

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 1. SECRETARY OF STATE

CHAPTER 1. SECRETARY OF STATE – RULES AND RULEMAKING

Editor's Note: The following Notice of Proposed Rulemaking was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3154.)

[R12-225]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action

R1-1-101	Amend
R1-1-103	Amend
R1-1-104	Amend
R1-1-105	Amend
R1-1-106	Amend
R1-1-107	Amend
R1-1-109	Amend
R1-1-110	Amend
R1-1-114	Amend
R1-1-202	Amend
R1-1-205	Amend
R1-1-211	Amend
R1-1-302	Amend
R1-1-401	Amend
R1-1-414	Amend
R1-1-502	Amend
Article 8	Repeal
Article 8	New Article
R1-1-801	Repeal
R1-1-801	New Section
R1-1-802	New Section
R1-1-803	New Section
R1-1-1001	Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 41-1011

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

3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 18 A.A.R. 1867, August 3, 2012

4. The agency's contact person who can answer questions about the rulemaking:

Name: Scott Cancelosi
Director, Public Services Division

Address: Office of the Secretary of State
1700 W. Washington St., 7th Floor

Notices of Proposed Rulemaking

Phoenix, AZ 85007

Telephone: (602) 542-0223

Fax: (602) 542-4366

E-mail: scancelosi@azsos.gov

5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Office of the Secretary of State, Public Services Division, is proposing rule amendments under Laws 2012, Ch. 322 (SB 1193) and 352 (HB 2744) that modify statutes relating to regulatory rulemaking. These laws became effective August 2, 2012.

Proposed changes include the repeal of rules for Notices of Summary Rulemaking as abolished in the law, and the making of new rules for Notices of Expedited Rulemaking in Article 8. HB 2744 Fact Sheet, "Adds that the Register published by the SOS must contain proposed, final and objection notices of expedited rule making. Adds that the Register must contain the web address to the full text of the notice for a substantive policy statement, if practical."

Additionally, the Office is proposing amendments to the Secretary of State's rules on the rulemaking process to make citation references consistent with current statute, improve clarity of existing rules, and comply with the mandated statutory updates.

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:

SB 1193 and HB 2744 fact sheets. Both fact sheets are available online at www.azleg.gov.

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

Not applicable

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

SB 1193 Fact Sheet, "There is no anticipated impact to the state General Fund associated with this legislation."

HB 2744 Fact Sheet, "Requires an agency to comply with all applicable rule making provisions to establish or increase a fee unless the Legislature grants an express exemption through statute or session law. Prohibits an agency from charging or receiving the fee until the rule establishing or increasing the fee is effective under the applicable law."

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Not applicable

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding is not scheduled. Persons may request an oral proceeding by contacting the agency's contact person under item 4.

If an oral proceeding is not requested, the rulemaking record will close at 5:00 p.m. on December 31, 2012.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

This proposed rule is not subject to Council review.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 1. SECRETARY OF STATE

CHAPTER 1. SECRETARY OF STATE – RULES AND RULEMAKING

ARTICLE 1. GENERAL PROVISIONS

Section	
R1-1-101.	Definitions
R1-1-103.	Submission Requirements for Publication and Filing Requirements
R1-1-104.	Submitting Material <u>How to File Documents for Publication</u>
R1-1-105.	Certificates
R1-1-106.	Receipts
R1-1-107.	Filing Location <u>Where to File</u>
R1-1-109.	Correction <u>Corrections of Errors</u>
R1-1-110.	Effective Date
R1-1-114.	Official Distribution <u>Complimentary Copies of the Register and the Code at No Charge</u>

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

Section	
R1-1-202.	Contents
R1-1-205.	Notice of Rulemaking Docket Opening
R1-1-211.	Summary of Council Action

ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE

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

ARTICLE 4. RULE DRAFTING

Section	
R1-1-401.	Rule Drafting Compliance
R1-1-414.	Incorporation by Reference Documents, Publications, or Standards; Citation of Referenced Material <u>Reference Citations</u>

ARTICLE 5. PROPOSED RULEMAKING

Section	
R1-1-502.	Notice of Proposed Rulemaking

~~ARTICLE 8. SUMMARY RULEMAKING~~ EXPEDITED RULEMAKING

Section	
R1-1-801.	Notice of Summary Rulemaking <u>Notice of Proposed Expedited Rulemaking</u>
R1-1-802.	<u>Notice of Objection to a Proposed Expedited Rulemaking</u>
R1-1-803.	<u>Notice of Final Expedited Rulemaking</u>

ARTICLE 10. RECODIFICATION

Section	
R1-1-1001.	Notice of Recodification

ARTICLE 1. GENERAL PROVISIONS

R1-1-101. Definitions

~~The following~~ In addition to the words defined under A.R.S. § 41-1001, these words are definitions apply defined for use in this Chapter unless the context otherwise requires:

“Act” means A.R.S. §§ 41-1001 et seq., the “Administrative Procedure Act,” “APA,” or “Act” is Arizona Revised Statutes, Title 41, Chapter 6, Administrative Procedure et seq.

“Agency” has the same meaning as in is defined under A.R.S. § 41-1001(1).

“Amendment” means a to change to: by the addition or repeal of divisions in a Chapter to include:

Arizona Administrative Register / Secretary of State
Notices of Proposed Rulemaking

A Section, ~~including by the added addition or deleted deletion of rule language text;~~

A Part, by the addition or repeal of one or more Sections;

An Article, by the addition or repeal of one or more Sections or Parts;

A Subchapter, by the addition or repeal of one or more Articles, Parts, or Sections; or

A Chapter, by the addition or repeal of one or more Subchapters, Articles, Parts, or Sections.

“Appendix” means supplementary material to a set of rules, written in prose format.

“*Arizona Administrative Code*” or “*Code*” is defined under A.R.S. § 41-1001(2). It contains “*the full text of each final rule filed with the secretary of state and each rule made pursuant to a statutory exemption...*” A.R.S. § 41-1012(A)

“*Arizona Administrative Register*” or “*Register*” is defined under A.R.S. § 41-1001(17). The *Register* contains rulemaking documents and public records as listed under A.R.S. § 41-1013(B) et seq.

