, R1-1-405, R1-1-503, and R1-1-505) and made minor grammatical and style changes to the text.
In R1-1-101, the definition of “Amendment” states that amendment includes renumbering. This is confusing and potentially misleading. Renumbering a Section does not constitute an amendment of that Section. Nor does renumbering Sections within a Part, Article, Subchapter, or Chapter constitute an amendment of that Part, Article, Subchapter or Chapter. As used in rulemaking, a Section is only amended if its text is somehow changed, and a Part, Article, Subchapter, or Chapter is only amended if the text of its heading is changed. Also, your proposed rules do not seem to use the term “amendment” as it is defined.	The Office eliminated the language “or renumbering” from the definition of “amendment.”
In R1-1-101, the definition of “Repeal” is redundant.	The Office amended the definition to indicate that the rule language is removed from the <i>Code</i> .
In R1-1-103(A), an agency should only be required to submit an original and one copy, or even just a complete original and electronic media for any documents that are to be published. If G.R.R.C. can go to almost paperless filing, why can’t the Office of the Secretary of State?	The Office disagrees. The current production process for the <i>Code</i> and <i>Register</i> requires an original and two copies of rulemaking packages. The Office is investigating an on-line filing system for the future.

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<p>R1-1-103(B) makes it sound as though Exhibits also need to have one-inch margins and to be double-spaced or spaced space-and-a-half.</p>	<p>Supplementary material <i>does</i> have to have a one-inch margin on all sides. The Office has never seen confusion on spacing of supplementary material; however, the Office added supplementary material to the list of items that may be single-spaced.</p>
<p>R1-1-103(C) makes it sound as though Tables cannot be integrated within text, but instead have to be separate documents.</p>	<p>The Office does not believe there is confusion on this issue. However, the Office removed the language because the requirements for supplementary material are in R1-1-412.</p>
<p>R1-1-103(D) should allow an agency repealing a set of rules in one Chapter only to adopt a replacement set of rules in another Chapter to do it all in one rulemaking. It is confusing to the public to have two rulemakings going on at the same time—one for repealing and one for making new rules.</p>	<p>The Office strongly disagrees. More confusion would arise because the contents page of the <i>Register</i> lists rulemaking activity for individual Chapters; archiving the master copy would also be complicated. Moreover, the Office already allows renumbering of rules from Chapter to Chapter in a Notice of Recodification.</p>
<p>R1-1-103(E)(2)'s language regarding "or relating to the rulemaking process" makes it sound as though the requirement applies to Exhibits, which may be separate documents.</p>	<p>The Office disagrees. Supplementary material, such as Exhibits, are part of the rules – not a document "relating to the rulemaking process." Documents relating to the rulemaking process include a Notice of Rulemaking Docket Opening, Notice of Public Information, or Notice of Oral Proceeding on Proposed Rulemaking.</p>
<p>R1-1-103(E)(3) requires an agency to underline an image. It may not be possible to underline an image. An image may not have any text to underline, and it is unclear how one would underline an image itself.</p>	<p>The Office removed the language "and images."</p>
<p>R1-1-103(E)(4) should allow agencies to use footnotes or endnotes. Including explanatory information that is helpful to the reader in the main text can disrupt the flow of text and make it difficult to read.</p>	<p>The Office would like to allow footnotes and endnotes in the Preamble, but they are a time-consuming burden in the tight production schedule for the <i>Register</i>. Footnotes and endnotes are usually garbled when agency rule packages are imported into the Office's production software.</p>
<p>In R1-1-103(E)(6), the second sentence requires that incorporated-by-reference material be numbered separately. An agency has no control over whether or how incorporated-by-reference material is numbered as published. If the rule is intended to mean that an agency shall not consecutively number incorporated-by-reference material as though it is a continuation of a Notice of Final Rulemaking, then the rule should say that.</p>	<p>The language is unnecessary. The Office removed the second sentence in R1-1-103(E)(6).</p>
<p>R1-1-103(E)(7)(g) requires that an agency submit an original and two copies of incorporated-by-reference material. (This may not be the intention, but it is how it reads.) If enforced, this would be extremely expensive for some rulemakings and could be ridiculous. If the incorporated-by-reference material is a set of 12 volumes, the agency would be required to stack items (a) through (f) on top of each 12-volume set (also stacked). Subsection (7) should not be so prescriptive and should acknowledge that the Office only gets one copy of incorporated-by-reference material.</p>	<p>The Office added language to clarify that incorporated by reference material is compiled only with the original rule package.</p>

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<p>The first sentence of R1-1-104(D) should have “from the Arizona Rulemaking Manual” inserted after “form.” Also, the subsection should resolve what an agency is supposed to do when there is no form in the Rulemaking Manual, such as for a Notice of Public Information.</p>	<p>The Office added language to clarify these concerns.</p>
<p>R1-1-105(A) uses “receipt” where it should use “certificate.”</p>	<p>The Office changed “receipt” to “certificate.”</p>
<p>The “and” at the end of R1-1-105(A)(1) should appear at the end of R1-1-105(A)(2).</p>	<p>The Office moved the “and.”</p>
<p>In R1-1-105(A)(3)(e), the language “proposed or” should be inserted before “made.”</p>	<p>The Office added the language “proposed or.”</p>
<p>The “and” at the end of R1-1-106(1) should appear at the end of R1-1-106(2).</p>	<p>The Office moved the “and.”</p>
<p>In R1-1-109(A), the Office should make a change, even a substantive change, in a Notice of Proposed Rulemaking if the change is necessary because of an error that originated with the Office rather than the agency. For example, if numbers in a table get transposed for some reason, due to editing by the Office, that would be a substantive change (from the reader’s perspective), but not the agency’s fault. It would be unfair to require the agency to prepare and file a Notice of Supplemental Proposed Rulemaking to fix it. The Office should republish the Proposed with an explanatory note at the beginning.</p>	<p>This concern is already addressed in subsection (D).</p>
<p>In R1-1-109(B), “or designee” should be inserted after “chief executive officer.”</p>	<p>The Office added the language “or designee.”</p>
<p>Does a law office library subscribing to the <i>Code</i> or <i>Register</i> have to pay the commercial use fee in R1-1-113?</p>	<p>The Office does not consider a law library’s standard reference subscription to be commercial use of the <i>Code</i> or <i>Register</i>.</p>
<p>R1-1-202 would prohibit the Office from publishing Notices of Public Information, because that is not a category included in the statutes listed and is not specifically required by state statute. Also, the rule should refer to items required by the legislature to be published, not just by state statute. The legislature often puts rulemaking exemptions in session law, not in statute, and sometimes requires unusual things (like proposed exempt rules) to be published.</p>	<p>The Office added language for items required by session law.</p>
<p>R1-1-209(B) would be clearer if semi-colons were used to separate the list items in the introductory language and if “shall be as specified below” were replaced with “shall include.” Also, subsection (B)(4) should end with a colon, and subsection (B)(4)(a) should not.</p>	<p>The Office changed the punctuation in (B)(4) and (B)(4)(a).</p>

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<p>In R1-1-406, “renumbers” does not make sense. If an agency renumbers a Chapter (the Sections within the Chapter, because it cannot “renumber” a Chapter), the rules are all still there, and the Chapter needs to be available for use. If the rule is intended to mean “recodifies,” then the rule should say that. Also, the one-year restriction seems overly prescriptive. The public should not be confused if the historical notes explain what happened, and there is nothing magical about 12 months that would make an action clearer.</p>	<p>The Office amended the language to clarify that the agency repeals or recodifies all the Sections in a Chapter, or that all the Sections in a Chapter have expired.</p> <p>The purpose of the one-year suspension is to simplify rules research, a common task of the Office. Experience has shown that the suspension is beneficial.</p>
<p>The first sentence of R1-1-407 would be clearer if “that” were inserted after “requests” and “to” were deleted after “Part.”</p>	<p>The Office made the language change.</p>
<p>R1-1-408(G) should allow an agency to subdivide its rules as much as it needs to, without permission from the Office. In subsection (D), the rule should establish the system for fifth- and sixth-level subsections as well. Some rules are complicated and need numerous subdivisions to be clear. This is overly prescriptive.</p>	<p>The Office disagrees. More than three or four subsection levels is contextually and visually confusing. The National Archives/Federal Register Plain Language recommendations say “avoid excessive levels of paragraphs. Rarely use three designated levels (a)(1)(i) and never use more” According to a survey by the ACR unit of the National Association of Secretaries of State, other states also recommend or prescribe a limited number of subsection levels (three or four). Four levels is sufficient even for complicated rules.</p>
<p>The last sentence of R1-1-408(H) could be misleading. If the Office only wants the labeling that appears within the quoted text itself (not the labeling that directly preceded it, such as its subsection label), then the rule should clarify that.</p>	<p>The Office added language to clarify that the subsection label is not included in the quoted text.</p>
<p>In R1-1-414(B), “agency’s principal office” is unclear. Also, it is overly prescriptive. As long as the agency has and can produce for the public any incorporated-by-reference material, it should not matter to the Office where the material is kept.</p>	<p>The Office removed subsection (B) because the requirement already exists in A.R.S. § 41-1028.</p>
<p>R1-1-414(D) should allow for citation of material that is not included within the requirements of R1-1-409. Many incorporated-by-reference materials would not fall under R1-1-409.</p>	<p>The Office removed the reference to R1-1-409 because the language regarding citation of incorporated by reference material in R1-1-409 was removed.</p>
<p>R1-1-414(E) should require an agency to state the author’s or proponent’s name and address, not the publisher’s name and address. A.R.S. § 41-1028 refers to the agency, organization, or association that issues the material, not the publisher. For example, the U.S. Government Printing Office may be the publisher of a recommendation issued by the Centers for Disease Control and Prevention, but the significant entity to be identified is the Centers for Disease Control and Prevention, the proponent. And a book may be published by Random House, but the significant entity is the author of the book, not Random House.</p>	<p>The Office understands this distinction. However, to obtain a copy of many federal publications, the public must contact the publisher (GPO), not the specific agency. The concern raised here is already addressed by subsection (E), which requires a citation to “a location where the item is available if different from the publisher.”</p>
<p>R1-1-501’s removal of the requirement to obtain permission before adding new Articles is a major improvement.</p>	

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R1-1-502(B)(13) should allow subsections to be grouped together when they have no changes. This would still be clear, and it would save a lot of needless effort and paper. With a long Section, this can be pages and pages of “No change.”	The Office disagrees. The Office prefers clarity, and pages and pages of “No change” are rare.
In R1-1-502(B)(13)(b), “the entire Article <u>or Part</u> is not involved” should be replaced with “only a portion of the Article or Part is involved.” Currently, it makes it sound as though an agency needs to list Articles even when there is no rulemaking activity within the Article.	The Office made the suggested change.
The last two sentences of R1-1-502(B)(13)(b)(ii) are a good clarification.	
The third sentence of R1-1-502(B)(13)(d) seems inconsistent with the third and fourth sentences of subsection (B)(13). If grouping subsections is clear enough in this context, then it should be equally clear to group subsections in the other context.	The Section was rearranged for clarity. However, the Office believes listing all subsections (when part of the Section is amended, as opposed to the Section simply being renumbered) is preferable to grouping subsections together.
R1-1-507(B)(13) is not consistent with the Office’s recently announced “re-do” policy for supplementals. The word “changes” should be replaced with “proposed rules, including the substantial change and any other changes.”	Subsection (A) was amended to incorporate the Office’s recent policy change on supplementals.
R1-1-602(A)(7) is not consistent with the language of the Rulemaking Manual form.	The subsection was amended for clarity. The form in the Rulemaking Manual will be changed accordingly.
The text in R1-1-801 listing the contents of summary notices is in error.	The Office corrected the text to reflect what is required in the Preamble for a Notice of Proposed Rulemaking and a Notice of Final Summary Rulemaking.
R1-1-901(D) needs to allow for the legislature’s requiring an agency to publish something odd, like a Notice of Proposed Exempt Rulemaking, in session law rather than statute. Many rulemaking exemptions appear in session law, not in statute. Also, subsection (D) fails to explain what happens after the agency contacts the office.	The Office added the language “or session law” after “statute.”
In R1-1-902(A)(2), “or session law” needs to be inserted between “statute” and “authorizing the exemption.”	The Office made the suggested change.
R1-1-902(A)(11) should include “if applicable” because it is not required to be completed with an exemption.	The Office made the suggested change.
R1-1-902(C) should clarify that this is only required with a final exempt rulemaking, not a proposed exempt rulemaking.	The Office made the suggested change.

