

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st 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. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

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 adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

### NOTICE OF PROPOSED 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
R1-1-103	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
R1-1-112	Amend
R1-1-113	Amend
R1-1-114	Amend
R1-1-115	New Section
R1-1-201	Amend
R1-1-203	Amend
R1-1-204	Amend
R1-1-205	Amend
R1-1-206	Amend
R1-1-208	Amend
R1-1-209	Amend
R1-1-210	Amend
R1-1-211	Amend
R1-1-212	Amend
Article 3.	Amend
R1-1-301	Amend
R1-1-302	Amend
R1-1-402	Amend
R1-1-403	Amend
R1-1-404	Amend
R1-1-405	Amend
R1-1-406	Amend
R1-1-408	Amend

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R1-1-409	Amend
R1-1-410	Amend
R1-1-411	Amend
R1-1-412	Amend
R1-1-414	Amend
R1-1-415	New Section
R1-1-416	New Section
R1-1-417	New Section
R1-1-501	Amend
R1-1-502	Amend
R1-1-503	Amend
R1-1-504	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
R1-1-1002	New Section
R1-1-1003	New Section
R1-1-1004	New Section
R1-1-1005	New Section
R1-1-1006	New Section
R1-1-1007	New Section
R1-1-1008	New Section
R1-1-1009	New Section
R1-1-1010	New Section
R1-1-1011	New Section
R1-1-1012	New Section
R1-1-1013	New Section
R1-1-1014	New Section
R1-1-1015	New Section
R1-1-1016	New Section
R1-1-1017	New Section
R1-1-1018	New Section
R1-1-1019	New Section
R1-1-1020	New Section
R1-1-1021	New Section
R1-1-1022	New Section
R1-1-1023	New Section
R1-1-1024	New Section
R1-1-1025	New Section
R1-1-1026	New Section
R1-1-1027	New Section
R1-1-1028	New Section
R1-1-1029	New Section
R1-1-1030	New Section
R1-1-1031	New Section
R1-1-1032	New Section
R1-1-1033	New Section
R1-1-1034	New Section
R1-1-1035	New Section
R1-1-1036	New Section
R1-1-1037	New Section
R1-1-1038	New Section

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R1-1-1039	New Section
R1-1-1040	New Section
R1-1-1041	New Section
R1-1-1042	New Section
R1-1-1043	New Section
R1-1-1044	New Section
R1-1-1045	New Section
R1-1-1046	New Section
R1-1-1047	New Section
R1-1-1048	New Section
R1-1-1049	New Section
R1-1-1050	New Section
R1-1-1051	New Section
R1-1-1052	New Section
R1-1-1053	New Section
R1-1-1054	New Section
R1-1-1055	New Section
R1-1-1056	New Section
R1-1-1057	New Section
R1-1-1058	New Section
Article 11.	New Article
R1-1-1101	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 statute: A.R.S. §§ 41-1001 through 41-1036

**3. A list of all previous notices published in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 1 A.A.R. 574, May 26, 1995.

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

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

Name: Mimi Griffiths, Director, Public Services Division

Address: Secretary of State's Office  
1700 West Washington, 7th Floor  
Phoenix, AZ 85007

Telephone: (602) 542-0223

Fax: (602) 542-4366

e-mail: mgriffiths@mail.sosaz.com

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

Many of the changes in these rules are to bring them into current style and to bring them up-to-date with changes made to the Administrative Procedure Act. In addition, an Article is being added concerning style, as recommended by the Attorney General's Office. We are also adding a new Article on Recodification, which will require that agencies now do their own recodification rather than our Office doing it for them. Most of the fees have been changed: some are reduced, some are increased. Other changes were made to further clarify the rules for state agencies.

**6. A reference to any study that the agency proposes to rely on in its evaluation or justification for the proposed rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**

None.

**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:**

Not applicable.

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

Many of the changes in these rules will benefit state agencies when they prepare rules for filing and publication. The

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new Article on Recodification will mean a small impact on those agencies who decide to recodify their rules. The new Article on style will now require agencies to file their rules using this style rather than our simply urging agencies to do so by placing this information in the nonbinding *Arizona Rulemaking Manual*.

The fees for the *Register* for an annual subscription is being slightly reduced to reflect current publication costs. This will have a beneficial impact on individuals, small businesses, or large businesses because they all benefit from reduced costs to them. In addition, we are specifying that we will begin to sell the *Register* on electronic media. Because technology is changing so rapidly, we are not specifying the medium or media involved. This will change as technology changes. The cost of the medium will always reflect the cost of the medium to the Office. *Register* prices were last changed effective January 1, 1995.

The fees for a complete set of the *Code* are increasing as are the fees for the annual supplementation to the *Code*. These fees reflect a closer relationship with actual costs, although they are still below our actual publication costs. Thus there will be an impact on consumers and small businesses who purchase the *Code* and its supplements. However, the increases are only \$50 for the entire *Code* and \$25 for one year's worth of supplements. Were a person to purchase 1 supplement individually without having a subscription, that person would pay about the same for 1 supplement as a subscriber does for 4 supplements.

There is a distinction in our fees between the materials being used for noncommercial purposes and the materials being used for commercial purposes. The paragraphs above reflect information for noncommercial users. Commercial users will see also a change in fees. The fee for the entire *Code* is going down about \$1000. However, the fee for individual Chapters for commercial users is increasing. These fees more accurately reflect the time and materials used to produce the electronic formats as requested by commercial users. We have more commercial users of individual Chapters and Titles than we do for the entire *Code*. It takes longer for us to create the electronic formats for smaller units of the *Code* to satisfy the requests than it does for the entire *Code* to be electronically reproduced at 1 time.

We have added a fee for commercial users of our print copy. We felt it was not fair for electronic format users to pay a commercial rate while the print users paid only the noncommercial rate. This will bring both print and electronic format commercial users in line with each other.

The rules will have an impact on the Secretary of State's Office in supplying copies of the *Register* and *Code* to the Administrative Rules Oversight Committee. The remainder of the rules will have minimal impact on the Secretary of State's Office.

**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:**

Name: Mimi Griffiths  
Director, Public Services Division

Address: Secretary of State's Office  
1700 West Washington, 7th Floor  
Phoenix, AZ 85007

Telephone: (602) 542-0223

Fax: (602) 542-4366

e-mail: mgriffiths@mail.sosaz.com

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: July 15, 1999

Time: 9 a.m.

Location: Secretary of State's Conference Room  
State Capitol Executive Tower, 7th Floor

Nature: Oral Proceeding

Close of Record Date: August 1, 1999

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

Not applicable.

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**12. Incorporations by reference and their location in the rules:**

None.