“*Arizona Rulemaking Manual*” ~~means is the guide state’s rules procedure manual. It is prepared by and available from the Office as a guide to Arizona for use by agencies when engaged in rulemaking.~~

“A.R.S.” means the Arizona Revised Statutes, the laws of the state of Arizona.

“Article” ~~means is~~ a division of an agency's rules under a *Code* Chapter ~~that containing contains~~ a unified set of rules.

“Authority” means the statutory right or power to make, amend, or repeal rules.

“Authority note or notes” ~~means are the information an agency’s implementing and authorizing statutes to make, amend, or repeal rules, not a part of the rule, appearing published~~ at the beginning of a *Code* Chapter, Subchapter, Article, or Part that cites the implementing and authorizing statutes for the rules appearing in that Chapter, Subchapter, Article, or Part.

“Chapter” ~~means is~~ a division in the codification of the *Code*, under a Title, that is numbered by the Office and named after designating a state agency or, for a large agency, a major state agency program.

“Close of record” means the last date ~~and time on which~~ an agency accepts comments, ~~either written or oral,~~ on a rule-making Public Record.

“*Code*” ~~means is~~ the *Arizona Administrative Code* published under A.R.S. § 41-1011.

“Codification” ~~means the labeling and numbering scheme for the rules contained is~~ the collection and systematic arrangement, by subject, in the *Code*: ~~of the rules that govern a specific area or subject of law or practice.~~

“Commercial purpose” ~~has the same meaning as in~~ is defined under A.R.S. § 39-121.03.

“Economic, Small Business, and Consumer Impact Statement” ~~means the document that an agency 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 is defined under A.R.S. § 41-1055. It is prepared by an agency and filed with an agency’s rulemaking package.~~

“Electronic media” or “electronic medium” ~~means is any type of material the distribution format~~ for data storage used by on a computer.

“Emergency rule” ~~has the same meaning as in~~ is defined under A.R.S. § 41-1001(7).

“Exempt rule” ~~means a rule that is exempt from the provisions of the Act is~~ a rule made, amended, or repealed under an exclusion from the rulemaking requirements of the APA. Agencies are given exemptions under authority from statutes.

“Exempt rule” does not include a rule that is exempt only from Council review.

“Exhibit” means supplementary material used for items that do not fit the definition of an Appendix, Table, or Illustration.

“~~Council~~” ~~means the Governor’s Regulatory Review Council.~~ “Council” or G.R.R.C. ~~established is defined~~ under A.R.S. § 41-1051.

“Heading” means the ~~caption title~~ for any level of division ~~within in~~ the *Code*.

“Historical note” ~~means is the note appearing information published by the Office after each Section, Appendix, Exhibit, Illustration, or Table of in a Chapter, or after each separate Appendix, Exhibit, Illustration, or Table, in the Code that gives, the~~ The historical note provides the history of that particular Section, Appendix, Exhibit, Illustration, or Table, and including includes:

~~the~~ The rulemaking action,

~~the~~ The *Register* citation where the rulemaking package was published,

~~the~~ The rule effective date, and

~~the~~ The *Code* Supplement number in which the Section, Appendix, Exhibit, Illustration, or Table was published.

“Illustration” means supplementary material used for diagrams, pictures, and other graphics.

“Label” ~~means is~~ the number or letter ~~that is assigned to a division of the Code division and to its subsections, and that A~~

label is used to ~~identifies identify~~ the a particular Code division or subsection.

“Notice form” ~~means the is~~ a form prescribed by the Office ~~and that used an agency uses when submitting to file material documents to the Office for filing or publication.~~

“Office” means the Department of State, Office of the Secretary of State, Public Services Division.

“Other documents” means records or other information required by statute to be printed in the *Register* not listed under R1-1-103(D).

“Part” ~~means is~~ a division of the Code between Article and Section.

“Preamble” is defined under A.R.S. § 41-1001(15).

“Public record,” ~~for purposes of this Chapter, means is~~ a record which a governmental unit is required by law to retain or which it is necessary to keep in discharge of duties imposed by law. Public records include ~~filed the~~ rulemaking documents as filed by state agencies with the Secretary of State, ~~and 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.~~

“Register” means the *Arizona Administrative Register*, ~~published under A.R.S. § 41-1013.~~

“Renumbering” “Renumber” ~~means is to changing change~~ the numbers of one or more whole Sections in their entirety. Renumbering does not include changing the labels of subsections within a Section.

“Repeal” ~~means is~~ to rescind ~~and remove~~ a rule ~~by removing it~~ from the Code.

“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)~~ A.R.S. § 41-1001(18)

“Rulemaking” or “rulemaking activity” means the process a state agency uses to make, amend, or repeal a rule.

“Rulemaking package” or “rulemaking documents” ~~means is all material a collection of a receipt, certificate, notice and rule-related documents~~ filed as a unit ~~set with the Office as part of to~~ a rulemaking.

“Section” ~~means is~~ an individual rule that is a unit of an Article or Part.

“Section number” ~~means is~~ the number letter-number combination that identifies assigned to a Section.

“Subchapter” ~~means is a division of the Code~~ division between Chapter and Article.

“Subsection” ~~means is a division paragraph of in~~ a Section ~~of the Code.~~

“Summary rule” means a rule made under A.R.S. § 41-1027.

“Supplement” ~~means is~~ a quarterly Code update to the Code release.

“Table” ~~means is~~ supplementary material ~~containing tabular information~~ organized in a systematic arrangement by columns and rows.

“Title” ~~means is~~ a subject area in the codification of the Code.