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

None

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

None

14. Were these rules previously made as emergency rules?

No

15. The full text of the rules follows:

TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 1. SECRETARY OF STATE
RULES AND RULEMAKING

ARTICLE 1. GENERAL PROVISIONS

Section

- R1-1-101. Definitions
- R1-1-102. Codification Outline
- R1-1-103. Submission Requirements for Publication and Filing
- R1-1-104. Submitting Material for Publication
- R1-1-105. ~~Forms for Publication or Filing~~ Certificates
- R1-1-106. Receipts
- R1-1-107. Filing Location
- R1-1-108. Editing and Relabeling by the Office
- R1-1-109. Correction of Errors
- R1-1-110. ~~Effective Dates~~ Date
- R1-1-111. ~~Agency Liaisons and Rule Specialists~~ Repealed
- R1-1-112. Public Inspection of Documents; Copies
- R1-1-114. Official Distribution of the ~~Register~~ Register and the ~~Code~~ Code at No Charge

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

Section

- R1-1-201. Publication Schedule and Deadlines
- R1-1-202. Contents
- R1-1-203. ~~Publication Requirements~~ Repealed
- R1-1-204. ~~Indices to the Register~~ Repealed
- R1-1-205. Notice of Rulemaking Docket ~~Openings~~ Opening
- R1-1-206. Notice of Formal Rulemaking Advisory ~~Committees~~ Committee
- R1-1-207. ~~Supplemental Notices on Proposed Rules~~ Repealed
- R1-1-208. Notice of Proposed Delegation ~~Agreements~~ Agreement; Notice of Final Delegation Agreement
- R1-1-209. ~~Notices of Public Hearings~~ Notice of Oral Proceeding, Public Workshops Workshop, or Other ~~Meetings~~ Meeting
- R1-1-210. ~~Notices~~ Notice of Agency Guidance ~~Documents and~~ Document; Notice of Substantive Policy ~~Statements~~ Statement
- R1-1-211. Summary of Council Action
- R1-1-212. Agency Ombudsman

ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE

Section

- R1-1-301. Development of the ~~Code~~ Code
- R1-1-302. Publication of the ~~Code~~ Code and its Supplements

ARTICLE 4. RULE DRAFTING

Section

- R1-1-401. ~~Drafting Rules~~ Rule Drafting
- R1-1-402. Assignment of ~~Titles, Chapters, Articles, and Sections~~ Code Divisions; Headings
- R1-1-403. Numbering System
- R1-1-404. Renumbering Sections within a Chapter
- R1-1-405. Addition of a ~~New Sections~~ Section Between Existing Sections
- R1-1-406. ~~Re-using Chapter, Subchapter, Article, Part, or Section Numbers~~ Repeal and Re-use of a Chapter
- R1-1-407. Authority Notes
- R1-1-408. Text of the Rules; Subsections
- R1-1-409. Citations to the ~~Code~~ Code, ~~Register~~ Register, Statutes, and ~~Incorporated-by-reference Materials~~ Federal Laws and Rules
- R1-1-410. ~~Standard Abbreviations~~ Repealed
- R1-1-411. Automatic Repeal of Rules
- R1-1-412. Supplementary Material; ~~Camera-ready Material~~

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- R1-1-413. Statutory Language: Italics
- R1-1-414. Incorporation by Reference; Citation of Referenced Material
- R1-1-415. Repeal of a Section; New Text

ARTICLE 5. PROPOSED RULEMAKING

Section

- R1-1-501. Assignment of Chapters
- R1-1-502. Notice of Proposed Rulemaking
- R1-1-503. Public Comment Period
- R1-1-504. ~~Public Hearings (Oral Proceedings)~~ Oral Proceedings on Proposed Rulemaking
- R1-1-505. Close of the Record
- R1-1-506. Notice of Termination of Rulemaking
- R1-1-507. ~~Supplemental Notices~~ Notice of Supplemental Proposed Rulemaking

ARTICLE 6. FINAL RULEMAKING

Section

- R1-1-601. Preparation and Filing of a Final Rulemaking Package
- R1-1-602. Notice of Final Rulemaking

ARTICLE 7. EMERGENCY RULEMAKING

Section

- R1-1-701. ~~Preparation and Filing of an Emergency Rulemaking Package~~ Notice of Emergency Rulemaking

ARTICLE 8. SUMMARY RULEMAKING

Section

- R1-1-801. Notice of Summary Rulemaking

ARTICLE 9. EXEMPT RULEMAKING

Section

- R1-1-901. Exempt Rulemaking
- R1-1-902. Notice of Exempt Rulemaking

ARTICLE 10. RECODIFICATION

Section

- R1-1-1001. Notice of Recodification

ARTICLE 1. GENERAL PROVISIONS

R1-1-101. Definitions

The following definitions shall apply in this Title Chapter unless the context otherwise requires:

- 1- "Act" means A.R.S. §§ 41-1001 et seq., (the Administrative Procedure Act).
"Agency" has the same meaning as in A.R.S. § 41-1001.
- 2- "Amendment" means a change to:
 - a- A Section, including added language, or deleted language, ~~or renumbering~~;
 - b- A Part, by the addition, or repeal, ~~or renumbering or of~~ one or more Sections;
 - e- An Article, by the addition, or repeal, ~~or renumbering~~ of one or more Sections or Parts;
 - d- A Subchapter, by the addition, or repeal, ~~or renumbering~~ of one or more Articles, Parts, or Sections; or
 - e- A Chapter, by the addition, or repeal, ~~or renumbering~~ of one or more Subchapters, Articles, Parts, or Sections.
- 3- "Appendix" means supplementary material to a set of rules, written in prose format.
"Arizona Rulemaking Manual" means the guide prepared by and available from the Office for use by agencies when engaged in rulemaking.
- 4- "A.R.S." means the Arizona Revised Statutes, the laws of the state of Arizona.
- 5- "Article" means a division of an agency's rules under a Chapter containing a unified set of rules.
- 6- "Authority" means the statutory right or power to ~~adopt~~ make, amend, or repeal rules.
- 7- "Authority ~~Note note~~" means the information, not a part of the rule, appearing at the beginning of a Chapter, ~~or Subchapter, Article, or Part) which that~~ cites the implementing and authorizing statutes for the rules appearing in that Chapter, Subchapter, Article, or Part.
- 8- ~~"Camera ready" material means items which meet the requirements of R1-1-412(D).~~
- 9- "Chapter" means a division in the codification scheme ~~for of~~ the Code Code designating a state agency or, for a large agency, a major program.

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- “Close of record” means the last date on which an agency accepts comments, either written or oral, on a rulemaking.
- 10- “Code” means the Arizona Administrative Code published pursuant to under A.R.S. § 41-1011.
- 11- “Codification” means the labeling and numbering scheme for the rules contained in the Code Code.
- “Commercial purpose” has the same meaning as in A.R.S. § 39-121.03.
- 12- “Council” means the Governor’s Regulatory Review Council established pursuant to under A.R.S. § 41-1051.
- 13- “Economic, Small Business, and Consumer Impact Statement” means the statement which document that an agency shall make makes to show that the agency has studied the rule’s economic impact on the regulated community as well as the impact on small businesses and consumers.
- “Electronic media” or “electronic medium” means any type of material for data storage used by a computer.
- 14- “Emergency Rule” means a rule (or amendment or repeal of a rule) adopted pursuant to A.R.S. § 41-1026. “Emergency rule” has the same meaning as in A.R.S. § 41-1001.
- “Exempt rule” means a rule that is exempt from the provisions of the Act. “Exempt rule” does not include a rule that is exempt only from Council review.
- 15- “Exhibit” means a form of supplementary material used for items which that do not fit the definition of an Appendix, Table, or Illustration.
- 16- “Heading” means the caption for any level of division within the Code Code.
- 17- “Historical Note note” means the note appearing after each Section of a Chapter, or after each separate Appendix, Exhibit, Illustration, or Table, in the published edition of the Code which Code that gives the history of that particular Section, Appendix, Exhibit, Illustration, or Table, including the action, the Register citation, the effective date, and the Code Code Supplement number in which the rules were Section, Appendix, Exhibit, Illustration, or Table was published.
- 18- “Illustration” means a form of supplementary material used for diagrams, pictures, and other similar items graphics.
- 19- “Label” means the number or letter which that is assigned to the divisions a division of the Code Code and to their its subsections and which that identifies the particular Code Code division or subsection.
- “Notice form” means the form prescribed by the Office that an agency uses when submitting material to the Office for filing or publication.
- 20- “Office” means the Office of the Secretary of State, Public Services Department Division.
- 21- “Part” means a division of the Code Code between Article and Section.
- “Public record,” for purposes of this Chapter, means the rulemaking documents as filed by state agencies with the Secretary of State, the rules as published by the Secretary of State in either the Code or the Register, or the rules as generated in any electronic format by the Secretary of State.
- 22- “Register” means the Arizona Administrative Register, published under A.R.S. § 41-1013 the publication which contains the rulemaking activity of the state’s agencies, agency and Council notices, the Governor’s Executive Orders and proclamations of general applicability, summaries of Attorney General opinions, and Governor’s appointments to the state’s boards and commissions.
- 23- “Renumbering” means changing the numbers of one or more whole Sections. Renumbering involves only entire Sections or Articles. Renumbering does not include changing the labels of subsections within a Section.
- 24- “Repeal” means the process of rescinding, revoking, or cancelling a rule to rescind a rule by removing it from the Code.
- 25- “Rule” means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of an agency. Rule includes prescribing fees or the amendment or repeal of a prior rule but does not include intra-agency memoranda that are not delegation agreements. (A.R.S. § 41-1001(17))
- 26- “Rulemaking” or “rulemaking activity” refers to means the process a state agencies use agency uses to adopt make, amend, or repeal a rule.
- 27- “Rulemaking package” or “rulemaking documents” means all material filed as a unit with the Office as part of a rulemaking action.
- 28- “Section” means an individual rule. A Section that is a unit of an Article or Part.
- 29- “Section number” means the number which that identifies the a Section.
- 30- “Style Manual” means the manual prepared by and available from the Office as a guideline giving examples for agencies to follow when promulgating rules in codified format, as specified in this Chapter.
- 31- “Subchapter” means a division of the Code Code between Chapter and Article.
- 32- “Subsection” means a division of a Section of the Code Code.
- 33- “Summary Rule” means a rule adopted pursuant to A.R.S. § 41-1027. “Summary rule” means a rule made under A.R.S. § 41-1027.
- 34- “Supplement” means a quarterly update to the Code Code.
- 35- “Table” means a form of supplementary material containing tabular information.
- 36- “Title” means a subject area in the codification scheme for of the Code Code.

R1-1-102. Codification Outline

All rules filed with the Office and ~~adopted pursuant to~~ made under the Act or ~~adopted~~ under an exemption from all or part of the rulemaking process as specified in the Act or provided in the Constitution of Arizona and ~~those rules adopted~~ made under an exemption from the Act by other statutes and submitted to the Office after September 30, 1992, ~~shall be~~ are organized within the following Titles:

- Title 1. Rules and the Rulemaking Process
- Title 2. Administration
- Title 3. Agriculture
- Title 4. Professions and Occupations
- Title 5. Corrections
- Title 6. Economic Security
- Title 7. Education
- Title 8. Emergency and Military Affairs
- Title 9. Health Services
- Title 10. Law
- Title 11. Mines
- Title 12. Natural Resources
- Title 13. Public Safety
- Title 14. Public Service Corporations; Corporations and Associations; Securities Regulation
- Title 15. Revenue
- Title 16. Tax Appeals
- Title 17. Transportation
- Title 18. Environmental Quality
- Title 19. Alcohol, Horse and Dog Racing, Lottery, and Gaming
- Title 20. Commerce, Banking, and Insurance

R1-1-103. Submission Requirements for Publication and Filing

- A. ~~Each~~ An agency submitting ~~materials~~ material for filing or publication in the ~~Register~~ Register or ~~Code~~ Code shall send ~~an~~ one original and ~~four~~ two copies to the Office.
- B. All pages of ~~the~~ an original document and all copies, including all receipts and certificates accompanying the document, shall be printed on ~~only~~ one side. ~~Each page~~ All pages shall have a one-inch margin ~~margins of one inch~~ on all edges ~~of the page~~. All pages of the original document shall be double-spaced or spaced space-and-a-half. The following may be single-spaced:
 - 1. The Economic, Small Business, and Consumer Impact Statement;
 - 2. Incorporated-by-reference material; and
 - 3. Incorporated by reference material.
- C. ~~The original and each copy shall be~~ The text and images on all original pages and copies shall appear clear and legible; ~~all Appendices, Exhibits, Tables, and Illustrations shall be camera ready when submitted in the original copy. Any rule package~~ The Office shall return to the agency a rulemaking package which that does not contain an original of both the text and all supplementary material ~~will be returned to the agency~~. An agency shall not use ~~no~~ a text font size in the text smaller than 9 point or larger than 12 point; ~~corresponding typewriter sizes are Pica (10 pitch) and Elite (12 pitch).~~
- D. ~~The~~ An agency shall file only one Chapter per notice for any rulemaking activity. If an agency ~~submits~~ files more than one Chapter per notice, the Office shall return the package ~~notice~~ to the agency ~~to be split into separate rulemaking packages, one per Chapter.~~
- E. ~~If an agency wishes to file with the Office more than one rulemaking package on a single Chapter for publication in the single issue of the Register, the agency shall first apply to the Office for the designation of a Subchapter or a Part or both to allow for further division of its Chapter. An agency using Subchapters may amend its rules by Subchapter; an agency using Parts may amend its rules by Article.~~
- E. All rulemaking packages submitted for publication shall meet the following requirements:
 - 1. The original shall not be stapled, nor shall it or any of the copies be hole punched. The Office shall not accept pleading paper, with numbers and vertical lines along the right- or left-hand margins.
 - 2. Each document containing rules or relating to the rulemaking process submitted for publication shall specify on the notice or on the Preamble, as applicable, the Code citation, Code divisions, and the specific Sections involved. Subsections shall not be specified in the column headed "Sections Affected." Articles, Parts, and Subchapters shall be specified if their labels or headings are being changed or if the Articles, Parts, and Subchapters are being added to the Chapter or repealed in their entirety.
 - 3. Underlining shall be used for text added to rules. This includes new language for a Chapter, Article, or existing Section, the addition of an entire Section, the addition of new language in existing supplementary material, or the addition of new supplementary material. Underlining shall not be used in the text of rules for any other purpose.

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4. The Preamble of a rulemaking package shall not contain footnotes or endnotes. This subsection does not apply to the Economic, Small Business, and Consumer Impact Statement and material that is incorporated by reference.
 5. A table of contents listing all Sections and other divisions of the Chapter on which rulemaking is taking place shall be included in the rulemaking package after the last item in the Preamble and before the text of the first Section. Sections, Articles, or Parts, if applicable, not having rulemaking action taken in a particular rulemaking package shall not be included in the table of contents. The table of contents shall not include page numbers to the various Sections in the rulemaking, nor shall it be labeled "Table of Contents."
 6. Pages in the package shall be consecutively numbered, from the first page of the Preamble through the last page of the text of the rules or supplementary material appearing at the end of the rulemaking package.
 7. An agency shall compile a rulemaking package before submitting it to the Office. An agency shall place the receipts on top of the entire submission and place the original package and each copy of the items listed below in the following order:
 - a. The Council certificate of approval or the Attorney General certificate of approval, if applicable;
 - b. The agency certificate;
 - c. The notice, including the Preamble;
 - d. The table of contents;
 - e. The text of the rule including supplementary material within the rules;
 - f. The Economic, Small Business, and Consumer Impact Statement, if applicable; and
 - g. Incorporated-by-reference material and other information required to be filed with the rule (compiled only with the original rule package).
- F. The Office shall not accept but shall return to the agency a rulemaking package that does not meet the requirements of this Chapter.