**13. 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
- R1-1-103. Submission Requirements for Publication and Filing
- R1-1-104. Submitting Material for Publication
- R1-1-105. Forms for Publication or Filing
- 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
- R1-1-112. Public Inspection of Documents; Copies
- R1-1-113. Fees
- R1-1-114. Official Distribution of the Register and the Code at No Charge
- R1-1-115. Subscriptions

**ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER**

Section

- R1-1-201. Publication Schedule and Deadlines
- R1-1-203. Publication Requirements
- R1-1-204. Indices to the Register
- R1-1-205. Notice of Rulemaking Docket ~~Openings~~ Opening; Notice of Termination of Rulemaking Docket
- R1-1-206. Notice of Formal Rulemaking Advisory Committees
- R1-1-208. Notice of Proposed Delegation ~~Agreements~~ Agreement; Notice of Final Delegation Agreement
- R1-1-209. ~~Notices~~ Notice of Public ~~Hearings~~ Hearing, 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
- R1-1-302. Publication of the Code and its Supplements

**ARTICLE 4. RULE DRAFTING**

Section

- 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 New Sections Between Existing Sections
- R1-1-406. Re-using Chapter, Subchapter, Article, Part, or Section Numbers
- R1-1-408. Text of the Rules; Subsections
- R1-1-409. Citations to the Code, Register, Statutes, and Incorporated-by-reference Materials
- R1-1-410. Standard Abbreviations
- R1-1-411. Automatic Repeal of Rules
- R1-1-412. Supplementary Material; Camera-ready Material
- R1-1-414. Incorporation by Reference; Citation of Referenced Material

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- R1-1-415. Rules and ADA Compliance
- R1-1-416. Unusual Notices of Rulemaking
- R1-1-417. 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) on Proposed Rulemaking
- R1-1-506. Notice of Termination of Proposed Rulemaking
- R1-1-507. Supplemental Notices

**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

**ARTICLE 8. SUMMARY RULEMAKING**

Section

- R1-1-801. Summary Rulemaking

**ARTICLE 9. EXEMPT RULEMAKING**

Section

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

**ARTICLE 10. STYLE REQUIREMENTS**

- R1-1-1001. Publishing Style
- R1-1-1002. Abbreviations
- R1-1-1003. Action Verbs
- R1-1-1004. Active Voice
- R1-1-1005. Amending Words and Phrases
- R1-1-1006. Apostrophes
- R1-1-1007. Automatic Repeal Dates
- R1-1-1008. Capitalization
- R1-1-1009. Chapter Headings
- R1-1-1010. Citations to Rules and Laws
- R1-1-1011. Clichés
- R1-1-1012. Codification
- R1-1-1013. Colons
- R1-1-1014. Commas
- R1-1-1015. Compound Words
- R1-1-1016. Conditions (Lists)
- R1-1-1017. Consistency
- R1-1-1018. Dates
- R1-1-1019. Degrees
- R1-1-1020. Directness: Imperative Form
- R1-1-1021. Effective Dates
- R1-1-1022. Exceptions
- R1-1-1023. Fractions
- R1-1-1024. Gender-specific Terminology
- R1-1-1025. Grammar, Punctuation, and Spelling
- R1-1-1026. Headings
- R1-1-1027. Hyphens

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R1-1-1028. Inappropriate Words  
R1-1-1029. Incorporations by Reference  
R1-1-1030. Indent Levels  
R1-1-1031. Jargon, Technical Language, Foreign Phrases, and Other Inappropriate Language  
R1-1-1032. Labeling Paragraphs  
R1-1-1033. Lists  
R1-1-1034. Notices  
R1-1-1035. Numbers  
R1-1-1036. Parallel Structure  
R1-1-1037. Percent  
R1-1-1038. Plurals  
R1-1-1039. Positive Writing  
R1-1-1040. Possessives  
R1-1-1041. Present Tense  
R1-1-1042. Problem Words  
R1-1-1043. Receipts  
R1-1-1044. Rulemaking Action  
R1-1-1045. Section Numbers  
R1-1-1046. Semicolons  
R1-1-1047. “Shall” and “May”  
R1-1-1048. Short Sentences  
R1-1-1049. Signs and Symbols  
R1-1-1050. Singular Form  
R1-1-1051. Spelling  
R1-1-1052. Statutory Quotations, Book Titles, and Scientific Names  
R1-1-1053. Subsections  
R1-1-1054. Supplementary Material  
R1-1-1055. Terminology  
R1-1-1056. Underlining  
R1-1-1057. Unnecessary Words  
R1-1-1058. Verb Tense and Voice

**ARTICLE 11. RECODIFICATION**

Section

R1-1-1101. 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 ~~through 41-1084~~ et seq. (the Administrative Procedure Act).
2. “Amendment” means a change to:
  - a. A Section, including added language, deleted language, or renumbering;
  - b. A Part, by the addition, repeal, or renumbering ~~of one of 1~~ or more Sections;
  - e. An Article, by the addition, repeal, or renumbering of ~~one 1~~ or more Sections or Parts;
  - d. A Subchapter, by the addition, repeal, or renumbering of ~~one 1~~ or more Articles, Parts, or Sections; or
  - e. A Chapter, by the addition, repeal, or renumbering of ~~one 1~~ or more Subchapters, Articles, Parts, or Sections.
3. “Appendix” means supplementary material to a set of rules, written in prose format.
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, amend, or repeal rules.
7. “Authority Note” means the information, not a part of the rule, appearing at the beginning of a Chapter (or Subchapter, Article, or Part) which cites the implementing and authorizing statutes for the rules appearing in that Chapter.
8. “Camera-ready” material means items which meet the requirements of R1-1-412(~~DE~~).
9. “Chapter” means a division in the codification scheme for the Code designating a state agency or, for a large agency, a major program.  
“Close of record” means the last date on which the agency accepts comments, either written or oral, on a rulemaking package.
40. “Code” means the Arizona Administrative Code published pursuant to A.R.S. § 41-1011.

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11. “Codification” means the labeling and numbering scheme for the rules contained in the Code.  
“Commercial purpose” means the use of public records in a manner that involves republication of the public record in print or electronic format for which the person, business, or company charges a fee, whether or not a profit is made.
12. “Council” means the Governor’s Regulatory Review Council established pursuant to A.R.S. § 41-1051.
13. “Economic, Small Business, and Consumer Impact Statement” means the statement which an agency shall make 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” means any type of media 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.  
“Exempt Rule” means a rule that is exempt from the provisions of the Act. “Exempt Rule” does not include rules that are 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.
17. “Historical 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 gives the history of that particular Section, including the action, the effective date, and the Code Supplement number in which the rules were published. Beginning with Code Supplement 99-1, historical notes will also include a Register citation to the rulemaking action.
18. “Illustration” means a form of supplementary material used for diagrams, pictures, and other similar items ~~items~~ graphics.
19. “Label” means the number or letter which is assigned to the divisions of the Code and to their subsections and which identifies the particular Code division or subsection.
20. “Office” means the Office of the Secretary of State, Public Services ~~Department~~ Division.
21. “Part” means a division of the Code between Article and Section.  
“Public record”, for purpose of this Chapter, means the rules 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, the publication ~~which contains~~ containing 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, and other information specified by law.
23. “Renumbering” means changing the numbers of ~~one~~ 1 or more Sections. Renumbering involves only entire Sections, ~~or~~ Articles, or Parts. Renumbering does not include changing the labels of subsections within a Section.
24. “Repeal” means the process of rescinding, revoking, or cancelling a rule.
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” refers to the process state agencies use to adopt, amend, or repeal a rule.
27. “Rulemaking package” means all material filed with the Office as part of a rulemaking action.
28. “Section” means an individual rule. A Section is a unit of an Article.
29. “Section number” means the number which identifies the 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 between Chapter and Article.
32. “Subsection” means a division of a Section of the Code.
33. “Summary Rule” means a rule adopted pursuant to A.R.S. § 41-1027.
34. “Supplement” means a quarterly update to the Code.
35. “Table” means a form of supplementary material containing tabular information.
36. “Title” means a subject area in the codification scheme for the Code.