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

~~A. An agency submitting material for filing or publication in the Register or Code shall send one original and two copies to the Office. A notice and supporting documents shall be prepared as outlined in this Section and the *Arizona Rulemaking Manual*.~~

B. Typesetting specifications.

- ~~1. Page layouts shall be set to use a one-inch margin;~~
- ~~2. A font size shall be no smaller than 9 point or larger than 12 point;~~
- ~~3. Paragraph spacing shall be set to be at least 1.5 lines or double-spaced. If applicable, the Economic, Small Business, and Consumer Impact Statement may be single-spaced;~~
- ~~4. Page numbers shall be consecutively numbered on all pages of the rulemaking package in the footer;~~
- ~~5. Footnotes or endnotes shall not be used on a receipt, certificate, preamble or in the text of a rule.~~

C. Paper file specifications.

~~B.1. All pages of an original document and all copies, The notice, including all receipts, and certificates, accompanying the document, and supporting documents shall be printed on one side. All pages shall have a one-inch margin on all edges. 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; and~~
- ~~2. Incorporated-by-reference material.~~

~~C. The text and images on all original pages and copies shall appear be clear and legible. The Office shall return to the agency a rulemaking package that does not contain an original of both the text and all supplementary material. An agency shall not use a text font size smaller than 9 point or larger than 12 point.~~

Arizona Administrative Register / Secretary of State
Notices of Proposed Rulemaking

- D.** An agency shall file only one Chapter per notice for any rulemaking activity. If an agency files more than one Chapter per notice, the Office shall return the notice to the agency.
- E.** All rulemaking packages submitted for publication shall meet the following requirements:
- ~~1-2.~~ The original Pages shall not be:
 - a. stapled ~~Stapled~~, nor shall it or any of the copies be
 - b. hole ~~Hole~~ punched. The Office shall not accept
 - c. Or printed on 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.
 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.
 3. Two copies shall be made of the original rulemaking package and supporting documents.
- 7-D.** Filing Specifications. An agency shall compile a The original rulemaking package, supporting documents and copies shall be compiled as listed before submitting it to the Office.
1. ~~An Two~~ agency shall place the receipts shall be placed on top of the entire submission file as prepared under R1-1-105.
 2. and place the The original rulemaking package and supporting documents and each copy of the items listed below shall be collated in the following sequential order:
 - a. ~~The Council~~ If applicable, the original signed certificate of approval ~~or from either the Council or the Attorney General certificate of approval, if applicable as prepared under R1-1-105;~~
 - b. The original signed agency certificate as prepared under R1-1-105;
 - c. The original notice, including the Preamble as prepared under the requirements of the notices Section of this Chapter;
 - d. The table of contents;
 - e. The original text of the rule to including include supplementary material within the rules as specified under R1-1-502(B)(18);
 - f. If applicable, The the Economic, Small Business, and Consumer Impact Statement, ~~if applicable (A.R.S. § 41-1055);~~ and
 - g. ~~Incorporated by reference material and other Other information~~ documents required to be filed with the rule ~~(compiled only with the original rule rulemaking package).~~
 3. The two copies of the rulemaking package and supporting documents shall be collated as listed under subsection (D)(2) and placed under the original documents.
- E.** Other notices that do not amend rules but describe official actions, agreements, policies, duties, or guidance shall be filed as specified under A.R.S. and this Chapter.
1. Examples of other filings include but are not limited to notices of:
 - a. Agency Ombudsman (R1-1-212).
 - b. Substantive Policy Statement (R1-1-210).
 - c. Agency Guidance Document (R1-1-210).
 - d. Proposed or Final Delegation Agreement (R1-1-208).
 - e. Formal Rulemaking Advisory Committee (R1-1-206).
 - f. Objection to a Proposed Expedited Rulemaking (R1-1-802).
 - g. Public Information, and
 - h. Petition.
 2. Other notices shall be prepared as specified under subsections (A) and (B).
 3. Filing specifications. Other notices shall be compiled as listed.
 1. Two agency receipts shall be placed on top of the notice as prepared under R1-1-106.

Notices of Proposed Rulemaking

2. The notice shall be placed under the receipts.
 3. Other supporting documents shall be placed under the notice.
 4. An agency shall contact the Office if a notice form is not listed in this Chapter or in the *Arizona Rulemaking Manual*.
- F. The Office shall ~~not accept but shall return to the agency a rulemaking package~~ a filing that does not meet the requirements of this Chapter.

R1-1-104. Submitting Material How to File Documents for Publication

- A. 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 shall follow deadlines established by the Office and published Submission deadlines and a publication schedule are printed in the Register. Notices filed are published under this schedule.
- B. Filings are accepted during Office hours. Office hours are 8 a.m. to 5 p.m., Monday through Friday, except state holidays. The filing mailing address and location are listed under R1-1-107.
- ~~B.C.~~ An agency shall submit its A rulemaking package shall be filed in on paper copy as required under R1-1-103. The paper copy is the official document of record.
- D. Notices shall also be filed and in on an electronic medium. This is to ensure accuracy between the filing and the printed version in the Code and Register.
1. ~~All electronic~~ Electronic media submissions shall be compatible with the Office's computer system and software. Information about the types of media accepted is available in the *Arizona Rulemaking Manual*.
 2. An agency shall not save electronic format rules as templates, images or in portable document formats.
- ~~C.~~ Information other than rulemaking notices required by law to be published in the Register shall be submitted to the Office in an electronic medium and in paper copy. This information includes agency ombudsmen names and addresses, notices of substantive policy statements, notices of guidance documents, notices of proposed and final delegation agreements, and notices of formal rulemaking advisory committees.
- ~~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. Certificates