R1-1-104. Submitting Material for Publication

- A. ~~Each~~ An agency submitting a rulemaking package or other notice, as specified in the Act and this Chapter, to the Office for publication in the ~~Register~~ Register shall follow the deadlines established by the Office and published in the ~~Register~~ Register.
- B. An agency shall submit its rulemaking package in paper copy and in an electronic medium. All electronic media submissions shall be compatible with the Office's computer system and software. An agency shall not save electronic format rules as templates, and may also submit the material on computer disk that is compatible with the Office's computer system and software.
 1. ~~An agency submitting materials for publication in the Register either on computer disk only or in both paper copy and on computer disk, shall comply with the deadline date for paper and disk and~~
 2. ~~An agency submitting materials for publication in the Register in paper copy only shall comply with the deadline for paper only.~~
- ~~B-C.~~ Information other than rulemaking notices required by law to be published in the ~~Register~~ Register but not required to be filed in the Office may shall be submitted to the Office on either computer disk or in an electronic medium and in paper copy. This information includes agency ombudsmen names and addresses, notices of substantive policy statements, and notices of guidance documents, ~~rulemaking docket openings, notices of proposed and final delegation agreements, and notices of formal rulemaking advisory committees.~~
- ~~C.~~ An agency shall contact the Office before submitting material on computer disk to ensure that the disk is compatible with the Office's computer system and software.
- D. An agency shall use the correct notice form prescribed by the Office when submitting material to the Office for publication or filing. An agency shall contact the Office when using a form not prescribed by the Office.

R1-1-105. Forms for Publication or Filing Certificates

- A. ~~Each~~ Each agency submitting a rule for filing and publication shall attach the appropriate notice form.
- ~~B-A.~~ An agency certificate shall accompany each rulemaking package subject to Council or Attorney General review. This certificate shall specify the following in the same numbered order: The Office shall not consider a package submitted to the Office without an agency certificate to be formally filed. The certificate shall be printed on one side and shall state the following:
 1. The heading "AGENCY CERTIFICATE" in capital letters centered on a line at least one inch from the top of the page;
 2. The type of notice being submitted, in capital letters centered on a line below "AGENCY CERTIFICATE"; and
 3. The following numbered items:
 - 1-a. The agency name;
 - 2-b. The Chapter heading;
 - 3-c. The Code ~~Code~~ citation for the Chapter;
 - 4-d. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, in numerical order;

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~~5-e.~~ The signature, in ink, of the agency chief executive officer or designee, attesting that the material being submitted is a true and correct version of the rule ~~adopted~~ proposed or made by the agency. The certificate shall include the printed or typed name of the person signing the form, the person's title, and the date of signing; and

~~6-f.~~ A For a final rule, a statement that no changes have been made since the Council approved the rule, if applicable, since the Council approved the rule if the rule is subject to Council review and approval.

~~C.B.~~ A Council certificate of approval shall accompany all final rules subject to Council review. ~~If~~ When the Council submits the rules to the Office for ~~the an~~ agency, the certificate shall be attached to the rules as approved by the Council. ~~If the agency submits the rule to the Office, the certificate shall be attached to a sealed container or envelope containing the rules as approved by Council.~~ The Office shall not accept any final rulemaking package subject to Council review and approval from an agency if the Council certificate of approval is missing or altered in any way ~~or if the seal on the envelope or container is broken.~~

~~D.C.~~ An Attorney General certificate of approval or disapproval shall accompany all rules subject to Attorney General review. The certificate shall be attached to the original rulemaking document within the rulemaking package. The Office shall not accept a rulemaking package subject to Attorney General review and approval if the Attorney General certificate of approval or disapproval is missing or altered. If the Attorney General does not approve one or more Sections in the rulemaking, the Attorney General shall prepare a certificate of disapproval listing all Sections not approved and attach it to the package.

~~E.D.~~ An agency certificate accompanying each a rulemaking package containing rules exempt from both Council and Attorney General review shall include the information specified in ~~subsection~~ subsections (B)(1) (A)(1) through (6)(3) and shall include a statement specifying why the rules are exempt from review along with a citation to the statutory or constitutional provision or a citation to the court decision specifying the exemption.

~~F.~~ The Office shall not file but shall return to the agency any rule package with incorrect or incomplete notice forms.

~~G.E.~~ On all ~~certificate forms~~ an agency certificate, the agency chief executive officer's name and title shall be typed under the signature and the date of signing shall be indicated. If a designee signs the ~~form~~ certificate, the designee's ~~typed~~ name and title shall be typed under the signature and the date of signing shall be indicated. Certificate forms which contain The Office shall not accept an agency certificate that contains one person's signature and another person's typed name will not be accepted.

R1-1-106. Receipts

An agency submitting a rulemaking package or other document to the Office for publication or filing ~~pursuant to~~ under the Act shall attach at least two copies of a receipt. The Office ~~will~~ shall time- and date-stamp ~~both copies~~ all receipts, keep one receipt for its files, and will return one the other receipts to the agency. The receipt shall be printed on one side and shall state the following:

1. The heading "AGENCY RECEIPT" in capital letters centered on a line at least one inch from the top of the page;

2. The type of notice being submitted, in capital letters centered on a line below "AGENCY RECEIPT"; and

3. The following numbered items:

1-a. The agency's name; and

2-b. ~~The~~ If applicable, the Title, Chapter, Subchapter (if applicable), the Article, the Part (if applicable), and the Sections that are contained in the rulemaking package and the rulemaking action occurring on each.

R1-1-107. Filing Location

An agency, ~~the Council, or the Attorney General~~ shall either file its rules in person with the Office at the State Capitol Executive Tower, ~~1700 West Washington, Suite 103 7th Floor,~~ Phoenix, Arizona 85007, or mail the rules to: Secretary of State, Public Services ~~Department~~ Division, 1700 West Washington, ~~Seventh 7th~~ Floor, Phoenix, Arizona 85007-2888. The Office shall accept a document for filing or publication only if it meets the requirements specified in the Act and this Chapter.

R1-1-108. Editing and Relabeling by the Office

The Office may edit and relabel the text of rules ~~pursuant to~~ under A.R.S. § ~~41-1011(C)~~ 41-1011.

R1-1-109. Correction of Errors

A. After a proposed rulemaking package ~~has been~~ is filed with the Office, an agency may make a substantial substantive change in the text may be corrected only by the filing of a supplemental proposed rulemaking package showing the change, as specified in R1-1-507 and A.R.S. § ~~41-1022(D)~~ 41-1022(E).

B. After a final, proposed summary, final summary, exempt, or emergency rulemaking package has been is filed with the Office, an agency may request that the Office correct a manifest typographical or clerical error in the text ~~may be corrected only by the filing of the corrected pages, accompanied by a letter signed by the agency's chief executive officer or the officer's designee requesting the Office to make the corrections correct the error~~ and specifying why the agency considers the error a manifest typographical or clerical error. The corrected pages and the letter shall both indicate the specific changes to be made. Both the original rulemaking package and the corrected pages shall remain on file. Errors considered An error that the Office considers substantive in nature shall not be corrected except through the regular rulemaking process.

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- C. If, upon review, an issuing agency discovers ~~errors~~ an error in its rules as published in the ~~Code~~ Code or ~~Register~~ Register, the agency shall notify the Office in writing about the ~~printing errors~~ error.
1. If ~~an~~ the error is substantive and was in the document as submitted by the agency, the agency shall go through the regular rulemaking process to correct the error.
 2. If the error is a manifest typographical or clerical error, the agency shall follow the procedure in subsection (B), and the Office shall follow the procedure in subsection (D) ~~below for printing~~ to print the correction.
- D. If the Office ~~makes~~ finds an error in the printing of ~~rules~~ a rulemaking package in the ~~Register~~ Register or ~~Code~~ Code or ~~the~~ an agency has ~~notified~~ notifies the Office about a manifest typographical or clerical error and ~~followed~~ follows the procedures specified in this Section, ~~the error shall be corrected~~ the Office shall correct the error in the next available issue of the ~~Register~~ Register or supplement to the ~~Code~~ Code if the Office determines that the error would ~~tend to~~ confuse or mislead the reader. If the error would not confuse or mislead the reader or is in a note or heading not considered part of the rule, the Office ~~shall correct the error~~ will be corrected by the Office and published and publish the correction in the next supplement to the ~~Code~~ Code containing other amendments to the Chapter adopted by the agency.

R1-1-110. Effective Dates ~~Date~~

~~If a final, summary, or emergency rulemaking package does not specify an effective date, the date of filing in the Office is the effective date. If an agency submitting a final, summary, or emergency rulemaking package indicates a specific effective date for the rules which is later than the date filed in the Office, pursuant to A.R.S. § 41-1032, the agency shall also specify the reason for the delayed date. Rules filed in the Office shall not be retroactively effective.~~

- A. For a final or emergency rule, the effective date is 60 days after the date of filing in the Office, unless:
1. The Council or the Attorney General approves an effective date earlier than 60 days after the date of filing in the Office, or
 2. An agency specifies an effective date later than 60 days after the date of filing in the Office.
- B. For a summary rule, the interim effective date is the date the proposed summary rule is published in the Register. If the Council approves the summary rule and files it in the Office, the interim effective date becomes the permanent effective date 60 days after the date of filing in the Office.
- C. For a Notice of Recodification, the effective date is the date of filing in the Office.

R1-1-111. ~~Agency Liaisons and Rule Specialists~~ Repealed

- ~~A. Each agency shall designate a liaison who shall represent the agency in the submission of rulemaking documents to the Office and shall work with the Office should problems arise with that agency's rules. Each agency shall send the name, title, address, and telephone number of the liaison to the Office in January of each year and shall notify the Office immediately when changes occur. If an agency with multiple divisions wishes to appoint a liaison for each division promulgating rules, the agency shall notify the Office to that effect.~~
- ~~B. If an agency selects a specialist to represent the agency on a particular rule or set of rules, the agency shall indicate the specialist's name, address, and telephone number on the document filed as the person to whom comments or questions may be addressed.~~

R1-1-112. Public Inspection of Documents; Copies

- ~~A. Documents filed with the Office pursuant to under the Act shall be~~ are available for public inspection in the Office during regular office hours. ~~Office Regular office hours are 8 a.m. to 5 p.m.~~ 8:00 a.m. to 5:00 p.m., Monday through Friday, except state holidays.
- ~~B. A person may request, during regular office hours, a copy of a rulemaking document on file in the Office. The Office shall charge the per-page statutory copy fee specified in A.R.S. § 41-126(A)(1) for all copy requests.~~
- ~~C. Copies of documents filed in the Office are available at the statutory per-page copy fee specified in A.R.S. § 41-126(A)(1). A governmental agency requesting a copy of materials that it has filed with the Office shall also pay the statutory per-page copy fee.~~
- C. The Office shall make available for review incorporated-by-reference material under R1-1-414.
- ~~D. A person requesting a certified copy of a document filed in the Office shall pay the statutory certification fee plus the per-page statutory copy fee as specified by in A.R.S. § 41-126(A).~~
- E. The Office shall collect the fees listed in R1-1-113 for individual issues of the Register or rules published in the Code in both print and electronic media.
- ~~E. The Office requires advance payment of fees.~~

R1-1-114. Official Distribution of the ~~Register~~ Register and the ~~Code~~ Code at No Charge

- ~~A. Copies~~ The Office shall distribute copies of the ~~Register~~ Register and the ~~Code~~ Code ~~shall be distributed~~ to the following, upon request, without charge:
1. Governor: one copy;
 2. Legislature:
 - a. The Senate: six copies;
 - b. The House of Representatives: six copies;

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- c. The Department of Library, Archives, and Public Records: three copies;
 3. Attorney General: 15 copies;
 4. Supreme Court: one copy;
 5. Counties. Each county law library (or one major public or university library per county if the county does not have a law library); 1 one copy. The County Board of Supervisors shall specify to the Office the library to which the subscription ~~shall is to~~ be sent when there is no county law library;
 6. Governor's Regulatory Review Council: one copy of the Register and one copy of the Code.
 - a. ~~The members of the Council: one copy of the Register each;~~
 - b. ~~The Council office: two copies of the Register and two copies of the Code.~~
- B.** ~~One~~ The Office may distribute one copy of individual Chapters as printed in a Code supplement shall be distributed free of charge to the agency adopting the filing the final, summary, emergency, or exempt rule if the agency requests a copy. The Office shall send the Chapters to the agency's chief executive officer unless the Office receives other instructions from the agency. An agency may purchase additional a copy of its Chapters.

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

R1-1-201. Publication Schedule and Deadlines

- A.** The Secretary of State shall publish the Register Register pursuant to under A.R.S. § 41-1013, ~~the Office shall mail the Register and make available copies for sale on the date of publication.~~ The Office shall include the schedule of publication dates and deadlines in each issue of the Register Register and shall make copies of the schedule available in the Office. The Office shall publish each document filed and approved for publication in the Register Register according to the published schedule.
- B.** ~~Once an agency has filed a proposed rulemaking package with the Office for publication or filing, the agency may only withdraw the rulemaking package as specified in R1-1-507.~~
- C.** ~~B.~~ Deadlines The Office shall not waive a deadline for submission of documents shall not be waived for any agency.