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

- A. Each agency submitting materials for filing or publication in the Register or Code shall send ~~an~~ at least 1 original and ~~four~~ 2 copies to the Office. An agency shall keep in its own file 1 copy of any material submitted to the Office for filing or publication.
- B. All pages of the original document and all copies shall be printed on only ~~one~~ 1 side and, except for incorporated-by-reference material, shall be double-spaced. Each page shall have margins of ~~one~~ 1 inch on all edges of the page.
- C. ~~The~~ All pages of the original and each copy shall be clear and legible; all pages of each Appendices Appendix, Exhibits Exhibit, Tables Table, and Illustrations Illustration shall be camera-ready when and submitted in with the original copy. ~~Any~~ The Office shall return to the agency any rule package which that does not contain an original of both the text and all

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supplementary material ~~will be returned to the agency~~. An agency shall use no font size in the text smaller than 9 point ~~and~~ or larger than 12 point; corresponding typewriter sizes are Pica (10 pitch) and Elite (12 pitch).

- D.** ~~The~~ ~~Because the Office files and publishes rules in Code Title and Chapter number order,~~ an agency shall file only ~~one~~ 1 Chapter per notice for any rulemaking activity. If an agency submits more than ~~one~~ 1 Chapter per notice, the Office shall return the package to the agency to be split into separate rulemaking packages, ~~one~~ 1 ~~per~~ Chapter per Notice.
- E.** If an agency wishes to file with the Office more than ~~one~~ 1 rulemaking package on a single Chapter for publication in the single issue of the Register, the agency may do so by submitting the rulemaking packages by Article, Subchapter, or Part. The same Article, Subchapter, or Part, or any combination of these, shall not appear in 2 or more rulemakings for a single Chapter for publication in a single issue of the Register.
- F.** ~~An agency shall first~~ may 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.~~

**R1-1-104. Submitting Material for Publication**

- A.** Each 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 the deadlines established by the Office and published in the Register. The Office shall not waive the deadline for any agency.
- B.** An agency shall submit its rulemaking packages in paper copy ~~and may also submit the material on computer disk that is compatible with the Office's computer system and software.~~ Any agency submitting a rule package containing more than 10 pages shall submit the package in both paper copy and in electronic media unless the agency agrees to a 2-week or more delay in the Register publication of the rule or rules, depending on the size of the rule package. This delay is in addition to the normal 3-week delay between the deadline for submission and the publication of the Register. All electronic media submissions shall be compatible with the Office's computer system and software. Agencies shall not save electronic format rules as templates.
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 but not required to be filed in the Office may be submitted to the Office on either computer disk or in addition to paper copy. This information includes agency ombudsmen names and addresses, notices of substantive policy statements, and notices of agency guidance documents, rulemaking docket openings, notices of proposed and final delegation agreements, and notices of formal rulemaking advisory committees.~~
- ~~**C.D.** An agency shall contact the Office before submitting material on computer disk in electronic media to ensure that the disk medium is compatible with the Office's computer system and software.~~
- E.** Agencies are responsible for using the correct notice form when submitting materials to the Office for publication or filing. If an agency uses an incorrect format, the agency will be responsible for preparing and filing a notice of public information for publication in the Register to correct the error.

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

- A.** Each agency submitting a rule for filing and publication shall attach the appropriate notice form containing the proper preamble.
- B.** An agency certificate shall accompany each rulemaking package ~~subject to Council or Attorney General review.~~ A package submitted to the Office without an agency certificate shall not be considered "filed" until the agency submits the agency certificate. This certificate shall specify the following in the same numbered order:
1. The agency name;
  2. The Chapter heading;
  3. The Code citation for the Chapter;
  4. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, in numerical order;
  5. 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 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. A statement that no changes have been made ~~since the Council or the Attorney General, as applicable, approved the rule, if applicable.~~
    - a. Since the Council approved the rule if the rule is subject to Council review; or
    - b. Since the Attorney General approved the rule if the rule is subject to Attorney General review;
    - c. If neither subsection (a) or (b) applies, no statement shall appear.

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- C. 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 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. An Attorney General certificate of approval 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 any final rulemaking package subject to Attorney General review and approval if the Attorney General certificate of approval is missing or altered in any way. If the Attorney General does not approve 1 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. A rulemaking package containing more than 1 Section could have both a Certificate of Approval and a Certificate of Disapproval attached to it.
- E. An agency certificate accompanying each rulemaking package containing rules exempt from both Council and Attorney General review shall include the information specified in ~~subsection~~ subsections (B)(1) through (6 ~~5~~) 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, or missing notice forms, agency certificates, Council or Attorney General approval certificates, or agency receipts.
- G. On all certificate forms, 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, the designee's typed name and title shall be typed under the signature and the date of signing shall be indicated. The Office shall not accept Certificate certificate forms which that contain one 1 person's signature and another person's typed name will not be accepted or 1 person "signing for" another person.

**R1-1-106. Receipts**

An agency submitting a rulemaking package or other document to the Office for publication or filing pursuant to the Act shall attach ~~two~~ 2 copies of a receipt. The Office will time- and date-stamp both copies and will return ~~one~~ 1 to the agency. The receipt shall be printed on only 1 side of the paper, shall be double-spaced, and shall state the following: include the heading "AGENCY RECEIPT" in capital letters centered on a line at least 1 inch from the top of the page; followed by the type of notice being submitted, in capital letters centered on a line 1 double-space below "AGENCY RECEIPT", followed by these numbered items:

1. The agency's name;
2. 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 shall either file its rules in person with the Office at the State Capitol Executive Tower, 1700 West Washington, Suite 103, 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~~ 2814. The Office shall accept a document for filing or publication only if it meets the requirements specified in the Act and this Chapter. Rules that are mailed or sent by courier may not reach the Public Services Division until the day after receipt in the 7th floor main office of the Secretary of State.

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

The Office may edit and relabel the text of rules pursuant to A.R.S. § 41-1011(C). Style changes shall be made according to the style requirements in Article 10.

**R1-1-109. Correction of Errors**

- A. After a proposed rulemaking package has been filed with the Office, a substantial change in the text may be corrected only by the filing of a supplemental rulemaking package showing the change, as specified in R1-1-507 and A.R.S. § 41-1022(D). An agency should make any minor changes to a rulemaking package during the public comment period, rather than submit a supplemental proposed rulemaking package.
- B. After a final, proposed summary, final summary, exempt, or emergency rulemaking package has been filed, 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 requesting the Office to make the corrections 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 that the Office, in consultation with the Attorney General's Office, considers considered 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 in its rules as published in the Code or Register, the agency shall notify the Office in writing about the ~~printing~~ errors. If an 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. 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 the correction.
- D. If the Office ~~makes~~ discovers an error in the printing of rules in the Register or Code or ~~the an~~ agency has notified the Office about a manifest typographical or clerical error and followed the procedures specified in this Section, the ~~error~~ Office shall be corrected correct the error in the next available issue of the Register or supplement to the 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 error will be corrected by the Office and published in the next supplement to the Code containing other amendments to the Chapter ~~adopted~~ made by the agency.

**R1-1-110. Effective Dates**

If a final, ~~summary, or emergency, or exempt~~ 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, or exempt~~ 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. If any final, emergency, or exempt rulemaking specifies an effective date that has already passed before the rules are filed with the Office, the Office shall change the specified effective date to the date the rules were filed with the Office. Proposed summary rules take interim effect on the date the rules are published in the Register. The interim effective date then becomes the permanent effective date when the final summary rules are filed.

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

- A. Documents filed with the Office pursuant to 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. Monday through Friday except state holidays.
- B. A person, including a person working for a governmental agency, 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.~~
- ~~D.C.~~ A person or governmental agency 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 A.R.S. § 41-126(A).
- D. The Office shall sell individual issues of the Register or rules as published in the Code in both print and electronic media. Fees for the rules or Register issues are listed in R1-1-113.
- E. The Office requires advance payment of fees.