- A. Agency certificates. An agency certificate is evidence that an agency head or agency head's designee reviewed and approved shall accompany each the rulemaking package as submitted.
- B. An agency certificate shall be prepared as specified in this Section.
1. An original and two copies of the certificates shall be filed with each rulemaking package. The Office shall not consider a package submitted to the Office without an agency certificate to be formally filed.
 2. The certificate shall be printed on one side and shall state the following include:
 - 1-a. The heading "AGENCY CERTIFICATE" in capital letters centered on a line at least one inch from the top of the page;
 - 2-b. The type of notice being submitted; the certificate is being attached to in capital letters centered on a line below "AGENCY CERTIFICATE"; and
 - 3-c. The following numbered items, consecutively numbered:
 - a-i. The agency name;
 - b-ii. The Chapter heading;
 - e-iii. The Code citation for the Chapter;
 - d-iv. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rule-making, in numerical order;
 - v. The statement, "the rules contained in this package are true and correct as proposed, made etc."
 - e-vi. The signature, in ink, of the agency chief executive officer or designee, attesting that the material being submitted filed is a true and correct version of the rule 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 signed; and
 - f. For a final rule, a statement that no changes have been made since the Council approved the rule if the rule is subject to Council review and approval.
- C. Agency certificates, exemption from the rulemaking process.
1. An agency certificate shall be filed with a rulemaking package containing rules exempt from both Council and Attorney General review.
 2. The agency certificate shall include the information required in subsection (B) and meet the filing specifications under R1-1-103.
 3. The certificate shall also state:
 - a. The reason why the rules are exempt from review; and
 - b. List the statutory citations, constitutional provisions, or citations to court decisions that specify the exemption to the rulemaking process.
- ~~B.D.~~ A Council certificate certificates. A Council certificate is evidence the Council reviewed the rule, and approved the rule

Arizona Administrative Register / Secretary of State
Notices of Proposed Rulemaking

in whole or in part.

1. Council certificates shall be filed with a rulemaking package containing rules of approval shall accompany all final rules subject to Council review.
2. A certificate shall be prepared by Council.
3. The certificate shall state:
 - a. Whether a rule has been approved;
 - b. Whether a part of a rule or a rule Section has been disapproved;
 - c. Whether Council upon review, amended an agency's final rule;
 - d. If the Council disapproves under subsection (D)(3)(b) or amends under (D)(3)(c) the Council shall include a statement that the agency was aware of the changes; and
 - e. If applicable, the immediate effective date or date earlier than the 60-day effective date as specified in R1-1-110.
4. When the Council submits the rules to the Office for an agency, the original Council certificate shall be attached to the rules as approved by the Council. The Office shall not accept any final rulemaking package subject to Council review and approval if the return a Council filing if a rulemaking package does not include an original certificate of approval is missing or altered in any way.

~~E.~~ An Attorney General certificates. An Attorney General certificate of approval or disapproval is evidence the Attorney General reviewed rules and approved the rule in whole or in part.

1. The Attorney General shall prepare a certificate of approval or disapproval.
2. The original and two copies of the certificate shall accompany be filed with all rules subject to Attorney General review. The certificate shall be attached to the original rulemaking document within the rulemaking package.
3. The Office shall not accept return the filing if the rulemaking package does not include an original subject to Attorney General review and approval if the Attorney General certificate of approval or disapproval is missing or altered.
4. If the Attorney General does not approve one or more Sections in the rulemaking, the Attorney General shall prepare a certificate of disapproval and listing list all Sections in whole or in part not approved and attach file it to with the package.
5. If the Attorney General approves an immediate effective date or a date earlier than the 60-day effective date as specified under R1-1-110, then the Attorney General shall include the earlier effective date on its certificate.

~~D.~~ An agency certificate accompanying a rulemaking package containing rules exempt from both Council and Attorney General review shall include the information specified in subsections (A)(1) through (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.

~~E.~~ F. Certificate Signatures.

1. On an An agency certificate, shall have the agency chief executive officer's name and title shall be typed under the ink signature and the date of signing signed shall be indicated. If a designee signs the certificate, the designee's name and title shall be typed under the signature and the date of signing signed shall be indicated.
2. A Council certificate shall have the chairperson's, or the chairperson's designee's, name and title typed under the ink signature and the date signed. If a designee signs the certificate, the designee's name and title shall be typed under the signature and the date signed.
3. An Attorney General certificate shall have the Attorney General's name and title typed under the ink signature and the date signed. If a designee signs the certificate, the designee's name and title shall be typed under the signature and the date signed.
4. The Office shall not accept an agency certificate that contains one person's signature and another person's typed name.

G. Notices filed without certificates as specified in this Section shall be returned.

R1-1-106. Receipts

A. A receipt time- and date-stamped by the Office is evidence a notice was filed.

B. An agency shall prepare a receipt as outlined in this Section and specified under R1-1-103. An agency submitting a rulemaking package or other document to the Office for publication or filing under the Act shall attach at least two copies of a receipt. The Office shall time and date stamp all receipts, keep one receipt for its files, and return the other receipts to the agency.

C. Two receipts shall be filed with every notice.

D. The original receipt and copy shall be printed on one side and shall state the following include:

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. For rulemaking packages and related notices The the following numbered items, consecutively numbered:
 - a. The agency's name; and
 - b. If applicable, the Title, Chapter, Subchapter, Article, Part, and Sections that are contained in the rulemaking package and the each rulemaking action occurring on each.

4. For other non-rule related documents:
 - a. The agency name; and
 - b. The subject of the notice.

R1-1-107. ~~Filing Location~~ Where to File

To file:

1. ~~In person~~ An agency, the Council, or the Attorney General shall either file rules in person with the Office at the State Capitol Executive Tower, 1700 West Washington, 7th Floor, Phoenix, Arizona; ~~or~~
2. ~~By inter-agency mail, use the address above; or~~
3. ~~By mail, the rules to:~~ address is Secretary of State, Public Services Division, 1700 West Washington, 7th Floor, Phoenix, Arizona 85007-2888 ~~85007-2808~~. The Office shall accept a document for filing or publication only if it meets the requirements specified in the Act and this Chapter.

R1-1-109. ~~Correction~~ Corrections of Errors

A. Agency Corrections.

1. ~~Notice of Proposed Rulemaking. After a proposed rulemaking package is filed with the Office, Changes to a Notice of Proposed Rulemaking shall be made, amended or repealed~~ an agency may make a substantive change in the text only by filing a notice of supplemental proposed rulemaking Supplemental Proposed Rulemaking package showing the change, as specified ~~as outlined in under~~ R1-1-507 and A.R.S. § 41-1022(E).
2. ~~An agency may correct, under expedited rulemaking, typographical errors, make address or names changes or clarify language of a rule without changing its effect under A.R.S. § 41-1027(5) and as outlined under Article 8.~~

B. ~~After a final, proposed summary, final summary, exempt, or emergency rulemaking package is filed with the Office, an agency may request that the~~ Office Corrections.