R1-1-202. Contents

Each issue of the Register Register shall contain all material submitted in the categories specified by A.R.S. §§ 41-1013 and 49-112 and any other items required by state statute or session law to be published in the Register Register; ~~provided material is submitted for publication in each category. Only documents pertaining to rulemaking or documents that are specifically authorized by statute to be published in the Register shall be accepted for Register publication.~~

R1-1-203. Publication Requirements Repealed

All rulemaking packages submitted for publication shall meet the following requirements:

1. ~~Each package shall be typewritten or produced on word-processing or computer equipment, on 8 1/2 x 11 inch white paper (20-24 lb. weight) and shall be double-spaced. Only one side of the paper shall be used. The original shall not be stapled nor shall it or any of the copies be hole-punched. Pleading paper (with numbers and vertical lines along the right or left-hand margins) shall not be accepted.~~
2. ~~There shall be a one-inch margin on all edges of the paper.~~
3. ~~Each document containing rules or relating to the rulemaking process submitted for publication shall specify on the notice form the Code citation, Code divisions, and the specific Sections involved. Subsections shall not be specified on the notice form. Articles shall be specified if their labels or headings are being changed or if the Articles are being added to the Chapter or repealed in their entirety.~~
4. ~~Underlining shall be used for language being added to rules, except as noted in Section R1-1-502(B)(5)(b). This includes new language in an existing Section, the addition of an entire Section, the addition of new language in existing supplementary material, or the addition of new supplementary material. Underlining shall not be used in the text of rules for any other purpose.~~
5. ~~A table of contents listing all Sections and other divisions of the Chapter shall be included in the rulemaking package except that Sections, Articles, or Parts, if applicable, not having rulemaking action taken in a particular rulemaking package shall not be included.~~
6. ~~Pages in the package shall be consecutively numbered, from the first page of the notice through the last page of the text of the rules or supplementary material appearing at the end of the rulemaking package.~~
7. ~~Rulemaking packages shall be compiled by the agency before submission to the Office. The original and all copies shall be in the following order:~~
 - a. ~~The notice form, including the preamble which is part of the notice;~~
 - b. ~~The table of contents;~~
 - c. ~~The text of the rule including supplementary material in its proper location within the rules.~~
 - d. ~~Incorporated by reference material and other information required to be filed with the rules.~~

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R1-1-204. Indices to the Register Repealed

Twice each year, the Office shall publish a rulemaking index and a miscellaneous index to the Register:

1. The rulemaking index shall contain the rulemaking activity occurring from January through June or from July through December;
2. The miscellaneous index shall contain everything except rulemaking appearing in the Register during the same two six-month periods.

R1-1-205. Notice of Rulemaking Docket Openings Opening

A. Upon establishment of When a rulemaking docket is established, an agency shall submit a notice of rulemaking docket opening to the Office.

B. ~~This~~ The Notice of Rulemaking Docket Opening shall contain the heading NOTICE OF RULEMAKING DOCKET OPENING in all capital letters centered on a line approximately one inch from the top of the page; followed by the name of the agency ~~appearing one double space (two lines) below the notice heading; and each shall be centered on the line.~~ The remainder of the notice shall contain the following information in the same numbered order:

1. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; the Part and its heading, if applicable; and the appropriate Section numbers;
 - a. If an agency does not know specific Sections at the time of docket opening, the agency may specify "Sections to be determined."
 - b. If an agency knows specific Sections but may want to add Sections to the rulemaking as the rulemaking is drafted, the agency shall specify the particular Sections and add the language "Sections may be added, deleted, or modified as necessary."
2. The subject matter of the proposed rule and the agency docket number, if applicable;
3. A citation to all published notices relating to the proceeding, including the type of published notice, the Register Register volume number; the abbreviation "A.A.R."; the page number on which the notice began; and the issue date including month, day, and year;
4. The name and address of agency personnel with whom persons may communicate regarding the proposed rule (this may include a telephone number, fax number, and e-mail address);
5. The time during which the agency will accept written comments and the time and place where oral comments may be made; and
6. A timetable for agency decisions or other action on the proceeding, if known.

R1-1-206. Notice of Formal Rulemaking Advisory Committees Committee

A. If an agency appoints a formal advisory committee to comment on ~~the rules a rule~~ a rule under consideration, the agency shall, at the time ~~of the committee's formation the committee is formed~~, submit to the Office for Register publication in the Register a Notice of Formal Rulemaking Advisory Committee. ~~This~~ The notice shall contain the heading NOTICE OF FORMAL RULEMAKING ADVISORY COMMITTEE in all capital letters, centered on a line approximately one inch from the top of the page, ~~followed by the name of the agency one double space below the notice heading, and each shall be centered on the line.~~ The remainder of the notice shall contain the following and followed by the items listed below in the same numbered order:

1. The name of the agency;
- ~~1-2.~~ The specific rules rule or subject matter on which the committee is to comment, if known;
- ~~2-3.~~ The names of the committee members; and
- ~~3-4.~~ The date the committee was formed.

B. An agency appointing a formal advisory committee shall submit a notice annually to the Office for Register publication in the Register in the form specified in subsection (A).

R1-1-207. Supplemental Notices on Proposed Rules Repealed

~~When an agency decides that a proposed rule requires substantial change due to public comment or internal review, the agency shall submit to the Office a supplemental notice of proposed rules for Register publication as specified in R1-1-507.~~

R1-1-208. Notice of Proposed Delegation Agreements Agreement; Notice of Final Delegation Agreement

A. An agency seeking to delegate functions, powers, or duties shall submit to the Office a Notice of Proposed Delegation Agreement ~~which shall contain that contains~~ the heading NOTICE OF PROPOSED DELEGATION AGREEMENT in all capital letters, centered on a line approximately one inch from the top of the page, followed by the items listed below in the same numbered order:

1. Name of the agency proposing the delegation agreement;
2. Name of the political subdivision to which functions, powers, or duties of the agency are proposed to be delegated;
3. Name; and address; and telephone number of agency personnel to whom persons may direct questions or comments;
4. ~~A summary~~ Summary of the delegation agreement and the subjects and issues involved;
5. ~~A statement~~ Statement that ~~copies a copy~~ of the proposed delegation agreement may be obtained from the agency and any pertinent information on how ~~persons a person~~ may obtain the ~~copies copy~~; and

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6. Schedule of public hearings on the proposed delegation agreement.
- B. An agency proposing a delegation agreement shall follow the procedures specified in A.R.S. § 41-1081.
- C. After an agency considers any comments received and determines whether to enter into the delegation agreement, the agency shall issue a final decision. The delegation agreement is effective 30 days after written notice of the agency's final decision is given unless an appeal is filed and pending before the Council.
- D. If no appeal is pending, at the end of the 30-day period following the agency's issuance of its final decision, the agency may submit to the Office for publication a Notice of Final Delegation Agreement that contains the heading NOTICE OF FINAL DELEGATION AGREEMENT in all capital letters, centered on a line approximately one inch from the top of the page, followed by the items listed below in the same numbered order:
 1. Name of the agency entering into the final delegation agreement;
 2. Name of the political subdivision to which functions, powers, or duties of the agency are being delegated;
 3. Citation to the Notice of Proposed Delegation Agreement;
 4. Name and address of agency personnel to whom persons may direct questions or comments;
 5. Summary of the delegation agreement and the subjects and issues involved;
 6. Statement that a copy of the final delegation agreement may be obtained from the agency and any pertinent information on how a person may obtain the copy;
 7. Date of issuance of agency's final decision to enter into the delegation agreement; and
 8. Date the delegation agreement becomes effective.

R1-1-209. ~~Notices of Public Hearings~~ Notice of Oral Proceeding, Public Workshops ~~Workshop, or Other Meetings Meeting~~

- A. If an agency schedules ~~a public hearing~~ an oral proceeding, public workshop, or other meeting on a proposed rulemaking or ~~a public hearing~~ an oral proceeding on a proposed delegation agreement after the Notice of Proposed Rulemaking or Notice of Proposed Delegation Agreement ~~has been~~ is submitted to the Office for publication in the ~~Register~~ Register, the agency shall send to the Office one original and ~~three~~ two copies of a notice of ~~public hearing~~ oral proceeding, ~~public workshop, or other meeting~~ on proposed rules or a notice of ~~public hearing~~ oral proceeding, ~~public workshop, or other meeting~~ on proposed delegation agreement, whichever is appropriate.
- B. A notice of ~~public hearing~~ oral proceeding, ~~on proposed rules,~~ a public workshop, or other meeting on proposed rules, a public meeting on rules after an agency has submitted the notice of docket opening ~~has been published for publication~~ but before the Office publishes the rules ~~are published~~ as proposed rules in the ~~Register~~ Register, a notice of ~~public hearing~~ oral proceeding on a proposed delegation agreement, or a notice of ~~public hearing~~ oral proceeding on a proposed rule, ordinance, or other regulation ~~pursuant to~~ under A.R.S. § 49-112 shall be as specified below:
 1. For ~~a hearing~~ an oral proceeding on a proposed rulemaking, the heading NOTICE OF PUBLIC HEARING ORAL PROCEEDING ON PROPOSED RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below; in the same numbered order:
 - a. The name of the agency;
 - b. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; and the Part and its heading, if applicable;
 - c. The Sections being proposed in numerical order in one column with the specific action being taken on each Section in the second column;
 - d. ~~The Register citation to the original notice and any supplemental~~ Register citations to all notices published in the ~~Register~~ Register concerning the proposed rulemaking;
 - e. The date, time, and location of the ~~public hearings~~ oral proceeding; and
 - f. The name; and address; ~~and telephone number~~ of agency personnel to whom questions and comments on the proposed rules may be addressed.
 2. For a public workshop on a proposed rulemaking, the heading NOTICE OF PUBLIC WORKSHOP ON PROPOSED RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below; in the same numbered order:
 - a. The name of the agency;
 - b. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; and the Part and its heading, if applicable;
 - c. The Sections being proposed in numerical order in one column with the specific action being taken on each Section in the second column;
 - ~~d. The Register citation and the date of the original notice and any supplemental notices published in the Register;~~
 - d. The Register citations to all notices published in the Register concerning the proposed rulemaking;
 - e. The date, time, and location of the public ~~workshop~~ workshops; and
 - f. The name; and address; ~~and telephone number~~ of agency personnel to whom questions and comments on the proposed rules may be addressed.

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3. For a public meeting on an open rulemaking docket, the heading NOTICE OF PUBLIC MEETING ON OPEN RULEMAKING DOCKET in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below; in the same numbered order:
 - a. The name of the agency;
 - b. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; and the Part and its heading, if applicable; ~~if each of these items are known~~;
 - c. The Sections being proposed in numerical order in one column with the specific action being taken on each Section in the second column, if known;
 - d. The ~~Register~~ Register citation and the date of the notice of docket opening and all supplemental notices published in the ~~Register~~ Register;
 - e. The date, time, and location of the public meeting; and
 - f. The name; and address; ~~and telephone number~~ of agency personnel to whom questions and comments on the subject matter of the rules may be addressed.
4. For ~~a public hearing~~ an oral proceeding on a proposed delegation agreement, the heading NOTICE OF PUBLIC HEARING ORAL PROCEEDING ON PROPOSED DELEGATION AGREEMENT in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below in the same numbered order:
 - a. The name of the agency proposing the delegation agreement;
 - b. The name of the political subdivision to which the agency is proposing to delegate functions, powers, or duties;
 - c. A summary of the proposed delegation agreement;
 - d. The ~~Register~~ Register citation and date of the notice of proposed delegation agreement and all supplemental notices published in the ~~Register~~ Register;
 - e. The date, time, and location of the ~~public hearing~~ oral proceeding; and
 - f. The name; and address; ~~and telephone number~~ of agency personnel to whom questions and comments on the rules proposed delegation agreement may be addressed.

R1-1-210. Notices Notice of Agency Guidance Documents and Document; Notice of Substantive Policy Statements Statement

- A.** An agency shall submit to the Office a ~~notice of guidance documents/substantive policy statements~~, pursuant to Notice of Agency Guidance Document under A.R.S. § 41-1013(B)(14) for publication in the ~~Register~~ Register. This notice shall contain the heading NOTICE OF AGENCY GUIDANCE DOCUMENTS DOCUMENT, ~~or the heading NOTICE OF AGENCY SUBSTANTIVE POLICY STATEMENTS~~, in all capital letters, centered on a line approximately one inch from the top of the page; followed by the name of the agency ~~one double space~~ below the notice heading and also centered on the line; followed by the items listed below in the same numbered order:
 1. Title of the guidance document ~~or subject of the substantive policy statement~~ and the guidance document number ~~or substantive policy statement number~~ by which the document ~~or policy statement~~ is referenced;
 2. Date of the publication of the guidance document ~~or date the substantive policy statement was issued~~ and the effective date of the document ~~or policy statement~~ if different from the publication ~~or issuance~~ date;
 3. Summary of the contents of the guidance document ~~or the substantive policy statement~~; and
 4. ~~A statement~~ Statement as to whether the guidance document ~~or substantive policy statement~~ is a new document ~~or statement~~ or a revision; ;
 5. The name, address, and telephone number of the person to whom questions and comments about the guidance document ~~or substantive policy statement~~ may be directed;
 6. ~~Information about where a person may obtain a copy of the guidance document or the substantive policy statement and the costs for obtaining the document or policy statement.~~
- B.** An agency shall submit to the Office a Notice of Substantive Policy Statement, under A.R.S. § 41-1013(B)(14), for publication in the Register. This notice shall contain the heading NOTICE OF SUBSTANTIVE POLICY STATEMENT, in all capital letters, centered on a line approximately one inch from the top of the page; followed by the name of the agency below the notice heading and also centered on the line; followed by the items listed below in the same numbered order:
 1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced;
 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date;
 3. Summary of the contents of the substantive policy statement;
 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement; and
 5. Statement as to whether the substantive policy statement is a new statement or a revision.
- C.** A notice shall concern only one agency guidance document or substantive policy statement.