**R1-1-113. Fees**

- A. The fees for the Register, covering publication and distribution costs, are as follows:
1. For a ~~one year~~ 1-year subscription to the Register in print format
    - a. For noncommercial use: \$276 \$250.
    - b. For commercial use: \$5,500.
  2. For a single issue of the Register:
    - a. In print copy for noncommercial use: \$7;
    - b. In print copy for commercial use: \$150 plus the per-copy fee of \$7;
    - c. On electronic media for noncommercial use: the cost of the medium plus computer time @ \$35 per hour or portion thereof;
    - d. On electronic media for commercial use: \$150 plus the cost of the medium plus computer time @ \$35 per hour or portion thereof.
  3. For the Semi-Annual Index listing all items except rules: ~~\$5-~~
    - a. In print copy for noncommercial use: \$5;
    - b. In print copy for commercial use: \$150 plus the per-copy fee of \$5;
    - c. On electronic media for noncommercial use: the cost of the medium plus computer time @ \$35 per hour or portion thereof;
    - d. On electronic media for commercial use: \$150 plus the cost of the medium plus computer time @ \$35 per hour or portion thereof.
  4. For the Semi-Annual Index containing only rulemaking activity: ~~\$5-~~
    - a. In print copy: \$3;
    - b. In print copy for commercial use: \$150 plus the per-copy fee of \$3;



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5. Counties. Each county law library (or ~~one~~ 1 major public or university library per county if the county does not have a law library), ~~one~~ 1 copy. The County Board of Supervisors shall specify to the Office the library to which the subscription shall be sent when there is no county law library;
  6. Governor's Regulatory Review Council:
    - a. The members of the Council: ~~one~~ 1 copy of the Register each;
    - b. The Council office: ~~two~~ 2 copies of the Register and ~~two~~ 2 copies of the Code.
  7. The Administrative Rules Oversight Committee in the Legislature: the number of copies that the Committee requires, per the Committee's request.
- B.** ~~One~~ The Office shall distribute 1 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. 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 1 or more additional ~~a copy~~ copies of its Chapter or Chapters.

**R1-1-115. Subscriptions**

- A.** To subscribe to any of the priced publications listed in R1-1-113, send a letter specifying the item or items being ordered along with a check or money order made payable to Secretary of State in the proper amount and mail to: Secretary of State Public Services Division, 1700 West Washington, 7th Floor, Phoenix, Arizona 85007. The letter must include the address to which the Office will send the publications.
- B.** To order any of the publications listed in R1-1-113 that are free of charge, send a letter specifying to whom the order is to be sent and mail it to the address listed in subsection (A).
- C.** For complete ordering information, or up-to-date prices on rules, please contact the Office at (602) 542-4086.

**ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER**

**R1-1-201. Publication Schedule and Deadlines**

- A.** The Secretary of State shall publish the Register pursuant to 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 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 according to the published schedule, with the exceptions as noted in R1-1-104.
- B.** The Office shall make electronic copies of the Register available on electronic media as requested. The fee for an electronic issue of the Register is established in R1-1-113.
- ~~**B-C.**~~ Once an agency has filed a notice of rulemaking docket opening or a proposed rulemaking package with the Office for publication or filing, the agency may only withdraw the notice of rulemaking docket opening or the rulemaking package as specified in R1-1-205 or R1-1-507, respectively, even if the Office has not yet published the notice of rulemaking docket opening or the rulemaking package in the Register.
- ~~**C-D.**~~ Deadlines The Office shall not waive a deadline for submission of documents shall not be waived for any agency.

**R1-1-203. Publication Requirements**

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

1. Each package, including all receipts and certificates accompanying the package, shall be typewritten or produced on word-processing or computer equipment, on 8-1/2 8½ x 11 inch white paper (20-24 lb. weight) and, except for incorporated-by-reference materials, shall be double-spaced. Only ~~one~~ 1 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~~ 1-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~~ or on the Preamble, as applicable, the Code citation, Code divisions, and the specific Sections involved. Subsections shall not be specified ~~on the notice form~~ 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, or Subchapters 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 on which rulemaking is taking place shall be included in the rulemaking package after the last question in the Preamble and before the text of the 1st Section, ~~except that~~ Sections, Articles, or Parts, if applicable, not having rulemaking action taken in a particular rulemaking package shall not be included. The purpose of this table of contents is to indicate the specific portions of the Chapter

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being changed. This table of contents shall not include page numbers to the various Sections in the rulemaking, nor shall it be labeled or headed "Table of Contents".

6. Pages in the package shall be consecutively numbered, from the ~~first~~ 1st page of the ~~notice~~ Preamble through the last page of the text of the rules or supplementary material appearing at the end of the rulemaking package. Materials, such as incorporated-by-reference material and concise explanatory statements, included with the rulemaking package but not published in the Register or Code as part of the rulemaking shall be numbered separately.
7. Rulemaking packages shall be compiled by the agency before submission to the Office. The receipts shall be placed on top of the entire submission and the original and all copies of the items listed below shall be in the following order:
  - a. The Council certificate of approval or the Attorney General certificate of approval, if applicable;
  - b. The agency certificate;
  - ~~a-c.~~ The notice form, including the ~~preamble~~ Preamble which is part of the notice;
  - ~~b-d.~~ The table of contents;
  - ~~e-e.~~ The text of the rule including supplementary material in its proper location within the rules.
  - ~~d-f.~~ Incorporated by reference material and other information required to be filed with the rules.

**R1-1-204. Indices to the Register**

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 2~~ six-month 6-month periods.

**R1-1-205. Notice of Rulemaking Docket ~~Openings~~ Opening; Notice of Termination of Rulemaking Docket**

- A.** A.R.S. § 41-1021 specifies that a rulemaking proceeding is pending from the time the agency begins to consider proposing the rule and requires that an agency establish and maintain a current public rulemaking document for each pending rulemaking proceeding.
- B.** Upon establishment of a rulemaking docket, an agency shall submit a notice of docket opening to the Office. A rulemaking docket shall be opened and a notice of rulemaking docket opening submitted for Register publication before drafting the rule. "Drafting the rule" includes developing a new Section or amending or repealing an existing Section.
- C.** The Office shall not accept for publication a rulemaking docket notice and its corresponding proposed rulemaking package for publication in the same issue of the Register.
- D.** This ~~The~~ Notice of Rulemaking Docket Opening shall contain the heading NOTICE OF RULEMAKING DOCKET OPENING in all capital letters approximately ~~one 1~~ inch from the top of the page; followed by the name of the agency appearing ~~one 1~~ double-space (~~two 2~~ 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 Code citation to the Chapter;
  2. The Title and its heading;
  3. ~~the~~ The Chapter and its heading;
  4. ~~the~~ The Subchapter and its heading, if applicable;
  5. ~~the~~ The Article and its heading;
  6. ~~the~~ The Part and its heading, if applicable; and
  7. ~~the~~ The appropriate Section numbers;
    - a. If the agency does not know specific Sections before drafting a rule, 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 "and other Sections to be determined."
- ~~2-8.~~ The subject matter of the proposed rule and the agency docket number, if applicable;
- ~~3-9.~~ 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;
- ~~4-10.~~ The name, ~~and~~ address, and telephone number (including area code) of agency personnel with whom persons may communicate regarding the rule. Fax numbers (including area codes) and e-mail addresses may also be listed;
- ~~5-11.~~ The time during which the agency will accept written comments and the time and place where oral comments may be made;
- ~~6-12.~~ A timetable for agency decisions or other action on the proceeding, if known.
- E.** A rulemaking docket remains in effect until
  1. One year after the notice of rulemaking docket opening is published in the Register if the agency has not filed a notice of the proposed rulemaking with the Office under A.R.S. § 41-1022; or