1. ~~The Office may correct a manifest typographical or clerical error under A.R.S. § 41-1011(C).~~
2. ~~The Office may request written documentation from an agency to clarify in the text by filing the corrected pages, accompanied by a letter signed by the agency's chief executive officer or the officer's designee requesting the Office to correct the error and specifying why the agency considers the error a manifest typographical or clerical error correction.~~
 - a. ~~The documentation shall be filed with 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.~~
 - b. ~~The Office shall make and publish the corrections in the manifest typographical or clerical error in the next available applicable publication under the published deadline schedule. An error that the Office considers substantive in nature shall be corrected through the regular rulemaking process.~~

C. ~~If, upon review, an issuing agency discovers an error in its rules as published in the Code or Register, the agency shall notify the Office in writing about the error.~~

1. ~~If 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) to print the correction.~~

D. ~~If the Office finds an error in the printing of a rulemaking package in the Register or Code or an agency notifies the Office about a manifest typographical or clerical error and follows the procedures specified in this Section, the Office shall correct the error in the next available issue of the Register or supplement to the Code if the Office determines that the error would 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 and publish the correction in the next supplement to the Code.~~

R1-1-110. Effective Date

A. ~~A rule becomes effective sixty days after a certified original and two copies of the rule and preamble are filed in the office of the secretary of state. A.R.S. § 41-1032~~ For a final or emergency rule, the effective date is 60 days after the date of filing in the Office, unless:

B. Exceptions.

1. ~~The Council or the Attorney General may approve~~ allow an effective date earlier than 60 days, ~~after the date of filing in the Office, or~~ The date shall be included on the certificate of approval as outlined under R1-1-105.
2. ~~An agency may specify~~ specify an effective date later than 60 days ~~after the date of filing in the Office.~~ The effective date shall be included in the rulemaking package.

~~3.~~ 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 an summary expedited rule rulemaking, and the agency files it in the Office under A.R.S. § 41-1027(I), the interim effective date becomes the permanent effective date 60 days after the date of filing in the Office~~ expedited rule becomes effective 30 days following publication of the Notice of Final Expedited Rulemaking in the Register. A.R.S. § 41-1027(J)

~~4.~~ For a A Notice of Recodification, the is effective the date is ~~the date of filing~~ filed in the Office.

Notices of Proposed Rulemaking

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

- A. ~~The Office shall distribute copies Upon request, complimentary paper copies of the Register and the Code to the following, shall be provided to upon request, without charge:~~
1. Governor: one copy;
 2. Legislature:
 - a. The Senate: six copies;
 - b. The House of Representatives: six copies;
 - 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): one copy. The County Board of Supervisors shall specify to the Office the library to which the subscription 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.
- B. ~~The Office may distribute one copy of individual Chapters as printed in a Code supplement free of charge to the agency filing the An agency that files a final, summary, expedited, emergency, or exempt rule if the agency may requests request a one complimentary copy of its Chapter.~~

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

R1-1-202. Contents

Each issue Contents of the Register shall contain all material submitted in the categories specified by include:

1. Public records listed under A.R.S. §§ 41-1013 and 49-112; and
2. Other documents as listed under R1-1-103(e), any other items required by state statute or session law to be published in the Register.

R1-1-205. Notice of Rulemaking Docket Opening

- A. ~~When a rulemaking docket is established, an agency shall submit An agency shall prepare a notice of rulemaking docket opening Notice of Rulemaking Docket Opening under A.R.S. § 41-1021 and this Section to the Office.~~
- B. The Notice of Rulemaking Docket Opening shall contain:
1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF RULEMAKING DOCKET OPENING in all capital letters centered on a line approximately one inch from the top of the page;
 2. followed by On a centered line under the notice heading, in all capital letters, the name of the agency below the notice heading centered on the line.
 3. The remainder of the notice shall contain the following information Under the agency name, the listed items consecutively in the same numbered order:
 - ~~1.~~ a. The Title and its heading;
 - ~~2.~~ b. the The Chapter and its heading;
 - ~~3.~~ c. If applicable, the Subchapter and its heading, if applicable;
 - ~~4.~~ d. the The Article and its heading;
 - ~~5.~~ e. If applicable, the Part and its heading, if applicable; and
 - ~~6.~~ f. the appropriate Section or Section numbers;
 - ~~1.~~ a.i. If an agency does not know specific Sections at the time of docket opening, the An agency may shall specify the phrase "Sections to be determined;" if Section numbers have not yet been assigned to rules.
 - ~~2.~~ b.ii. If an agency knows specific specifies Sections under subsection (B)(3)(f) and anticipates but may want to add adding Sections to the rulemaking as the rulemaking is drafted, the agency shall specify list the particular Sections and add the language phrase "Sections may be added, deleted, or modified as necessary."
 - ~~2-4.~~ The subject matter of the proposed rule and if applicable, the agency docket number, if applicable;
 - ~~3-5.~~ A citation to all published notices relating to the proceeding, including the type of published notice, the 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 A list of the Register citations to all notices related to the Notice of Rulemaking Docket Opening published under R1-1-409(A);
 - ~~4-6.~~ 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); The agency's contact who can answer questions about the rulemaking. This information shall include:
 - ~~1.~~ a. Name;
 - ~~2.~~ b. Address;
 - ~~3.~~ c. Area code and telephone number; and
 - ~~4.~~ d. If applicable, fax number, e-mail and web site addresses.

Notices of Proposed Rulemaking

~~5-7. The time time-frame during which the agency will accept written comments and if applicable the time and place where oral comments may be made; and~~

~~6-8. If known, A timetable for agency decisions or other action actions on the proceeding, if known.~~

C. A notice of Rulemaking Docket Opening shall include:

1. Two agency receipts as specified in R1-1-106;
2. An original and two copies of the notice as specified in R1-1-103.

D. Documents listed under subsection (B) and the Notice of Rulemaking Docket Opening shall be filed for publication in the Register.