R1-1-211. Summary of Council Action

The Council shall submit to the Office for Register ~~Register~~ publication a summary of Council action on each ~~adopted final rule~~ or summary rule. Rules of one Chapter, one Subchapter (if applicable), or one Article if the Article has Parts, grouped together into one rulemaking package, may be summarized together ~~so long as~~ if the specific Sections affected are listed.

R1-1-212. Agency Ombudsman

An agency designating an ombudsman ~~pursuant to~~ under A.R.S. § 41-1006 shall submit the name of ~~their~~ its ombudsman annually no later than February ~~1st~~ 1 of each year to the Office for publication in the ~~Register~~ Register. The notice shall contain the heading NOTICE OF AGENCY OMBUDSMAN in all capital letters, centered on a line approximately one inch from the top of the page followed by the ~~following~~ items listed below in the same numbered order:

1. The agency's name;;
2. The ombudsman's name;;
3. The ombudsman's title;;
4. The ombudsman's office address including zip code;; and
5. The ombudsman's office telephone number and ~~facsimile~~ fax number, if available.

ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE

R1-1-301. Development of the ~~Code~~ Code

- A. The Office may establish new Titles in the ~~Code~~ Code and rearrange existing Titles and Chapters to ~~assure~~ ensure orderly development of the ~~Code~~ Code. The Office shall notify each agency whose rules are affected by any rearrangement.
- B. The first volume of the ~~Code~~ Code ~~shall contain~~ contains a Table of Contents for the multi-volume ~~Code~~ Code, a Table of Titles and Chapter Headings, the Administrative Procedure Act, and other material to ~~assist agencies in developing their rules and to assist help~~ the public in ~~locating~~ finding specific rules. A ~~Title~~ Table of Contents listing the Chapters, Subchapters, Articles, and Parts appearing in ~~that a Title~~ shall appear appears at the beginning of each Title.

R1-1-302. Publication of the ~~Code~~ Code and its Supplements

- A. The Office shall publish the ~~Code~~ Code in loose-leaf form as specified in the Act.
- B. The ~~Code shall be updated~~ Office shall update the Code by quarterly supplements containing all final, summary, emergency, and exempt rules filed in the Office during each calendar quarter.
- C. Supplements ~~shall be~~ are dated with the last day of the calendar quarter. Supplements ~~shall be~~ are numbered according to the calendar year of publication and the number of the quarter. The Office shall publish a supplement calendar in the Register.
- D. Supplements ~~shall be~~ are printed in complete Chapters.
- E. Each time the Office publishes a supplement to the ~~Code~~ Code, the Office ~~shall issue~~ issues a new price list showing all Chapters in the ~~Code~~ Code in numerical order and indicating the last supplement in which each Chapter was printed along with the price for each Chapter.
- F. Persons may ~~purchase~~ buy individual Chapters or Titles of the ~~Code~~ Code, or they may ~~subscribe to the full~~ buy an entire set. If they subscribe to the full set, they shall first purchase the entire set and then pay the annual subscription fee. Persons who buy an entire set are eligible to buy an annual subscription, which contains quarterly supplements.

ARTICLE 4. RULE DRAFTING

R1-1-401. ~~Drafting Rules~~ Rule Drafting

~~Each An~~ agency preparing a rulemaking package for filing ~~or publication~~ with the Office shall draft it in accordance with this Chapter.

R1-1-402. Assignment of ~~Titles, Chapters, Articles, and Sections~~ Code Divisions; Headings

- A. The Office shall ~~arrange and classify~~ the subject matter of the ~~Code~~ Code ~~shall be arranged and classified~~ according to a system of Titles. The Titles ~~shall be~~ are divided into Chapters. ~~A The heading of a Chapter containing rules of one major program or subject shall also specify~~ specifies both the name of the agency and the program or subject. ~~The Chapters shall be~~ are divided into Articles. Articles that cover several subjects or regulate different groups of people ~~shall be~~ are divided into several ~~Articles~~ Parts. Parts and Articles ~~without Parts~~ shall be are divided into Sections. Some Chapters may also contain ~~a two or more Subchapter~~ Subchapters ~~or a Part or both~~. An agency shall request and receive approval from the Office for Subchapter and Part divisions before using these divisions.
- B. All Titles, Chapters, Subchapters (if applicable), Articles, Parts (if applicable), and Sections shall have a heading ~~which that~~ describes the subject of that division of the ~~Code~~ Code. Headings A heading shall not contain the words word "Rule" or "Regulation."
- C. A heading shall have capital letters for the first letter of the first and last words, and the first letter of important intermediate words.

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R1-1-403. Numbering System

- A. ~~Each~~ A Section number shall be is preceded by the letter “R”.
- B. A hyphenated numbering system ~~shall be is~~ used in the ~~Code~~ Code.
1. A Section number ~~shall include~~ includes the “R”, the Title number, the Chapter number, the Subchapter label (if applicable), and the Section number indicating the Article number and the Part label (if applicable).
 2. The one or two numbers to the far left ~~shall~~ indicate the number of the Title in which the Section appears.
 3. The one or two numbers between the two hyphens ~~shall~~ indicate the Chapter number. If the Chapter has been assigned a Subchapter, the Subchapter letter label ~~shall appear~~ appears immediately after the Chapter number before the hyphen.
 4. The numbers to the far right ~~shall~~ indicate the Section number. A Section number ~~shall have~~ has at least three digits. The last two digits ~~shall~~ indicate the Section and the number or numbers to the left of these two digits ~~shall~~ indicate the Article number. If an Article has been assigned a Part, the Part’s letter label ~~shall appear~~ appears immediately after the second hyphen before the Section number.
- C. The first Section in each Article ~~shall be is~~ numbered 101, 201, 301, and so on, as applicable. Sections ~~shall be numbered~~ are reserved for future expansion. Any Section number not used when the rules are originally ~~adopted~~ made is automatically reserved ~~for future use~~. An agency shall specify “Reserved” for a ~~an unused~~ Section when a ~~the~~ Section falls before a Section with text in the same Article or Part; Sections that are reserved ~~shall be are~~ shown ~~also~~ when the rules are published in the ~~Code~~ Code. Sections that ~~have been are~~ renumbered or repealed so that no text remains shall be headed with the appropriate term; “Reserved” shall not be used for these Section headings.
- D. A Section number is not complete unless it contains all portions specified in subsection (B). An agency shall use only complete Section numbers in its rules, on a notice of rulemaking activity, or in any material submitted to the Office for either publication or filing.
- ~~D.E.~~ Titles, Chapters, Articles, and Sections shall be designated by Arabic numbers; Subchapters and Parts shall be designated by capital letters.

R1-1-404. Renumbering Sections within a Chapter

- A. ~~When~~ If an agency renumbers one or more Sections at the time the agency amends other existing ~~rules~~ Sections:
1. The table of contents for the rulemaking package shall show the old number of the Section with strike-outs and the new number with underlining.
 - a. If an agency ~~is adopting~~ makes a new Section at ~~that the old~~ number, the agency shall show the old heading with strike-outs and the new heading with underlining; ~~or~~
 - b. If an agency renumbers another existing Section to ~~that the old~~ Section number, the agency shall show the new heading and text of the moved Section at the location of ~~the old~~ its new number with and strike-outs through the old moved Section number and underlining under the its new number with underlining; ~~or~~
 - c. If an agency is not ~~adopting~~ making new text or moving text to the location of a renumbered Section, the agency shall show the old Section heading with strike-outs and the term “Renumbered” ~~added~~ with underlining next to the old number of the renumbered Section.
 2. The table of contents shall show Sections and Articles in the order ~~that the rules~~ Sections are being ~~adopted~~ made.
 3. The ~~rules~~ Sections shall appear in numerical order as renumbered.
- B. If an agency is renumbering ~~some rules~~ one or more Sections within a Chapter but is making no other changes ~~to the rules~~, the agency ~~may either~~ shall do one of the following:
1. ~~Send a letter, signed by the agency head or designee, to the Office with instructions for the renumbering in which case the Office will make the changes and will publish both a notice in the Register and the renumbered rules in the next quarterly supplement to the Code; or~~
 1. Prepare a Notice of Recodification as specified in R1-1-1001, or
 2. ~~Go through~~ Make the numbering change using the regular rulemaking process to make the numbering change.
- C. Only entire Sections may be renumbered or recodified in this manner ~~the matter described in this Section~~. If an agency splits an existing Section into two or more Sections, or moves a portion of one Section to another Section, or combines two or more Sections into one Section, the agency shall follow the regular rulemaking process to ~~do the renumbering~~ make the changes.

R1-1-405. Addition of a New Section Between Existing Sections

An agency shall request, in writing or orally, and receive the Office’s permission before inserting a new Section between two existing, consecutively numbered Sections. The agency shall number the new Section ~~shall be numbered~~ using the Section number of the preceding existing Section, followed by a decimal point and a two-digit number, and The new Section shall be in numerical order.

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R1-1-406. ~~Re-using Chapter, Subchapter, Article, Part, or Section Numbers~~ Repeal and Re-use of a Chapter Number

After an agency has filed a rule with the Office and the agency repeals or renumbers the Chapter, Subchapter, Article, or Part in its entirety, the agency shall not use that Chapter, Subchapter, Article, or Part number or letter for one year if the subject matter totally changes. If an agency repeals or renumbers a Section, the agency may re-use the Section number immediately. If an agency repeals or renumbers all Sections in a Chapter, or if all Sections in a Chapter expire, the agency shall not use the Chapter number for one year.

R1-1-407. Authority Notes

If an agency wishes requests that the specific or general authority for a Chapter, Subchapter, Article, or Part to appear be published in its rules as published in the Code Code, the agency shall include an authority note under which the rules in that Chapter, Subchapter, Article, or Part were adopted made. This note shall appear appears immediately below the Chapter heading, the Subchapter heading, the Article heading, or the Part heading, as applicable, in the Chapter's table of contents and shall specify specifies the statutes which that the rules are implementing (the specific authority) and the statutes which that authorize the agency to do rulemaking (the general authority). An agency's failure to include a statute or portion of a statute in the authority note shall does not negate the agency's authority to promulgate make the rule.

R1-1-408. Text of the Rules; Subsections

- A. Each agency shall double space the text of each Section submitted for publication or filing. The divisions of the a Chapter (Title, Chapter, Subchapter (if applicable), first Article, and first Part (if applicable)) and their labels and headings shall appear above the Section number and heading of the first Section in the a rulemaking package. Each An agency shall also double space center on each line these divisions and their labels and headings and center them on each line.
- B. If a Section has only one paragraph subsection, an agency shall leave that paragraph subsection unlabeled.
- C. ~~When~~ If a Section has an opening paragraph subsection followed by labeled subsections, the Office shall treat the opening paragraph to be subsection as an implied subsection (A). An agency shall label and indent appropriately the subsections following the opening paragraph subsection as second-level subsections.
- D. If a Section has two or more paragraphs subsections at any level, an agency shall label the paragraphs subsections separately. An agency shall label subsections as indicated below.
 - 1. First-level subsections are designated by a capital letter, i.e., (A., B., or C., and so on).
 - 2. Second-level subsections are designated by an Arabic numeral, i.e., (1., 2., or 3., and so on).
 - 3. Third-level subsections are designated by a lower case letter, i.e., (a., b., or c., and so on).
 - 4. Fourth-level subsections are designated by a lower case Roman numeral, i.e., (i., ii., or iii., and so on).
- E. If an agency uses the entire alphabet for subsections at the first or third level, additional subsections shall be labeled with double letters (aa., bb., cc., and so on).
- ~~E.F.~~ Within the text of a subsection, an agency referring to the same subsection shall use the term "this subsection." An agency referring to a different subsection shall use the term "subsection" and the labels of all appropriate levels, each within its own set of parentheses. If an agency refers to a different Section in the same Chapter, the agency shall specify the correct Section number along with all subsection labels but shall not use the term "Section."
- ~~F.G.~~ An agency shall not subdivide its rules into more than four levels of subsections unless the agency has obtained obtains permission to do so from the Office.
- ~~G.H.~~ An agency need not may choose not to label definitions that are listed in alphabetical order or other lists of items in some specific order, although the agency shall indent the definitions or items in the list as if they were labeled at the appropriate level of subsection, unless the agency wishes to refer to the items more specifically. If an agency chooses not to label definitions that are listed in alphabetical order or other lists in a specific order, additional levels of subsection under those definitions or lists also shall not be labeled. If an agency quotes statutory language verbatim that contains labeling, the agency shall retain the labeling within the statutory language but not the label of the statutory language.
- ~~H.I.~~ When dividing a Section into subsections, an agency shall not:
 - 1. Leave an unlabeled paragraph subsection at any level after a labeled subsection at the same level;
 - 2. Use an A₁ without a B₂; a I₁ without a 2₂; an a₁ without a b₂; or a i₁ without a ii.
- ~~I.J.~~ When referring to one or more subsections within the text of a subsection, an agency shall enclose the label for each subsection in its own set of parentheses. When referring to second-, third-, and fourth-level subsections, an agency shall specify the labels of each preceding level of subsection. For example, an agency referring to a third-level subsection would state "subsection (A)(2)(c)"; an agency referring to a fourth-level subsection would state "subsection (B)(1)(d)(iii)."
- K.** When referring to multiple subsections, an agency shall enclose the label for each subsection in its own set of parentheses, followed by a conjunction and the last subsection label enclosed in parentheses. For example, an agency would state "(A)(1) through (9)"; "(B)(4)(b) and (c)"; or "(C)(1)(a)(i) and (ii)."
- L.** When referring to a Section in another Chapter, an agency shall cite the Section number with "A.A.C." preceding the number. For example, an agency would state "A.A.C. R2-12-201."
- ~~J.M.~~ Numbered An agency shall not include numbered or lettered phrases within the text of a subsection are not allowed. These shall be labeled properly and indented at the appropriate level of subsection.