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2. One year after the Notice of Proposed Rulemaking is published in the Register if the agency has not submitted the rule to the Council for review and approval; or
  3. The agency submits to the Office for Register publication a Notice of Termination of Proposed Rulemaking; or
  4. The agency submits to the Office for Register publication a Notice of Termination of Rulemaking Docket Opening if the agency has not yet submitted a Notice of Proposed Rulemaking to the Office for filing and publication.
- F.** A Notice of Termination of Rulemaking Docket shall have the heading NOTICE OF TERMINATION OF RULEMAKING DOCKET centered on a line 1 inch below the top edge of the page; followed by the name of the agency centered on a line 1 double-space (2 lines) below the Notice heading; and the following information in the same numbered order:
1. The Code citation for the Chapter on which a rulemaking docket was opened;
  2. The subject matter of the proposed rulemaking;
  3. The agency docket number, if applicable;
  4. A citation to the Notice of Rulemaking Docket Opening for which this Notice of Termination is being filed:  
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  5. The name, address, and telephone number (including area code) of agency personnel with whom persons may communicate regarding this rulemaking.
  6. The date the Notice of Termination of Rulemaking Docket Opening was filed with the Secretary of State's Office.

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

- A.** If an agency appoints a formal advisory committee to comment on the rules under consideration, the agency shall, at the time of the committee's formation, submit to the Office for Register publication a Notice of Formal Rulemaking Advisory Committee. This notice shall contain the heading NOTICE OF FORMAL RULEMAKING ADVISORY COMMITTEE in all capital letters, approximately ~~one~~ 1 inch from the top of the page, followed by the name of the agency ~~one~~ 1 double-space below the notice heading, and each shall be centered on the line. The remainder of the notice shall contain the following in the same numbered order:
1. The specific rules or subject matter on which the committee is to comment, if known;
  2. The names of the committee members;
  3. 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 form specified in subsection (A).

**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 the heading NOTICE OF PROPOSED DELEGATION AGREEMENT in all capital letters, centered on a line approximately ~~one~~ 1 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, address, and telephone number (including area code) of agency personnel to whom persons may direct questions or comments;
  4. A summary of the delegation agreement and the subjects and issues involved;
  5. A statement that copies of the proposed delegation agreement may be obtained from the agency and any pertinent information on how persons may obtain the copies;
  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 has considered any comments received and has determined 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 shall submit to the Office for publication a Notice of Final Delegation Agreement which shall contain the heading NOTICE OF FINAL DELEGATION AGREEMENT in all capital letters, centered on a line approximately 1 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. A citation to the Notice of Proposed Delegation Agreement:  
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  - 3-4. Name, address, and telephone number (including area code) of agency personnel to whom persons may direct questions or comments;

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- 4.5. A summary of the delegation agreement and the subjects and issues involved;
- 5.6. A statement that copies of the final delegation agreement may be obtained from the agency and any pertinent information on how persons may obtain the copies;
- 6.7. Date of issuance of agency's final decision to enter into the delegation agreement; and
- 8. The date the delegation agreement becomes effective.

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

- A. If an agency schedules a public hearing, public workshop, or other meeting on a proposed rulemaking or a public hearing on a proposed delegation agreement after the Notice of Proposed Rulemaking or Notice of Proposed Delegation Agreement has been submitted to the Office for publication in the Register, the agency shall send to the Office ~~one~~ 1 original and ~~three~~ 2 copies of a notice of public hearing, public workshop, or other meeting on proposed rules or a notice of public hearing, public workshop, or other meeting on proposed delegation agreement, whichever is appropriate.
- B. A notice of public hearing on proposed rules, a public workshop, or other meeting on proposed rules, a public meeting on rules after the notice of docket opening has been published but before the rules are published as proposed rules in the Register, a notice of public hearing on a proposed delegation agreement, or a notice of public hearing on a proposed rule, ordinance, or other regulation pursuant to A.R.S. § 49-112 shall be as specified below:

- 1. For a public hearing (oral proceeding) on a proposed rulemaking, the heading NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING in all capital letters, centered on a line approximately ~~one~~ 1 inch from the top of the page and followed by the items listed below;
  - a. The name of the agency;
  - b. The Code citation for the proposed rulemaking;
  - c. The Title and its heading;
  - d. ~~the~~ The Chapter and its heading;
  - e. The Subchapter and its heading, if applicable;
  - f. ~~the~~ The Article and its heading; and
  - g. ~~the~~ The Part and its heading, if applicable;
  - e-h. The Sections being proposed in numerical order in ~~one~~ 1 column with the specific action being taken on each Section in the ~~second~~ 2nd column;
  - d-i. The Register citation to the original notice and any supplemental citations to all notices published in the Register concerning this proposed rulemaking;

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- e-j. The date, time, and location of the public hearing or hearings;
- f-k. The name, address, and telephone number (including area code) of agency personnel to whom questions and comments on the 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~~ 1 inch from the top of the page and followed by the items listed below;
  - a. The name of the agency;
  - b. The Code citation for the proposed rulemaking;
  - c. The Title and its heading;
  - d. ~~the~~ The Chapter and its heading;
  - e. ~~the~~ The Subchapter and its heading, if applicable;
  - f. ~~the~~ The Article and its heading; and
  - g. ~~the~~ The Part and its heading, if applicable;
  - e-h. The Sections being proposed in numerical order in ~~one~~ 1 column with the specific action being taken on each Section in the ~~second~~ 2nd column;
  - d-i. The Register citation and the date of the original notice and any supplemental notices published in the Register;

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- e.j. The date, time, and location of the public workshop or workshops;
  - f.k. The name, address, and telephone number (including area code) of agency personnel to whom questions and comments on the rules may be addressed.
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~~ 1 inch from the top of the page and followed by the items listed below;
- a. The name of the agency;
  - b. The Code citation for the rulemaking;
  - c. The Title and its heading;
  - d. ~~the~~ The Chapter and its heading;
  - e. ~~the~~ The Subchapter and its heading, if applicable;
  - f. ~~the~~ The Article and its heading; and
  - g. ~~the~~ The Part and its heading, if applicable; ~~if each of these items are known~~;
- e.h. The Sections being proposed in numerical order in ~~one~~ 1 column with the specific action being taken on each Section in the ~~second~~ 2nd column, if known;
- d.i. The Register citation and the date of the notice of docket opening and all supplemental notices published in the Register;

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- e.j. The date, time, and location of the public meeting;
  - f.k. The name, address, and telephone number (including area code) of agency personnel to whom questions and comments on the rules may be addressed.
4. For a public hearing on a proposed delegation agreement, the heading NOTICE OF PUBLIC HEARING ON PROPOSED DELEGATION AGREEMENT in all capital letters, centered on a line approximately ~~one~~ 1 inch from the top of the page and followed by the items listed below;
- 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 citation and date of the notice of proposed delegation agreement and all supplemental notices published in the Register;

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- e. The date, time, and location of the public hearing or hearings;
- f. The name, address, and telephone number (including area code) of agency personnel to whom questions and comments on the rules 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 agency guidance documents/ substantive policy statements, document pursuant to A.R.S. § 41-1013(B)(14), for publication in the 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~~ 1 inch from the top of the page; followed by

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the name of the agency ~~one~~ 1 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~~;
4. A 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 (including area code) 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, pursuant to 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 1 inch from the top of the page; followed by the name of the agency 1 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 substantive policy statement and the substantive policy statement number by which the 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. A statement as to whether the substantive policy statement is a new statement or a revision;
5. The name, address, and telephone number (including area code) of the person to whom questions and comments about the substantive policy statement may be directed;
6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement.