R1-1-211. Summary of Council Action

A. The Per A.R.S. § 41-1013, the Council shall submit to the Office for Register publication prepare a summary of Council action on:

1. each A final rule; or
2. A summary rule.

B. The Council may summarize Rules rules of one Chapter, one Subchapter (if applicable), or one Article if the Article has Parts, if Sections affected are listed and grouped together into one rulemaking package, may be summarized together if the specific Sections affected are listed.

C. The Council shall file a Summary of Council Action for publication in the Register.

ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE

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

A. The Office shall publish the The Code is published in loose leaf form as specified in the Act under A.R.S. § 41-1012(B).

1. A Code publication schedule is printed in the Register.
2. A free copy of the schedule is available upon request.

B. The Office shall update the The Code by is updated quarterly supplements. A supplement containing contains all final, summary expedited, emergency, and exempt rules filed in the Office during each a calendar quarter.

C. Supplements A supplement release date are is dated with the last day of the calendar quarter. Supplements are A supplement is numbered according to the by calendar year of publication and the number of the quarter. The Office shall publish a supplement calendar in the Register.

D. Supplements A supplement are is printed in complete by Chapters.

E. Each time the Office publishes a supplement to the A Code, the Office issues a new price list showing all Chapters in the Code in numerical order and indicating the last supplement in which each Chapter was printed along with the price for each Chapter is published under A.R.S. § 1012(D). The price list is available online at www.azsos.gov. A free copy of the price list is available upon request.

F. Persons may buy individual Code Chapters or Titles of the Code, are sold individually, or they may buy an entire set. Persons who buy an entire set are eligible to buy an Code subscriptions are available for the set of Titles as codified. An annual subscription, which contains quarterly supplements, is available for purchase to update the set. Subscription forms are available from the Office.

ARTICLE 4. RULE DRAFTING

R1-1-401. Rule Drafting Compliance

An agency preparing a rulemaking package for filing with the Office shall draft its Rulemaking notices and supporting documents shall be prepared and filed in accordance with this Chapter, the APA and the *Arizona Rulemaking Manual*.

R1-1-414. Incorporation by Reference Documents, Publications, or Standards; Citation of Referenced Material Reference Citations

A. An agency may Items that may be incorporated incorporate by reference within an agency's rules are specified in documents, publications or standards in rule under A.R.S. § 41-1028.

B. Following An agency shall the citation cite the name of the incorporated by reference incorporated by reference material in the rule text of the rules shall be a statement specifying that the incorporated material contains no later editions or amendments.

C. A citation Citations to an item incorporated by reference documents, publications, or standards shall state include:

1. the The name of the document, publication, or standard;
2. The name of the organization that developed the document, publication, or standard and the publisher's name and address;
3. The date of publication;
4. If applicable, the International Standard Book Number (ISBN); and
5. a location where Where the item material is available for purchase, if different from the publisher. If a An physical address for the publisher is not available, or a web site address may be substituted listed.

Notices of Proposed Rulemaking

- 6. A statement shall follow the citation specifying that the incorporated by reference material contains no later editions or amendments.
- 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. Any agency shall make available for review, any incorporated by reference material included in a rule. The agency shall include the address where the publication or document may be viewed.
- E. An item incorporated Incorporated by reference materials and filed with an agency's final rules prior to before September 18, 2003, may be viewed in the Office. The Office shall not photocopy any copyrighted material incorporated by reference. Any incorporated by reference materials protected under U.S. copyright laws, Title 17 of the U.S. Code, shall not be reproduced.
- F. Incorporated by reference materials filed with an agency's rules after September 18, 2003, are available by contacting the standards organization that developed the material or the agency that incorporated it.

ARTICLE 5. PROPOSED RULEMAKING

R1-1-502. Notice of Proposed Rulemaking

- A. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 - i. No change
 - ii. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 9. No change
 - 10. No change
 - 11. No change
 - 12. No change
 - 13. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 14. No change
 - 15. No change
 - a. No change
 - b. No change
 - c. No change
 - 16. No change
 - 17. No change
 - 18. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - i. No change
 - ii. No change

Notices of Proposed Rulemaking

- iii. No change
- iv. No change
- e. No change
 - i. No change
 - ii. No change
 - iii. Specify current rule text being deleted or repealed as stricken. Striking shall not be used for any other purpose.
 - iv. Specify rule text being made as new text as underlined. Underlining shall not be used for any other purpose.
 - v. No change
- f. No change
- g. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change

ARTICLE 8. SUMMARY RULEMAKING EXPEDITED RULEMAKING

R1-1-801. Notice of Summary Rulemaking Notice of Proposed Expedited Rulemaking

- A.** If an agency determines it meets the requirements of A.R.S. § 41-1027 and other requirements in the Act an agency shall prepare a Notice of Summary Rulemaking as prescribed in this Section.
- B.** A Notice of Proposed Summary Rulemaking shall contain:
 - 1. ~~On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF PROPOSED SUMMARY RULEMAKING.~~
 - 2. ~~On a centered line under the notice heading, the agency's Code Title number and heading.~~
 - 3. ~~On a centered line below the Title number and heading, the agency's Code Chapter number and heading.~~
 - 4. ~~If applicable, on a centered line under the Chapter number and heading the agency's Code Subchapter label and heading.~~
 - 5. ~~On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, PREAMBLE. The Preamble of the Notice of Proposed Summary Rulemaking shall include, in numbered order:~~
 - a. ~~A list of the Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as specified in R1-1-502(B)(5).~~
 - b. ~~Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).~~
 - e. ~~The interim effective date of the summary rule as specified in A.R.S. § 41-1027(D).~~
 - d. ~~The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:~~
 - i. ~~Name;~~
 - ii. ~~Address;~~
 - iii. ~~Area code and telephone number; and~~
 - iv. ~~Fax number, e-mail and web site addresses, if applicable.~~
 - e. ~~An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking.~~
 - f. ~~A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.~~
 - g. ~~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.~~
 - h. ~~If required, a preliminary summary of the economic, small business, and consumer impact. If not required, a statement of exemption under A.R.S. § 41-1055(D).~~
 - i. ~~Agency personnel to contact about the accuracy of the summary of the economic, small business, and consumer impact statement. This information shall include the contact's:~~
 - i. ~~Name;~~
 - ii. ~~Address;~~
 - iii. ~~Area code and telephone number; and~~
 - iv. ~~Fax number, e-mail and web site addresses, if applicable.~~
 - j. ~~The time, place, and nature of the proceedings to make, amend, or repeal the rule or, if no proceeding is sched-~~

Notices of Proposed Rulemaking

uled, where, when, and how persons may request an oral proceeding on the proposed summary rule.