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~~K.N.~~ An agency wishing to use shall contact the Office when using special symbols, fonts, or formats in the text of a rule. within their rules shall contact the Office for permission to do so. The Office shall grant permission if the Office's computer software can produce the same symbols, fonts, or formats. The symbols may not appear in the text on computer disks prepared for sale by the Office.

~~L.O.~~ An agency shall define all Acronyms, and abbreviations, initialisms, and shortened forms not defined in the A.R.S. which that the an agency uses in the text of its rules shall be defined in a definitions Section at the beginning of the Chapter.

R1-1-409. Citations to the Code Code, Register Register, Statutes, and Incorporated-by-reference Materials Federal Laws and Regulations

A. Citations to the Register Register shall include the volume and page number and shall contain, the short form abbreviation "A.A.R." for the "Arizona Administrative Register", and the issue date. For example, 7 A.A.R. 1325, March 23, 2001.

B. Citations to the Code Code shall include the Title, Chapter, Subchapter, Article, Part, and Section, as applicable, and the short form "A.A.C." for "Arizona Administrative Code". For example, 17 A.A.C. 4 and A.A.C. R17-4-301.

C. Citations to state laws:

1. A citation to a law contained in a published edition of the Arizona Revised Statutes shall include the abbreviation "A.R.S." and either the specific Section number or the Title number, Chapter number, and Article number in that order. For example, A.R.S. Title 41, Chapter 6, Article 5.

2. A citation to a law which that has not yet been published in the Arizona Revised Statutes shall include the following:

a. If the reference is to a new Section of the statutes and the codified Section number is known, the citation shall include the Section number followed by the phrase "as added by Laws" and the year the law was passed along with the Chapter number as assigned by the Office and the specific Section of the new law. For example, A.R.S. § 41-1008 as added by Laws 1998, Ch. 57, § 22.

b. If the reference is to an amendment of an existing Section of the Arizona Revised Statutes, the citation shall include the Section number followed by the phrase "as amended by Laws" and the year the law was passed along with the Chapter number as assigned by the Office and the specific Section of the new law which that amended this Section of an existing law. For example, A.R.S. § 41-1021 as amended by Laws 1998, Ch. 57, § 27.

c. Citations to new laws that do not indicate a statutory citation shall include the word "Laws" and the year the law was enacted by the legislature and the Section number within that law. For example, Laws 1998, Ch. 196, § 4.

3. When an agency uses a statutory citation and also refers to that law by a commonly used heading, the agency shall enclose the commonly used heading within parentheses.

D. Citations to federal laws and rules regulations:

1. Citations to the United States Code (U.S.C.) and the United States Code Annotated (U.S.C.A.) shall include the Title number first, followed by the appropriate abbreviation, followed by the Part number or the Section number. Neither the word "Part" or "Section" nor the Section symbol shall appear in the citation. For example, 10 U.S.C. 1. Citations to laws not yet codified into the U.S.C. or the U.S.C.A. shall be referenced by the words "Public Law" or the abbreviation "P.L." and the number of the law. For example, P.L. 100-20191.

2. Citations to the Code of Federal Regulations (CFR) shall list the Title number first, followed by the appropriate abbreviation, followed by the Part number or the Section number. Neither the word "Part" or "Section" nor the Section symbol shall appear in the citation. Citations to the Federal Register (FR or Fed. Reg.) shall include the volume number first, followed by the abbreviation, followed by the page number. FR citations shall also include the date of the publication. Examples of federal statutory citations appear in the Style Manual. For example, 49 CFR 201; 42 FR 10109, July 1, 1997.

E. Citations to items incorporated by reference shall state the publication information (publisher name and address), date of publication, and a location where the item is available if different from the publisher.

R1-1-410. Standard Abbreviations Repealed

When drafting rules, an agency shall either write out in full or use the standard abbreviations below for any of the listed terms. If an agency uses one of these abbreviations but attaches a different meaning to it, the agency shall place this abbreviation in its definitions Section.

1. All two-letter abbreviations for the 50 states and the territories of the United States as designated by the United States Postal Service;

2. All chemical abbreviations for the elements;

3. The following terms:

Abbreviation	Definition
A.C.	Alternating Current
a.m.	ante meridiem, morning
Ave.	Avenue
Blvd.	Boulevard
Btu.	British thermal unit
C.	Centigrade, Celsius

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CFR	Code of Federal Regulations
Ch.	Chapter (statutory citation only)
cm.	centimeter
cu.	cubic
Dr.	Drive
Pl.	Place
E.	East
et seq.	and those that follow
F.	Fahrenheit
FR	Federal Register
ft.	foot, feet
ID.	Identification
A.A.C.	Arizona Administrative Code
A.A.R.	Arizona Administrative Register
A.R.S.	Arizona Revised Statutes
in.	inch
IRS	Internal Revenue Service
k.	kilogram
km.	kilometer
l.	liter
lb.	pound
Ln.	Lane
M.D.T.	Mountain Daylight Time
M.S.T.	Mountain Standard Time
mg.	milligram
ml.	milliliter
mm.	millimeter
mph	miles per hour
Mt.	Mount
N.	North
n/a	not applicable, not available
oz.	ounce
p.	page
p.m.	post meridiem, afternoon
qt.	quart
Rd.	Road
S.	South
sq.	square
St.	Saint, Street
U.S.	United States
U.S.C.	United States Code
U.S.C.A.	United States Code Annotated
W.	West
yd.	yard

R1-1-411. Automatic Repeal of Rules

- A. An agency may provide for the automatic repeal of a Section, in the Section being automatically repealed, by specifying in the text of that Section the date (including day, month, and year) by including the day, month, and year of the automatic repeal. This automatic repeal shall ~~only~~ be used to repeal only an entire Sections Section. The information specifying the automatic repeal date shall appear in a first-level subsection by itself at the end of the Section.
- B. An agency shall notify the Office, orally or by letter, when the automatic repeal date has passed so ~~that~~ the Office can ~~ensure that the rules are deleted~~ remove the rule from the Code Code. Chapters from which automatically repealed rules ~~have been deleted~~ are removed shall appear in the next quarterly supplement to the Code Code.

R1-1-412. Supplementary Material; ~~Camera-ready Material~~

- A. An agency including tabular materials, illustrations, diagrams, figures, and other supplementary material in ~~a set of~~ rules which do not fit within the column margins of the published Code (3 3/8 inches by 9 1/4 inches) shall place them at the end of an Article and shall label them as Appendices, Exhibits, Illustrations, or Tables. An agency shall use supplementary materials material to make ~~the~~ a rule understandable by persons affected by the rule. An agency shall consider all supplementary materials material included in ~~a set of~~ rules as part of the rules and shall refer to ~~them~~ the supplementary material

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within the text of one or more Sections. An agency shall list Appendices, Exhibits, Tables, and Illustrations in the table of contents for the Chapter.

- B. An agency shall ~~number~~ label all Appendices, Exhibits, Illustrations, and Tables with either capital letters or Arabic numbers using a consistent ~~numbering~~ labeling scheme. The specific term the agency uses (Appendix, Exhibit, Illustration, or Table) and its label shall appear in the text along with a heading in the same format that a Section number and heading appear at the beginning of a Section.
- C. ~~All supplementary material appearing sideways on the page shall appear at the end of the Article. Supplementary material appearing within the text of a Section shall not appear in the table of contents. When referencing supplementary material appearing within the text of a Section, an agency shall use the appropriate subsection label.~~
- D. An agency shall submit only camera-ready supplementary material to the Office for publication or filing. Camera-ready means that the material must be clear and legible when the text is reproduced at 9-point size or the illustration ~~are~~ is reproduced to fit within the one-inch margin requirements of an 8 1/2 inch by 11 inch sheet of paper. ~~Material is camera ready when it is clearly typed (or produced on word processing or computer equipment) in solid black ink on one side of an 8 1/2 x 11 inch sheet of white paper (uncoded stock) with one inch margins on all edges of the page. Dot matrix type, photocopies, or facsimile copies are not camera ready. Uncoded stock means paper (20 24 lb. weight) with no visible watermark when held up to the light. Bond paper with watermarks shall not be used.~~
- E. An agency shall create tabular material in a rulemaking package using a spreadsheet program or the table function of a word processing program. This subsection does not apply to an Economic, Small Business, and Consumer Impact Statement and material incorporated by reference.

R1-1-413. Statutory Language; Italics

- A. ~~Summary rules~~ Rules may contain statutory language ~~that repeats verbatim existing statutory authority granted to the agency that repeats verbatim existing statutory authority granted to the agency.~~
- B. ~~Whenever~~ If an agency ~~finds it necessary to repeat~~ repeats statutory language within the text of a rule, the statutory language shall appear in italics, and the statutory citation shall appear after the statutory language. ~~distinguishing type. Italics are reserved for statutory language. Whenever an agency does not have the capability for producing italic type, it shall use another form of distinguishing type, specifying to the Office in a letter accompanying the rules package the distinguishing type used. Underlining shall not be used as distinguishing type.~~
- C. Rules may contain the following language in italics:
 1. Titles of books, periodicals, and reports;
 2. Scientific names; and
 3. Court cases (for example, *Marbury v. Madison*).

R1-1-414. Incorporation by Reference; Citation of Referenced Material

- A. Items that may be incorporated by reference within an agency's rules are specified in A.R.S. § 41-1028.
- ~~B. Each agency shall keep in the agency's principal office one copy of any item incorporated by reference.~~
- ~~C. Each agency shall file one copy of any item incorporated by reference in its rules when the agency files its final rules with the Office.~~
- ~~D. B.~~ Any item incorporated by reference shall be cited as specified in R1-1-410. Following the citation of incorporated by reference ~~incorporated-by-reference~~ material in the text of the rules shall be a statement specifying that the incorporated material contains no later editions or amendments.
- C. A citation to an item incorporated by reference shall state the publisher's name and address, date of publication, and a location where the item is available if different from the publisher. If a physical address for the publisher is not available, a web site address may be substituted.
- D. A citation to an item incorporated by reference shall state where a copy of the incorporated by reference material is available from the agency issuing the rule.
- E. ~~Any~~ An item incorporated by reference and filed with an agency's final rules prior to September 18, 2003 may be viewed in the Office. The Office shall not photocopy any copyrighted material ~~or federal code or regulation provisions~~ incorporated by reference.

R1-1-415. Repeal of a Section; New Text

If an agency deletes the language in an existing Section and simultaneously inserts new language at the same Section number, the rulemaking action of the change listed in item #1 of the Preamble shall be one of the following:

1. A "Repeal" and "New Section" if both the text of the Section and the Section heading are completely changed; or
2. An "Amend" if the entire existing text is repealed, but the Section heading is not completely changed.

ARTICLE 5. PROPOSED RULEMAKING

R1-1-501. Assignment of Chapters

An agency preparing to ~~promulgate~~ make rules for the first time shall contact the Office, orally or by letter, for assignment of a Title and Chapter number within the codification system. An agency that already has at least one Chapter on file shall contact the Office, orally or by letter, when ~~adding new Articles or when~~ the agency needs a new Chapter assignment.

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R1-1-502. Notice of Proposed Rulemaking

- A. ~~Each~~ A proposed new Section, amendment or repeal of an existing Section, or renumbering of a Section when other changes are also being made, submitted for publication in the ~~Register~~ Register shall be part of a Notice of Proposed Rulemaking. ~~The Notice of Proposed Rulemaking may consist of multiple pages. Questions, answers, and other information required to appear in the Preamble of~~ on the Notice of Proposed Rulemaking, and the Preamble which is part of this Notice, shall appear in the proper location ~~on the Notice order.~~ No question on the notice may be answered "See attached." Supplemental pages ~~shall~~ may not be used.
- B. The notice shall contain the heading NOTICE OF PROPOSED RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number, and heading centered on the line ~~one double space~~ one double space under the notice heading; followed by the Subchapter, its label and heading (if applicable) centered on the line ~~one double space~~ one double space under the Title; followed by the Chapter, its number and heading centered on the line ~~one double space~~ one double space under the Title; followed by the word PREAMBLE in all capital letters, on a line ~~one double space~~ one double space under the Chapter; followed by the following items listed below in the same numbered order:
1. The Sections Affected and the Rulemaking Action in two columns;
 - a. In the first column, each Section upon which rulemaking activity is being proposed shall appear in numerical order under the heading "Sections Affected."
 - i. If an Article or Part is ~~also~~ involved in the rulemaking because its ~~the~~ label or heading is being repealed, added, amended, or renumbered, the Article and its label or the Part and its label shall appear in this list in its appropriate order immediately preceding the Sections contained in that Article or Part.
 - ii. Sections, Parts, and Articles shall not be grouped together in this column; each Section, Part, or Article shall appear individually.
 - iii. ~~In cases where~~ If an existing Section is being repealed and new text is being ~~adopted~~ made at that number or ~~where if~~ the text of an existing Section is being renumbered and new text, (either totally new language or text renumbered from another Section), is being placed at that number, the Section number ~~could~~ will appear ~~in the list three~~ multiple times with the appropriate individual actions appearing in the second column. ~~Sections without text because they were previously reserved, repealed, or renumbered cannot be amended. Previously repealed Sections cannot be repealed again unless new text has subsequently been adopted at that number. Previously repealed, reserved, or renumbered Sections where no text appears shall not be renumbered;~~
 - iv. A Section not containing text before the rulemaking and not having text added by the rulemaking shall not appear in this column.
 - b. In the second column, the rulemaking activity occurring on each Section shall be specified directly across from and on the same line as the Section number under the heading "Rulemaking Action." ~~In cases where~~ If an existing Section is being repealed and new text ~~adopted~~ made at that number, the Section number ~~will~~ shall appear twice in the first column and each specific individual action ~~will~~ shall appear in the second column. ~~Text of one Section shall be repealed or renumbered first before any other action can happen on that Section.~~
 - i. A Section that contains no text because it was previously reserved, repealed, or renumbered cannot be amended, renumbered, or recodified. A previously repealed Section cannot be repealed again unless new text has subsequently been made at the Section number.
 - ii. If a Section has more than one action on it in a rulemaking, the listing order in the second column shall be as follows: repeal, renumber, and new Section or amend.
 2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the ~~statutes~~ the rules ~~are~~ implementing statute (specific);
 3. A list of all previous notices appearing in the Register addressing the proposed rule;
 - 3-4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
 - 4-5. An explanation of the rule, including the agency's reasons for initiating the ~~rule~~ rulemaking;
 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
 - 5-7. 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;
 - 6-8. The preliminary summary of the economic, small business, and consumer impact;
 - 7-9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
 - 8-10. The time, place, and nature of the proceedings for the ~~adoption~~ making, amendment, or repeal of the ~~rules~~ rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule;
 - 9-11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules; and
 - 10-12. ~~Incorporations~~ Any material incorporated by reference and ~~their~~ its location in the rules.