**C.** Only 1 agency guidance document or substantive policy statement shall be listed per Notice.

**R1-1-211. Summary of Council Action**

The Council shall submit to the Office for Register publication a summary of Council action on each ~~adopted final~~ or proposed summary rule. Rules of ~~one~~ 1 Chapter, ~~one~~ 1 Subchapter (if applicable), or ~~one~~ 1 Article if the Article has Parts, grouped together into ~~one~~ 1 rulemaking package, may be summarized together so long as the specific Sections affected are listed.

**R1-1-212. Agency Ombudsman**

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

1. The agency's name;<sub>;</sub>
2. The ombudsman's name;<sub>;</sub>
3. The ombudsman's title;<sub>;</sub>
4. The ombudsman's office address including zip code;<sub>;</sub>
5. The ombudsman's office telephone number and facsimile number, if available, including area codes for both.

**ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE**

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

- A. The Office may establish new Titles in the Code and rearrange existing Titles and Chapters to assure orderly development of the Code. The Office shall notify each agency whose rules are affected by any rearrangement.
- B. ~~The first 1st~~ 1st volume of the Code shall contain a Table of Contents for the multi-volume 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 find specific rules. A Title Table of Contents listing the Chapters, Subchapters, Articles, and Parts appearing in that Title shall appear at the beginning of each Title.

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

- A. The Office shall publish the Code in loose-leaf form as specified in the Act.
- B. The Code shall be updated by quarterly supplements containing all final, summary, emergency, and exempt rules filed in the Office during each calendar quarter.

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- C. Supplements shall be dated with the last day of the calendar quarter. Supplements shall be numbered according to the calendar year of publication and the number of the quarter.
- D. Supplements shall be printed in complete Chapters.
- E. Each time the Office publishes a supplement to the Code, the Office shall issue 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.
- F. Persons may purchase individual Chapters or Titles of the Code or they may subscribe to the full set. If they subscribe to the full set, they shall ~~first~~ 1st purchase the entire set and then pay the annual subscription fee.

**ARTICLE 4. RULE DRAFTING**

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

- A. The subject matter of the Code shall be arranged and classified according to a system of Titles. The Titles shall be divided into Chapters. ~~A The heading of a Chapter containing rules of one 1 major program or subject shall also specify both the name of the agency and the program or subject. The~~ Chapters shall be divided into Articles. Articles that cover several subjects or regulate different groups of people shall be divided into several ~~Articles~~ Parts. Parts and Articles without Parts shall be divided into Sections. Some Chapters may also contain ~~a 2 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 describes the subject of that division of the Code. Headings shall not contain the words "Rule" or "Regulation".

**R1-1-403. Numbering System**

- A. Each Section shall be preceded by the letter "R".
- B. A hyphenated numbering system shall be used in the Code.
  - 1. A Section number shall include 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 1~~ or ~~two 2~~ numbers to the far left shall indicate the number of the Title in which the Section appears.
  - 3. The ~~one 1~~ or ~~two 2~~ numbers between the ~~two 2~~ hyphens shall indicate the Chapter number. If the Chapter has been assigned a Subchapter, the Subchapter letter label shall appear 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 at least ~~three 3~~ 3 digits. The last ~~two 2~~ digits shall indicate the Section and the number or numbers to the left of these ~~two 2~~ digits shall indicate the Article number. If an Article has been assigned a Part, the Part's letter label shall appear immediately after the ~~second 2nd~~ 2nd hyphen before the Section number.
- C. The ~~first 1st~~ Section in each Article shall be numbered 101. Sections shall run consecutively through the Chapter except where space is left for future expansion. Any Section number not used when the rules are originally adopted is automatically reserved for future use. An agency shall specify "Reserved" for a Section when a Section falls before a Section with text in the same Article or Part; Sections that are reserved shall be shown also when the rules are published in the Code. Sections that have been 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). Only complete Section numbers shall be used in an agency's rules, on the 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 an agency renumbers ~~one 1~~ or more Sections at the time the agency amends other existing rules:
  - 1. The table of contents for the rulemaking package shall show the old number with strike-outs and the new number with underlining.
    - a. If an agency is adopting a new Section at that 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 Section number, the agency shall show the new Section heading and text of the Section being renumbered at the location of ~~the old its new number with~~ and strike-outs through the old Section number and underlining under the new number; or
    - c. If an agency is not adopting 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.
  - 2. The table of contents shall show Sections and Articles in the order that the rules are being adopted.
  - 3. The rules shall appear in numerical order as renumbered.
- B. If an agency is renumbering ~~some 1 or more~~ rules but is making no other changes to the rules, the agency ~~may~~ shall either:

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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 1 original and 2 copies of a NOTICE OF RECODIFICATION and submit them to the Office for filing and publication. Each Notice of Recodification shall be accompanied by an agency certificate. The agency shall also include 2 copies of an agency receipt. Article 11 contains more information on recodification.
  2. Go through the regular rulemaking process to make the numbering change.
- C.** Only entire Sections may be renumbered or recodified in this manner. If an agency splits an existing Section into ~~two~~ 2 or more Sections, or moves a portion of ~~one~~ 1 Section to another Section, or combines ~~two~~ 2 or more Sections into ~~one~~ 1 Section, the agency shall follow the regular rulemaking process to ~~do the renumbering~~ make the changes.
- D.** If an agency is renumbering 10% or more of the rules in a Chapter, the agency shall follow the procedures for recodifying the rules. If the agency also wishes to amend the rules, the agency shall file the Notice of Recodification with the Office at least 2 weeks before submitting a Notice of Proposed Rulemaking showing amendments to the recodified rules. To avoid confusion, the Office will not accept a Notice of Recodification and a notice of proposed rulemaking on the same rules for publication in the same issue or in 2 consecutive issues of the Register.
- E.** If an agency is renumbering less than 10% of its rules, the agency can choose to do the renumbering through the regular rulemaking process or through the recodification process.

**R1-1-405. Addition of New Sections Between Existing Sections**

An agency shall request, in writing or orally, and receive the Office's permission before inserting a new Section between ~~two~~ 2 existing, consecutively numbered Sections. The new Section shall be numbered using the Section number of the preceding existing Section, followed by a decimal point and a ~~two-digit~~ 2-digit number and shall be in numerical order.

**R1-1-406. Re-using Chapter, Subchapter, Article, Part, or Section Numbers**

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~~ 1 year if the subject matter totally changes. If an agency repeals or renumbers a Section, the agency may re-use the Section number immediately.