- k. A justification to the use of summary proceedings.
- l. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters shall include but are not limited to:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
- m. The phrase "The full text of the rules follows:".

6. The full text of the rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain the text as specified in R1-1-502(B)(18).

~~C.~~ If an agency determines it meets the requirements in A.R.S. § 41-1027(A) through (E) it shall prepare a Notice of Final Summary Rulemaking. An agency shall, within 90 days after publication in the Register and after consideration of any comments, submit to the Council its final summary rule, along with the Preamble, concise explanatory statement, and economic, small business, and consumer impact statement.

~~D.~~ A Notice of Final Summary Rulemaking shall contain:

- 1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF FINAL SUMMARY RULEMAKING.
- 2. On a centered line under the notice heading, the agency's Code Title number and heading.
- 3. On a centered line under the Title number and heading, the agency's Code Chapter number and heading.
- 4. If applicable, on a centered line under the Chapter number and heading the agency's Code Subchapter label and heading.
- 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, PREAMBLE. The Preamble of the Notice of Final Summary Rulemaking shall include, in numbered order:
 - a. A list of Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as specified in R1-1-502(B)(5).
 - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
 - e. The permanent effective date of the summary rule as specified in A.R.S. § 41-1027(D).
 - d. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the Notice of Final Summary Rulemaking package.
 - e. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - f. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking.
 - g. 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.
 - h. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
 - i. If required, a summary of the economic, small business, and consumer impact. If not required, a statement of exemption under A.R.S. § 41-1055(D).
 - j. A description of any changes between the proposed summary rulemaking and the final summary rulemaking.
 - k. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments.
 - l. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters include but are not limited to:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness

- of business in this state to the impact on business in other states.
- m. The phrase "The full text of the rules follows:".
6. 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)(18).
- E.** A summary rulemaking package shall include:
1. Two agency receipts as specified in R1-1-106;
 2. An original and two copies of the agency certificate as specified in R1-1-105;
 3. If the notice is a Notice of Final Summary Rulemaking, an original and two copies of Council's certificate of approval as specified in R1-1-105.
 4. An original and two copies of the rulemaking package as specified in R1-1-103;
 5. An economic, small business, and consumer impact statement if required by A.R.S. § 41-1055; and
 6. An agency that received an analysis that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.
- F.** Upon approval from the Council of the final summary rule, the Council shall file the final summary rulemaking package, to include all documents listed in subsection (E) with the Office.
- A.** Before a Notice of Proposed Expedited Rulemaking is prepared, an agency shall determine whether a rulemaking complies with A.R.S. § 41-1027.
1. If the notice complies with A.R.S. § 41-1027(A)(1), (3), or (5), the agency shall notify the governor, the president of the senate, the speaker of the house of representatives and the council of the proposed expedited rule making as specified under A.R.S. § 41-1027(B). Notification shall include:
 - a. Agency staff contact information. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - b. The exact wording of the proposed expedited rule making and indicate how the proposed expedited rule making achieves the purpose prescribed in A.R.S. § 41-1027(A)(1), (3) or (5).
 2. If the notice complies with A.R.S. § 41-1027(A)(2), (4), (6), or (7), the agency shall file a request for proposed expedited rule making with the governor and notify the president of the senate, the speaker of the house of representatives and the council of the request as specified under A.R.S. § 41-1027(C). The request shall include:
 - a. Agency staff contact information. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - b. The exact wording of the proposed expedited rule making and an explanation of how the proposed expedited rule making meets the criteria in A.R.S. § 41-1027(A).
 3. If an agency requests permission to proceed on the rulemaking under subsection (A)(2) it must receive approval from the governor for the notice (A.R.S. § 41-1027(D)).
- B.** On delivery of the notice required in subsection (A)(1), or on approval by the governor of a request for proposed expedited rulemaking required in subsections (A)(2) and (3), an agency shall prepare a Notice of Proposed Expedited Rulemaking under A.R.S. § 41-1027 and this Section.
- C.** A Notice of Proposed Expedited Rulemaking shall contain:
1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF PROPOSED EXPEDITED RULEMAKING.
 2. On a centered line under the notice heading, the agency's Code Title number and heading.
 3. On a centered line below the Title number and heading, the agency's Code Chapter number and heading.
 4. If applicable, on a centered line under the Chapter number and heading the agency's Code Subchapter label and heading.
 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, PREAMBLE. The Preamble of the Notice of Proposed Expedited Rulemaking shall include, the following list consecutively numbered:
 - a. A list of the Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as required in R1-1-502(B)(5).
 - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
 - c. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. Name;

Notices of Proposed Rulemaking

- ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - d. An agency's explanation why the proposed expedited rule should be made, amended, repealed, or renumbered under A.R.S. § 41-1027(C).
 - e. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
 - f. 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.
 - g. A statement that the agency is excluded from providing an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).
 - h. Agency personnel to contact about the proposed expedited rule. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - i. Where, when, and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(E).
 - j. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters shall include but are not limited to:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
 - k. The phrase "The full text of the rules follows:"
6. The full text of the rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain the text as required in R1-1-502(B)(18).
- D.** A Notice of Proposed Expedited Rulemaking shall include:
- 1. Two agency receipts as specified in R1-1-106;
 - 2. If applicable, three copies of either:
 - a. The letter notifying the governor of expedited rulemaking under A.R.S. § 41-1027(B); or
 - b. The governor's approval of the agency's expedited rulemaking under A.R.S. § 41-1027(C);
 - 3. An original and two copies of the agency certificate as specified in R1-1-105; and
 - 4. An original and two copies of the rulemaking package as specified in R1-1-103.