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- ~~44-13.~~ The phrase “The full text of the rules follows:” The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble. ~~An agency amending some but not all of the subsections in a Section may list those subsections not being amended by subsection label only and the words “No change.” Each level of subsection having no change shall be individually noted as such. Subsections shall not be grouped together.~~
- a. The first item in the text shall be a table of contents for the Chapter showing the label and heading for each Article and each Section involved in the proposed rulemaking.
 - b. The full text of the Sections on which rulemaking is taking place shall begin on the next page after the table of contents. Articles and their headings, and Parts and their headings if applicable, shall appear in their proper place in the text even when ~~the entire Article is not~~ only a portion of the Article or Part is involved in ~~this~~ the rulemaking package. The text shall appear as follows:
 - i. If the rulemaking package consists of all new rules, the text of the rules shall be properly labeled, in numerical order by Section number, and shall indicate Articles and Parts and their labels and headings. ~~If the rulemaking consists entirely of new Sections with no proposed amendments to or repeals of existing rules, the text need not be underlined.~~ New Section numbers, headings, and text shall be underlined. If a Section number currently exists in the Code, it shall not be underlined.
 - ii. If the rulemaking package consists of only repeals of existing complete Sections, the full text of the Sections being repealed shall appear in numerical order by Section number and shall indicate Articles and Parts including their labels and headings. ~~If the only action being taken on the Sections in the proposed rule package is to repeal existing complete Sections and no other changes to any other rule in the package are being proposed, the old rules need not have strike-outs through the text. Repealed Section headings and text shall be stricken. Section numbers shall not be stricken.~~
 - iii. If the rulemaking package consists of amended Sections or a combination of amended Sections, new Sections, and repealed Sections, the full text of all Sections on which rulemaking action is occurring shall appear with underlining indicating new language and strike-outs indicating repealed language. Within a Section, stricken text shall appear before new, underlined text.
 - c. ~~An agency amending some but not all of the subsections in a Section may list the subsections not being amended by subsection label only and the words “No change.” Each level of subsection having no change shall be individually noted. Subsections shall not be grouped together.~~
 - d. If an agency is ~~changing~~ renumbering an existing Section ~~number,~~ the agency shall show ~~that~~ the current Section number with strike-outs and the new ~~rule~~ Section number underlined immediately beside the ~~old~~ current number. Renumbered rules shall appear in the text at the location of their new numbers. If the only action being taken on a Section is to renumber it, immediately under the Section number and its heading shall appear the words “No Change” to indicate that the text is not changing. If an existing Section is renumbered and no text is added at the current Section number, the current Section number shall appear in its proper numerical order with strike-outs through the old heading but not through the Section number, and a new heading “Renumbered” shall be added with underlining.

R1-1-503. Public Comment Period

The public comment period for a proposed ~~rules~~ rule begins on the day the ~~rules are~~ rule is published in the ~~Register~~ Register. An agency shall allow a minimum of 30 days for public comment after ~~Register~~ publication. After the end of the public comment period, an agency may hold ~~public hearings (oral proceedings)~~ an oral proceeding.

R1-1-504. Public Hearings (Oral Proceedings) Oral Proceedings on Proposed Rulemaking

- A. An agency ~~shall~~ may refer to the publication schedule of the ~~Register~~ Register when scheduling ~~an oral proceeding a public hearing (oral proceeding).~~ The An agency shall hold an oral proceeding ~~public hearing shall be held~~ no earlier than 30 days after the ~~Office publishes~~ notice of proposed rulemaking is published in the ~~Register~~ Register, pursuant to under A.R.S. § 41-1023. The Office shall include oral proceedings ~~Public hearings~~ shown in the notice of proposed rulemaking ~~preamble shall be included~~ Preamble in the proposed rules portion of the ~~Register~~ Register. The Office shall list in a different section of the Register oral proceedings ~~Public hearings~~ on rulemaking packages not scheduled by the agency until after the agency has submitted the proposed rulemaking package ~~has been submitted~~ to the Office ~~shall be submitted~~ as specified in R1-1-209(B)(1) ~~and will appear in a different section of the Register.~~
- B. If an agency submits a proposed rulemaking package to the Office and indicates in the Preamble that an oral proceeding is scheduled to take place before 30 days after the anticipated publication date in the ~~Register~~, the Office shall return the package to the agency.
- ~~B.C.~~ If a public hearing an oral proceeding is not scheduled; and if an agency receives a written request for a public hearing an oral proceeding from five one or more persons, the agency shall file a notice of public hearing oral proceeding on proposed rules with the Office in accordance with the Register publication schedule in the Register, scheduling a public hearing the oral proceeding to be held no earlier than 30 days after the notice of public hearing oral proceeding is published in the Register Register, pursuant to under A.R.S. § 41-1023. The agency shall file with the Office one original and four two

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copies of the Notice of ~~Public Hearing~~ Oral Proceeding on Proposed Rulemaking. This notice shall be as stated in R1-1-209(B)(1).

~~C.D.~~ If a ~~public hearing~~ an oral proceeding has ~~commenced~~ begins and the ~~hearing proceeding~~ officer publicly announces a time and place for a continuation of the ~~public hearing oral proceeding~~ at the time of the original public hearing, the agency ~~need not~~ is not required to submit a notice of ~~public hearing oral proceeding~~ to the Office for publication in the Register Register.

R1-1-505. Close of the Record

The close of the record for a proposed ~~rulemaking package~~ rule occurs shall occur on the date the agency chooses as the last date it will accept public comments. An agency ~~may~~ shall not ~~adopt a rule~~ complete a rulemaking until the ~~rulemaking~~ record is closed.

R1-1-506. Notice of Termination of Rulemaking

A. To terminate a proposed rulemaking at any stage of the rulemaking process before the final rules are filed with the Office, ~~the~~ an agency shall file with the Office one original and ~~four~~ two copies of ~~the~~ a Notice of Termination of Rulemaking. ~~The agency shall attach the original and two copies of the Notice of Termination of Rulemaking to a copy of the original Notice of Proposed Rulemaking if the agency has filed a Notice of Proposed Rulemaking with the Office.~~

B. The Notice of Termination of Rulemaking shall contain the heading NOTICE OF TERMINATION OF RULEMAKING in all capital letters, centered on the line approximately one inch from the top of the page; followed by the Title, its number, and heading, centered on a line ~~one double space~~ below the notice heading; followed by the Chapter, its number and heading, centered on a line ~~one double space~~ below the Title; ~~and the following items in the same numerical order. followed by the items listed below in the same numbered order:~~

- ~~1.~~ 1. The Register citation and the date of the Notice of Rulemaking Docket Opening;
- ~~1-2.~~ 2. The ~~Register~~ Register citation and the date of the Notice of Proposed Rulemaking; and
- ~~2-3.~~ 3. The Section numbers (and Article and Part numbers or labels) in numerical order in one column and the action that had been proposed in the second column.

~~B.C.~~ Both the original Notice of Proposed Rulemaking and the Notice of Termination of Rulemaking shall remain on file with the Office.

~~C.D.A~~ The Office shall publish a listing of the rules terminated ~~shall be published in the Register~~ Register. The Office shall not publish the full text of rules being terminated ~~shall not appear in the Register~~ Register.

R1-1-507. Supplemental Notices Notice of Supplemental Proposed Rulemaking

A. If an agency determines that a proposed rule requires substantial change due ~~either to either~~ internal review or public comments, the agency shall prepare a supplemental notice for publication in the ~~Register~~ Register. A supplemental notice shall contain every Section undergoing change from the current text in the Code, as if the supplemental notice were the agency's first version of the proposed rule.

B. The supplemental notice shall contain the heading NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING in all capital letters, located one inch from the top of the page; followed by the Title, its number, and heading, ~~one double space~~ under below the notice heading; followed by the Chapter, its number, and heading, ~~one double space~~ below the Title; followed by the Subchapter, its label, and heading ~~one double space~~ below the Chapter, if applicable; followed by the word PREAMBLE in all capital letters, ~~one double space~~ below the Chapter or Subchapter, all of which shall be centered on their respective lines, followed by the items listed below in the same numbered order:

- ~~1. Register citation~~ The Register citations and date ~~dates~~ for the ~~original~~ Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any Notices of Supplemental Proposed Rulemaking, if applicable;
2. The Sections Affected and the Rulemaking Action in two columns as specified in ~~R1-1-502(B)(4)(a)~~ R1-1-502(B)(1);
3. The specific statutory authority for the rulemaking including both the authorizing statute (general) and the ~~statutes the rule is implementing~~ statute (specific);
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
5. An explanation of the rule, including the agency's reasons for initiating the ~~rule~~ rulemaking;
6. An explanation of the substantial change ~~which that~~ which that resulted in ~~this the~~ this the supplemental notice;
7. 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;
8. The preliminary summary of the economic, small business, and consumer impact;
9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
10. The time, place, and nature of the oral proceedings for the ~~adoption~~ making, amendment, or repeal of the rule;
11. Any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of rules; and
12. ~~Whether the rulemaking contains any incorporations~~ Any material incorporated by reference and ~~their locations~~ its location in the text.

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13. The phrase "The full text of the rules follows:." The full text of the changes shall begin on the page after the last page of the preamble Preamble.

ARTICLE 6. FINAL RULEMAKING

R1-1-601. Preparation and Filing of a Final Rulemaking Package

- A. If an agency's rules are subject to review by the Council, the agency shall submit its adopted rules final rulemaking package to the Council within 120 days after the close of the rulemaking record. After approval by the Council approves the final rulemaking package, the agency Council shall submit its the agency's final rules rulemaking package to the Office for filing and publication and filing. The final rulemaking package shall be as specified in subsection (D) R1-1-602.
- B. If an agency's rules are exempt from the rulemaking process pursuant to under A.R.S. § 41-1005 or another state statute, the agency shall follow the procedures in Article 9 and submit its final rules rulemaking package to the Office within 120 days after the close of the record.
- C. If an agency's rules are exempt from Council review pursuant to A.R.S. § 41-1057 subject to review by the Attorney General, the agency shall submit its adopted rules final rulemaking package to the Attorney General for approval within 120 days after the close of the record. After approval, the Attorney General shall submit the final rule package to the Office for filing and publication.
- ~~D.~~ If an agency adopts an emergency rule, the agency shall follow the procedures in Article 7.
- ~~E.~~ The Notice of Final Rulemaking shall contain the heading NOTICE OF FINAL RULEMAKING in all capital letters, approximately one inch from the top of the page followed by the Title, its number and heading appearing one double-space under the notice heading; followed by the Chapter, its number and heading centered on the line immediately below the Title, followed by the Subchapter, its label and heading one double space below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters, one double space below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:
- ~~1. Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(4)(a);~~
 - ~~2. The specific statutory authority for the rulemaking including both the authorizing statute (general) and the statutes the rule is implementing (specific);~~
 - ~~3. The effective date for the rules (if different from the date the rules are filed with the Office);~~
 - ~~4. A list of all previous notices appearing in the Register addressing the final rule;~~
 - ~~5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;~~
 - ~~6. An explanation of the rule, including the agency's reasons for initiating the rule;~~
 - ~~7. 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;~~
 - ~~8. The summary of the economic, small business, and consumer impact;~~
 - ~~9. A description of the changes between the proposed rules, including supplemental notices, and final rules;~~
 - ~~10. A summary of the principal comments and the agency response to them;~~
 - ~~11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;~~
 - ~~12. Incorporations by reference and their location in the text;~~
 - ~~13. Whether the rule was previously adopted as an emergency rule and, if so, whether the text was changed between adoption as an emergency and the adoption of these final rules;~~
 - ~~14. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble and contain the text as specified in R1-1-502(B)(11)(a), (b)(i), and (d). However, if the rules are complete Sections being repealed only, the text shall not appear but the Section number and its heading shall appear with strike-outs through the heading only.~~
- ~~F.~~ Each original final rulemaking package submitted to the Office for filing and publication shall include the following with the copies of the rulemaking package including copies of these same documents:
- ~~1. An agency certification as specified in R1-1-105(B);~~
 - ~~2. A certificate of approval of the rules by Council if the rules are subject to Council review.~~
 - ~~3. A certificate of approval from the Attorney General if the rules are subject to Attorney General review.~~
 - ~~4. A concise explanatory statement as required by A.R.S. § 41-1036.~~
- ~~G.~~ An agency incorporating materials by reference shall include one copy of the material with each original final rulemaking package filed with the Office.