**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 Chapter (Title, Chapter, Subchapter (if applicable), ~~first~~ 1st Article, and ~~first~~ 1st Part (if applicable)) and their labels and headings shall appear above the Section number and heading of the ~~first~~ 1st Section in the rulemaking package. Each agency shall also double-space these divisions and their labels and headings and center them on each line. Other Articles, and Parts if applicable, shall be listed in the rulemaking in the appropriate place even if the 1st Section of an Article or Part is not contained in the rulemaking.
- B.** If a Section has only ~~one~~ 1 paragraph, an agency shall leave that paragraph unlabeled.
- C.** When a Section has an opening paragraph followed by labeled subsections, the Office shall treat the opening paragraph to ~~be as~~ an implied subsection (A). An agency shall label and indent appropriately the subsections following the opening paragraph as ~~second-level~~ 2nd-level subsections.
- D.** If a Section has ~~two~~ 2 or more paragraphs at any level, an agency shall label the paragraphs as separate subsections. An agency shall label subsections as indicated below.
1. ~~First-level subsections~~ Subsections at the 1st level are designated by a capital letter, ~~i.e.,~~ (A, B, ~~or~~ C and so on).
  2. ~~Second-level subsections~~ Subsections at the 2nd level are designated by an Arabic numeral, ~~i.e.,~~ (1, 2, ~~or~~ 3 and so on).
  3. ~~Third-level subsections~~ Subsections at the 3rd level are designated by a lower case letter, ~~i.e.,~~ (a, b, ~~or~~ c and so on).
  4. ~~Fourth-level subsections~~ Subsections at the 4th level 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 1st or 3rd level, additional subsections shall use double letters (aa, bb, cc, and so on).
- 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, the agency shall specify the correct Section number along with all subsection labels but shall not use the term "Section".
- G.** An agency shall not subdivide its rules into more than ~~four~~ 4 levels of subsections ~~unless the agency has obtained permission to do so from the Office.~~ Existing Sections using more than 4 levels of subsection will be allowed to remain with the additional levels, but no new Sections may have more than 4 levels. Currently existing Sections not containing more than 4 levels of subsections may not have additional levels added beyond the 4th level.
- H.** An agency need not label definitions 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 in alphabetical order or other lists in a specific order, additional levels of subsection under those definitions or lists also shall not be labeled.

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**H-I.** When dividing a Section into subsections, an agency shall not:

1. Leave an unlabeled paragraph at any level after a labeled subsection at the same level;
2. Use an A without a-B; a-1 without a-2; an-a without a-b; or a-i without a-ii.

**I-J.** When referring to ~~one~~ 1 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-~~ 2nd-, ~~third-~~ 3rd-, and ~~fourth-level~~ 4th-level subsections, an agency shall specify the labels of each preceding level of subsection. For example, a agency referring to a ~~third-level~~ 3rd-level subsection would state "subsection (A)(2)(c)"; an agency referring to a ~~fourth-level~~ 4th-level subsection would state "subsection (B)(1)(d)(iii)".

**J-K.** 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.

**K-L.** An agency wishing to use special symbols, fonts, or formats 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 electronic media prepared for sale by the Office or in the text as converted to HTML for placement on the Internet.

**L-M.** All acronyms, abbreviations, initialisms, and shortened forms not defined in the A.R.S. which 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, Register, Statutes, and Incorporated-by-reference Materials**

**A.** Citations to the Register shall include the volume and page number and shall contain the short form "A.A.R." for the "Arizona Administrative Register".

**B.** Citations to the Code shall include the Title, Chapter, Subchapter, Article, Part, and Section, as applicable, and the short form "A.A.C." for "Arizona Administrative Code".

**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.
2. A citation to a law which 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.
  - 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 amended this Section of an existing law.
  - 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.
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:

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. 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.
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.

**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.

Citations to the Code, the Register, the statutes, and incorporated-by-reference materials shall be as specified in R1-1-1010.

**R1-1-410. Standard Abbreviations**

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~~ 1 of these abbreviations but attaches a different meaning to it, the agency shall place this abbreviation in its definitions Section.

1. All ~~two-letter~~ 2-letter abbreviations for the 50 states and the territories of the United States as designated by the United States Postal Service;

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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
M.D.T.	Mountain Daylight Time
M.S.T.	Mountain Standard Time
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
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 by specifying in the text of that Section the date (including day, month, and year) of the automatic repeal. This automatic repeal shall only be used to repeal entire Sections. The information specifying the automatic repeal date shall appear in a 1st-level subsection by itself at the end of the Section.

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- B. An agency shall notify the Office when the automatic repeal date has passed so that the Office can ensure that the rules are deleted from the Code. Chapters from which automatically repealed rules have been deleted shall appear in the next quarterly supplement to the 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~~ may use supplementary materials to make the rule understandable by persons affected by the rule. An agency shall consider all supplementary materials included in a set of rules as part of the rules and shall refer to them within the text of ~~one~~ 1 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 all Appendices, Exhibits, Illustrations, and Tables appearing at the end of an Article, Part, or Chapter with either capital letters or Arabic numbers using a consistent numbering 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. Tabular material appearing within the columnar margins in the text of a Section shall not be labeled with numbers or letters and shall not appear in the table of contents. When referencing tabular material appearing within the columnar margins, use the appropriate subsection labels. (For example: "the table in subsection (B)(2)" or "the table in A.A.C. R25-2-106(C)")
- D. Tabular material at the end of a Section, a Part, or an Article shall be listed in the table of contents in the appropriate location.
- ~~C.~~ All supplementary material appearing sideways on the page shall appear at the end of the Article.
- ~~D-E.~~ 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~~ 1-inch margin requirements of an ~~8-1/2~~ 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~~ 1 side of an ~~8-1/2~~ 8 1/2 x 11 inch sheet of white paper (uncoded stock) with ~~one-inch~~ 1-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.
- F. For more information about supplementary material, please refer to R1-1-1054.

**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~~ 1 copy of any item incorporated by reference.
- C. Each agency shall file ~~one~~ 1 copy of any item incorporated by reference in its rules when the agency files its final, emergency, or exempt rules with the Office.
- D. Any item incorporated by reference shall be cited as specified in R1-1-410. Following the citation of 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.
- E. Any item incorporated by reference and filed with an agency's final rules 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. Rules and ADA Compliance**

The Americans with Disabilities Act requires agencies who place information on the Internet to be compatible with reader machines used by sight-impaired individuals. Because of this requirement, the Office is not able to accept for publication in the Register or the Code rules containing tables, illustrations, graphs, forms, graphic symbols, and any other material that is not able to be read by, or interpreted in a logical and coherent manner by, a reader machine.

**R1-1-416. Unusual Notices of Rulemaking**

When a statute authorizes an agency to do a type of rulemaking not otherwise specified within the Act or this Chapter, the agency shall contact the Office, work with Office personnel to develop the proper format for the rulemaking notice, and prepare and submit the rulemaking in the agreed-upon format.

**R1-1-417. Repeal of a Section, New Text**

When an agency has an existing Section and wants to delete the existing language so that new language can be added at the same time, the change is considered to be:

1. An amendment if the entire existing text is repealed, but the Section heading is not totally changed; or
2. A repeal and a new Section if both the text of the Section and the Section heading are totally changed.

**ARTICLE 5. PROPOSED RULEMAKING**

**R1-1-501. Assignment of Chapters**

An agency preparing to promulgate rules for the ~~first~~ 1st time shall contact the Office for assignment of a Title and Chapter number within the codification system. An agency that already has at least ~~one~~ 1 Chapter on file shall contact the Office when ~~adding new Articles or when~~ the agency needs a new Chapter assignment.