R1-1-802. Notice of Objection to a Proposed Expedited Rulemaking

- A.** A Notice of Objection to a Proposed Expedited Rulemaking shall be filed for publication under A.R.S. § 41-1013(B)(12).
- B.** An agency shall, "adequately respond in writing to the comments on the proposed expedited rule making" under A.R.S. § 41-1027(E).
- C.** A Notice of Objection to a Proposed Expedited Rulemaking shall contain:
- 1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF OBJECTION TO A PROPOSED EXPEDITED RULEMAKING.
 - 2. On a centered line under the notice heading, the agency's Code Title number and heading.
 - 3. On a centered line under the Title number and heading, the agency's Code Chapter number and heading.
 - 4. If applicable, on a centered line under the Chapter number and heading the agency's Code Subchapter label and heading.
 - 5. Under the Chapter number and heading, or if applicable the Subchapter label and heading, consecutively numbered:
 - a. A list of Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as required in R1-1-502(B)(5).
 - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
 - 6. Citations to any related notices published in the Register as required in R1-1-409(A) that pertain to the record of the Notice of Proposed Expedited Rulemaking package.
 - 7. The agency's contact person who can answer questions about the objections and agency response to the objections. This information shall include the contact's:
 - a. Name;

Notices of Proposed Rulemaking

- b. Address;
- c. Area code and telephone number; and
- d. Fax number, e-mail and web site addresses, if applicable.
- 8. The full text of the objections shall begin on the next page after the last item in the Preamble and contain:
 - a. The objections;
 - b. The agency's response to the objections;
 - c. Any other information, including but not limited to, an analysis or study that supports the agency's response.
- D. A Notice of Objection to a Proposed Expedited Rulemaking shall include:
 - 1. Two agency receipts as required in R1-1-106.
 - 2. An original and two copies of the notice form as required in R1-1-103.

R1-1-803. Notice of Final Expedited Rulemaking

- A. If an agency determines it meets the requirements in A.R.S. § 41-1027(G) and other requirements in the Act it shall prepare a Notice of Final Expedited Rulemaking as specified in this Section and submit the notice to the Council.
- B. A Notice of Final Expedited Rulemaking shall contain:
 - 1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF FINAL EXPEDITED RULEMAKING.
 - 2. On a centered line under the notice heading, the agency's Code Title number and heading.
 - 3. On a centered line under the Title number and heading, the agency's Code Chapter number and heading.
 - 4. If applicable, on a centered line under the Chapter number and heading the agency's Code Subchapter label and heading.
 - 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, PREAMBLE. The Preamble of the notice shall include the following list consecutively numbered:
 - a. A list of Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as required in R1-1-502(B)(5).
 - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
 - c. Citations to all related notices published in the Register as required in R1-1-409(A) that pertain to the record of the Notice of Final Summary Expedited Rulemaking package.
 - d. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - e. An agency's explanation why the proposed expedited rule should be made, amended, repealed, or renumbered under A.R.S. § 41-1027(C).
 - f. 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.
 - g. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
 - h. A statement that the agency is excluded from providing an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).
 - i. A description of any changes between the proposed expedited rulemaking and the final expedited rulemaking.
 - j. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments; or if comments were addressed in a Notice of Objection to a Proposed Expedited Rulemaking, include the citation of the notice as published in the Register.
 - k. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters include but are not limited to:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
 - l. The phrase "The full text of the rules follows:"
 - 6. 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 required in R1-1-502(B)(18).

Notices of Proposed Rulemaking

- C.** A expedited rulemaking package shall include:
1. Two agency receipts as specified in R1-1-106;
 2. If applicable, three copies of either:
 - a. The letter notifying the Governor of expedited rulemaking under A.R.S. § 41-1027(B); or
 - b. The Governor's approval of the agency's expedited rulemaking under A.R.S. § 41-1027(C);
 3. An original and two copies of the agency certificate as specified in R1-1-105;
 4. An original and two copies of Council's certificate of approval as specified in R1-1-105;
 5. An original and two copies of the rulemaking package as specified in R1-1-103;
 6. An agency that received an analysis that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.
- D.** Upon approval from the Council of the final expedited rule, the agency shall file the rulemaking package under A.R.S. § 41-1027(I).

ARTICLE 10. RECODIFICATION

R1-1-1001. Notice of Recodification

- A.** ~~An agency may renumbering renumber~~ 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. An agency that renumbers a rule under this Section shall make no other changes to the rule except corrections to Section references within the text of the Section or headings.~~
- B.** A Notice of Recodification shall contain:
1. On a centered line, one inch from the top of the page, the heading in all capital letters NOTICE OF RECODIFICATION in all capital letters, centered on a line approximately one inch from the top of the page;
 2. On a centered line under the Notice heading, the agency's Code, followed by the Title, its number, and heading centered under the notice heading;
 3. On a centered line under the Title number and heading, the agency's Code followed by the Chapter, its number, and heading centered below the Title;
 4. If applicable, on a centered line under the Chapter number and heading, the agency's Code, followed by the Subchapter, its label, and heading, if applicable, centered below the Chapter;
 5. Under the Chapter number and heading or, if applicable the Subchapter label and heading, followed by the items listed following list consecutively below in the same numbered order:
 - 1-a. A list of the The Subchapters (if applicable), Articles, Parts (if applicable), and Sections along with their respective headings:
 - i. being Being recodified along with their respective headings; and
 - 2-ii. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections as As recodified along with their respective headings;
 - 3-b. A conversion table between the two numbering schemes; and
 - 4-c. 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 referenees within the text of the Section or its heading.~~
- C.** A Notice of Recodification package shall include:
1. Two agency receipts as specified in R1-1-106; and
 2. An original and two copies of the agency certificate as specified in R1-1-105.
- D.** An agency shall file a Notice of Recodification for publication in the Register and the Code.
- DE.** ~~A Notice of Recodification is effective on the date the notice is filed with the Office.~~