R1-1-602. Notice of Final Rulemaking

- A. A Notice of Final Rulemaking shall contain the heading NOTICE OF FINAL RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number, and heading centered on a line under the notice heading; followed by the Chapter, its number, and heading centered on a line below the Title; followed by the Subchapter, its label, and heading centered on a line below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters, centered on a line below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:

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1. The Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(1);
 2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the implementing statute (specific);
 3. The effective date of the rule:
 - a. If the effective date is earlier than 60 days after the date the final rule is filed with the Office, an agency shall specify the date, along with the reason for the effective date;
 - b. If the effective date is later than 60 days after the date the final rule is filed with the Office, an agency shall specify the date, along with the reason for the effective date;
 4. A list of all previous notices appearing in the Register addressing the final rule;
 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
 6. An explanation of the rule, including the agency's reasons for initiating the rulemaking;
 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
 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;
 9. A summary of the economic, small business, and consumer impact;
 10. A description of the changes between the proposed rule, including supplemental notices, and final rule;
 11. A summary of the comments made regarding the rule and the agency response to them;
 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
 13. Any material incorporated by reference and its location in the text;
 14. Whether the rule was previously made as an emergency rule and, if so, whether the text was changed between the making as an emergency and the making of the final rule; and
 15. The phrase "The full text of the rules follows:". The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble.
- B.** An original final rulemaking package submitted to the Office for filing and publication shall include two copies of the agency receipt, one copy of incorporated-by-reference material, and the original and two copies of the rulemaking package, including copies of the following documents:
1. An agency certificate as specified in R1-1-105;
 2. A certificate of approval of the rules by Council if the rules are subject to Council review;
 3. A certificate of approval from the Attorney General if the rules are subject to Attorney General review; and
 4. The economic, small business, and consumer impact statement required by A.R.S. § 41-1055, if applicable.

ARTICLE 7. EMERGENCY RULEMAKING

R1-1-701. ~~Preparation and Filing of an Emergency Rulemaking Package~~ Notice of Emergency Rulemaking

- A.** ~~When~~ If an agency determines that ~~the a~~ proposed new Section, an amendment to a Section, or a repeal of an existing Section falls within the emergency provisions of A.R.S. § 41-1026, the agency shall prepare a Notice of Emergency Rulemaking ~~which~~. The Notice shall contain the heading NOTICE OF EMERGENCY RULEMAKING in all capital letters, centered on the line approximately one inch from the top of the page; followed by the Title, its number, and heading, centered on a line ~~one double space~~ below the notice heading; followed by the Chapter, its number, and heading, centered on a line ~~one double space~~ below the Title; followed by the Subchapter, its label, and heading, if applicable; followed by the term PREAMBLE in all capital letters centered on ~~the a~~ line ~~one double space~~ below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:
1. The list of Sections Affected and the Rulemaking Action in two columns, as specified in ~~R1-1-502(B)(1)(a)~~ R1-1-502(B)(1);
 2. The specific statutory authority for the rulemaking including both the authorizing statute (general) and the ~~statutes the rule is implementing statute~~ (specific);
 3. The effective date of the ~~rule; rules, if different from the date filed with the Office;~~
 - a. If the effective date is earlier than 60 days after the date the final rule is filed with the Office, an agency shall specify the date, along with the reason for the effective date;
 - b. If the effective date is later than 60 days after the date the final rule is filed with the Office, an agency shall specify the date, along with the reason for the effective date;
 4. Whether the rulemaking is a renewal of a previous emergency rulemaking and, if so, the ~~Register~~ Register citation to the previous ~~notices~~ notice of emergency rulemaking and the ~~Register~~ Register issue ~~dates~~ date;
 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
 6. An explanation of the rule, including the agency's reasons for initiating the ~~rule~~ rulemaking;
 7. 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;

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8. The economic, small business, and consumer impact summary;
 9. Any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of rules;
 10. ~~Incorporations~~ Any material incorporated by reference and ~~their locations~~ its location in the text;
 11. An explanation of the situation justifying the rule's adoption making as an emergency rule;
 12. The date of the Attorney General's approval of the rule: ; and
 13. The phrase "The full text of the rules follows:". The full text shall begin on the page after the last page of the ~~preamble~~ Preamble and contain the text as specified in ~~R1-1-502(B)(11)~~ R1-1-502(B)(13).
- B.** ~~The~~ An agency shall submit the emergency rulemaking package to the Attorney General for approval, ~~if the agency's rules are subject to Attorney General review~~. The package shall contain an agency ~~certification~~ certificate as specified in ~~R1-1-105(B)~~ R1-1-105(A) before filing the rules with the Office and two copies of a receipt form as specified in R1-1-106.
- C.** The Attorney General shall indicate ~~his~~ approval of the emergency rulemaking package by signing ~~an approval form~~ a certificate of approval, which shall be attached to the first page of the original of the notice, and shall forward the original and two copies of the rules to the Office. If the Attorney General does not approve one or more Sections in the rulemaking, the Attorney General shall prepare a certificate of disapproval and attach it to the package. If the rulemaking contains more than one Section, and the Attorney General approves at least one Section and disapproves at least one Section, the Attorney General shall attach a certificate of approval and a certificate of disapproval to the rules.
- D.** ~~Emergency rules are effective from the date the rules are filed with the Office unless a later date is specified.~~ Emergency rules are effective for 180 days and may be renewed for ~~a maximum of two~~ an additional 180-day ~~periods~~ period, pursuant to under the provisions of A.R.S. § 41-1026.
- E.** If the text of a renewed emergency rule differs from the text of the previous emergency rule, the agency shall submit to the Office, at the time of filing the renewed emergency rule, a list of every change made to the ~~latest~~ renewed emergency rule since the previous emergency rule was ~~adopted~~ made.
- F.** ~~Each~~ An agency shall prepare a notice of renewal of an emergency rule ~~shall be prepared~~ in the manner prescribed in this Section.

ARTICLE 8. SUMMARY RULEMAKING

R1-1-801. Notice of Summary Rulemaking

~~A.~~ The summary rulemaking process may be used as specified in A.R.S. § 41-1027(A).

~~B.~~ A. When submitting ~~summary rules~~ a proposed summary rule to the Office for filing and for publication in the ~~Register~~ Register, ~~the~~ an agency shall prepare a Notice of Proposed Summary Rulemaking ~~which~~. The Notice shall include the heading NOTICE OF PROPOSED SUMMARY RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number and heading centered on the line ~~and appearing one double-space~~ under the notice heading; followed by the Chapter, its number, and heading centered ~~one double-space~~ below the Title; followed by the Subchapter, its label and heading centered ~~one double-space~~ below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters ~~one double-space~~ centered on a line below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:

1. The Sections Affected and the Rulemaking Action in two columns as specified in ~~R1-1-502(B)(1)(a)~~ R1-1-502(B)(1);
2. The ~~specific~~ statutory authority for the rulemaking, including both the authorizing statute (general) and the ~~statutes~~ rules ~~are implementing~~ statute (specific);
3. The interim effective date of the summary ~~rules~~ rule;
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
5. An explanation of the ~~rule~~ rulemaking, including the agency's reasons for initiating the ~~rule~~ rulemaking;
6. A showing of good cause why the ~~rule~~ rulemaking is necessary to promote a statewide interest if the ~~rule~~ rulemaking will diminish a previous grant of authority of a political subdivision of this state;
7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
- ~~7-8.~~ The preliminary summary of the economic, small business, and consumer impact ~~if required or a statement of exemption under A.R.S. § 41-1055(D)~~;
- ~~8-9.~~ The name and address of agency personnel with whom persons may communicate regarding the accuracy of the ~~summary of the~~ economic, small business, and consumer impact statement;
- ~~9-10.~~ The time, place, and nature of the proceedings for the ~~adoption making~~, amendment, or repeal of the ~~rules~~ rule;
- ~~10-11.~~ An explanation of why summary proceedings are justified;
- ~~11-12.~~ Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
12. ~~Any incorporations by reference and their locations in the text.~~
13. The phrase "The full text of the rules follows:". The full text shall begin on the page after the last page of the Preamble and contain the text as specified in ~~R1-1-502(B)(11)~~ R1-1-502(B)(13).

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- ~~E.B.~~ Within 90 days after publication in the Register Register and after consideration of any comments, ~~the~~ an agency shall submit to the Council its ~~adopted~~ final summary rule, along with the ~~preamble~~, Preamble, concise explanatory statement, and economic, small business, and consumer impact statement.
- ~~D.C.~~ After submitting the summary rule to the Council as specified in subsection (C), ~~the agency shall submit to the Office a Notice of Adopted Summary Rulemaking which includes~~ An agency shall submit a summary rulemaking package to the Council as specified in subsection (B). The Notice shall include the heading NOTICE OF ADOPTED FINAL SUMMARY RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number and heading centered ~~one double space~~ under the notice heading; followed by the Chapter, its number, and heading centered ~~one double space~~ below the Title; followed by the Subchapter, its label and heading, if applicable, centered on a line below the Chapter; followed by the term PREAMBLE in all capital letters, centered ~~one double space~~ below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:
- ~~1. The Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(4)(a)~~ R1-1-502(B)(1);
 - ~~2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing statute (specific);~~
 - ~~3. The permanent effective date of the summary rules rule;~~
 - ~~4. The Register citation for the Notice of Proposed Summary Rulemaking;~~
 - ~~4-5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;~~
 - ~~5-6. The concise explanatory statement, including an An explanation of the rule and the agency's reasons for initiating the rule;~~
 - ~~7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;~~
 - ~~6-8. 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;~~
 - ~~7-9. The A summary of the economic, small business, and consumer impact if required or a statement of exemption under A.R.S. § 41-1055(D);~~
 - ~~8. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;~~
 - ~~9. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules;~~
 - ~~10. An explanation of why summary proceedings are justified;~~
 - ~~10. A description of the changes between the proposed summary rule and the final summary rule;~~
 - ~~11. A summary of the comments made regarding the rule and the agency response to them;~~
 - ~~11-12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;~~
 - ~~12. Any incorporations by reference and their location in the text.~~
 - ~~13. The full text shall begin on the page after the last page of the Preamble and contain the text as specified in R1-1-502(B)(11).~~
 - ~~13. The phrase "The full text of the rules follows:". The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble.~~
- ~~D.~~ After the Council approves the final summary rule, the Council shall attach its certificate of approval to the original of the final summary rulemaking package and submit one original and two copies of the final summary rulemaking package to the Office.

ARTICLE 9. EXEMPT RULEMAKING

R1-1-901. Exempt Rulemaking

- A. ~~Any An agency shall not file with the Office an exempt rule initiated made by an the agency before September 30, 1992, is not filed with the Office and is not contained in the Code. Any person wishing a copy of these exempt rules shall contact the specific agency involved for copies of any rules adopted under an exemption before this date.~~
- B. ~~The Office shall publish in the Code any Any exempt rule initiated made after September 30, 1992, shall be published in the Code if the agency involved submits the rulemaking package to the Office. These rulemaking packages shall be submitted as final rules; An exempt rule shall be submitted following the procedures outlined in Article 6, using the notice heading NOTICE OF EXEMPT RULEMAKING in all capital letters. of this Chapter, except that an agency shall use the notice specified in R1-1-902.~~
- C. The Office shall identify in the Code each a Chapter containing rules which were exempted that are exempt from the Act and which were initiated made after September 30, 1992, by an introductory a statement specifying the exemption at the beginning of the Chapter and before each a Section or Article adopted made under an exemption and by specifying the exemption in the Section's historical note. ~~When publishing the Code, the Office shall print any filed Chapter containing a~~

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~~rule exempted by any Arizona statute on blue paper and any filed Chapter containing a rule exempted by other reasons on green paper. The reason for the exemption shall be stated on the notice.~~

- D.** If a statute or session law authorizes an agency to publish in the *Register* a type of rulemaking not specified in this Chapter, the agency shall contact the Office orally or by letter, specifying the exact statutory citation.

R1-1-902. Notice of Exempt Rulemaking

- A.** A Notice of Exempt Rulemaking shall contain the heading NOTICE OF EXEMPT RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its label, and heading centered on a line below the notice heading; followed by the Chapter, its label, and heading centered on a line below the Title; followed by the Subchapter, its label, and heading centered on a line below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters, centered on a line below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:

1. The Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(1);
2. The specific statutory authority for the rulemaking including the authorizing statute (general), the implementing statute (specific), and the statute or session law authorizing the exemption;
3. The effective date for the rule;
4. A list of all previous notices published in the *Register* addressing the exempt rule;
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
6. An explanation of the rule, including the agency's reasons for initiating the rulemaking;
7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
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;
9. The summary of the economic, small business, and consumer impact, if applicable;
10. A description of the changes between the proposed rule, including supplemental notices, and final rule (if applicable);
11. A summary of the comments made regarding the rule and the agency response to them, if applicable;
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
13. Any material incorporated by reference and its location in the text;
14. Whether the rule was previously made as an emergency rule and, if so, whether the text was changed between making as an emergency and the making of the exempt rules;
15. The phrase "The full text of the rules follows:". The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble.

- B.** An original exempt rulemaking package submitted to the Office for filing and publication shall include an agency certificate as specified in R1-1-105 and an agency receipt as specified in R1-1-106;

- C.** An agency incorporating materials by reference shall include one copy of the material with the original final exempt rulemaking package filed with the Office.

ARTICLE 10. RECODIFICATION

R1-1-1001. Notice of Recodification

- A.** An agency renumbering one or more Sections from one Chapter to another Chapter, or within a Chapter under R1-1-404(B)(1), shall submit to the Office one original and two copies of a Notice of Recodification for filing and publication.

- B.** A Notice of Recodification shall contain the heading NOTICE OF RECODIFICATION in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number, and heading centered under the notice heading; followed by the Chapter, its number, and heading centered below the Title; followed by the Subchapter, its label, and heading, if applicable, centered below the Chapter; followed by the items listed below in the same numbered order:

1. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections being recodified along with their respective headings;
2. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections as recodified along with their respective headings;
3. A conversion table between the two numbering schemes; and
4. The name and address of agency personnel with whom persons may communicate regarding the recodification.

- C.** If an agency renumbers or recodifies a Section, it shall make no other changes to the Section except corrections to Section references within the text of the Section or its heading.

- D.** A Notice of Recodification is effective on the date the notice is filed with the Office.