**R1-1-502. Notice of Proposed Rulemaking**

- A.** Each 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, 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~~. No question on the notice may be answered "See attached". Supplemental pages shall not be used.
- B.** The notice shall contain the heading NOTICE OF PROPOSED RULEMAKING in all capital letters, centered on a line approximately ~~one~~ 1 inch from the top of the page; followed by the Title, its number, and heading centered on the line ~~one~~ 1 double-space under the notice heading; followed by the Subchapter, its label, and heading (if applicable) centered on the line ~~one~~ 1 double-space under the Title; followed by the Chapter, its number, and heading centered on the line ~~one~~ 1 double-space under the Title; followed by the word PREAMBLE in all capital letters, on a line ~~one~~ 1 double-space under the Chapter; followed by the following items in the same numbered order:
1. Sections Affected and the Rulemaking Action in ~~two~~ 2 columns;
    - a. In the ~~first~~ 1st 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 an existing Section is being repealed and new text is being adopted at that number (see also R1-1-417) or where 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 appear in the list ~~three~~ 3 times with the appropriate individual actions appearing in the ~~second~~ 2nd column;
      - iv. A Section not containing text before the rulemaking and not having text added by the rulemaking shall not appear in this column (see also subsection (B)(1)(b)(i);  
~~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;~~
    - b. In the ~~second~~ 2nd 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 an existing Section is being repealed and new text adopted at that number, the Section number will appear twice in the ~~first~~ 1st column and each specific individual action will appear in the ~~second~~ 2nd column. ~~Text of one Section shall be repealed or renumbered first before any other action can happen on that Section.~~
      - i. 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 or recodified;
      - ii. The order for actions when 1 Section has more than 1 action on it in a particular rulemaking: repeal or renumber (deleting the text that was at that number), renumber (moving text from another Section to this now-empty Section), and new Section or amend (putting totally new text in the Section or amending what was renumbered into that Section).
  2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific);
  3. A list of all previous notices published in the Register addressing the proposed rule;
    - Notice of Rulemaking Docket Opening
    - Register citation; issue date
    - Other published notice (Specify type of notice)
    - Register citation; issue date

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- ~~3-4.~~ The name, ~~and~~ address, and telephone number (including area code) 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;
- ~~6.~~ A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the 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, and telephone number (including area code) 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, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule, and the close of record date;
- ~~9-11.~~ Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
- ~~10-12.~~ Incorporations by reference and their location in the rules.
- ~~11-13.~~ 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~~ 1st 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. (See also R1-1-203(5))
- 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 or Part is not involved in this 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, shall appear 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. However, the Office will publish the rules with underlining.
- 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. However, the Office will publish the rules with strike-outs.
- iii. If the rulemaking package consists of amended Sections or any 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. The Office prefers that old language within a Section be stricken before new language is added; however, so long as an agency is consistent throughout its rulemaking package, the new language may appear either before or after the stricken text.
- d. If an agency is changing an existing Section number, the agency shall show that Section number with strike-outs and the new rule number underlined immediately beside the old 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 no new text is being added at the old Section number, the Section shall still 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.

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

- A. An agency shall refer to the publication schedule of the Register when scheduling a public hearing (oral proceeding). The public hearing shall be held no earlier than 30 days after the notice of proposed rulemaking is published in the Register, pursuant to A.R.S. § 41-1023. Public hearings shown in the notice of proposed rulemaking preamble shall be included in the proposed rules portion of the Register. Public hearings on rulemaking packages not scheduled by the agency until after 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.

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- B.** If an agency submits a proposed rulemaking to the Office and indicates in the Preamble that a public hearing has been scheduled but has not allowed for the delay in publication plus the 30 days required by law, the Office will return the package to the agency for correction before accepting it for publication in the Register.
- ~~B.C.~~ If a public hearing is not scheduled, and if an agency receives a written request for a public hearing from ~~five~~ 1 or more persons, the agency shall file a notice of public hearing on proposed rules with the Office in accordance with the publication schedule in the Register, scheduling a public hearing to be held no earlier than 30 days after the notice of public hearing is published in the Register, pursuant to A.R.S. § 41-1023. The agency shall file with the Office ~~one~~ 1 original and ~~four~~ 2 copies of the Notice of Public Hearing on Proposed Rulemaking. This notice shall be as stated in R1-1-209(B)(1).
- ~~C.D.~~ If a public hearing has commenced and the hearing officer publicly announces a time and place for a continuation of the public hearing at the time of the original public hearing, the agency need not submit a notice of public hearing to the Office for publication in the Register.

**R1-1-506. Notice of Termination of Proposed Rulemaking**

- A.** To terminate a proposed rulemaking at any stage of the rulemaking process before the final rules are filed with the Office, the agency shall file with the Office ~~one~~ 1 original and ~~four~~ 2 copies of the Notice of Termination of Proposed Rulemaking, each attached to a copy of the original Notice of Proposed Rulemaking. The Notice of Termination of Proposed Rulemaking shall contain the heading NOTICE OF TERMINATION OF PROPOSED RULEMAKING in all capital letters, centered on the line approximately ~~one~~ 1 inch from the top of the page; followed by the Title, its number, and heading, centered on a line ~~one~~ 1 double-space below the notice heading; followed by the Chapter, its number, and heading, centered on a line ~~one~~ 1 double-space below the Title; and the following items in the same numerical order.
1. The Register citation and the date of the Notice of Proposed Rulemaking.
  2. The Register citation and the date of the Notice of Rulemaking Docket Opening.
  - ~~2-3.~~ The Section numbers (and Article and Part numbers or labels) in numerical order in ~~one~~ 1 column and the action that had been proposed in the ~~second~~ 2nd column.
- B.** Both the original Notice of Proposed Rulemaking and the Notice of Termination of Proposed Rulemaking shall remain on file with the Office.
- C.** A listing of the rules terminated shall be published in the Register. The full text of rules being terminated shall not appear in the Register.

**R1-1-507. Supplemental Notices**

- A.** If an agency determines that a proposed rule requires substantial change due either to internal review or public comments, the agency shall prepare a supplemental notice for publication in the Register.
- B.** The supplemental notice shall contain the heading NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING in all capital letters, located ~~one~~ 1 inch from the top of the page; followed by the Title, its number, and heading, ~~one~~ 1 double-space under the notice heading; followed by the Chapter, its number, and heading, ~~one~~ 1 double-space below the Title; followed by the Subchapter, its label, and heading ~~one~~ 1 double-space below the Chapter, if applicable; followed by the word PREAMBLE in all capital letters, ~~one~~ 1 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 citations and date dates for the original Notice of Rulemaking Docket Opening and the Notice of Proposed Rulemaking;
  2. The Sections Affected and the Rulemaking Action in ~~two~~ 2 columns as specified in R1-1-502(B)(4)(a), listing only those Sections contained in this supplemental rulemaking;
  3. The specific statutory authority for the rulemaking including both the authorizing statute (general) and the statutes the rule is implementing (specific);
  4. The name, ~~and~~ address, ~~and~~ telephone number (including area code) 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;
  6. An explanation of the substantial change which resulted in this 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, ~~and~~ telephone number (including area code) 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, 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 by reference and their location in the text.
  13. The full text of the changes shall begin on the page after the last page of the preamble.

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**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 rule or rules~~ to the Council within 120 days after the close of the rulemaking record. After ~~approval by the Council~~ approves the rule or rules, the ~~agency Council~~ shall submit its the agency's final rules to the Office for publication and filing. The final rulemaking package shall be as specified in subsection (D).
- B. If an agency's rules are exempt from the rulemaking process pursuant to A.R.S. § 41-1005, the agency shall submit its final rules 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, the agency shall submit its ~~adopted~~ final rules to the Attorney General for approval within 120 days after the close of the record. After approval, the Attorney General shall submit the final rules to the Office for publication and filing.
- 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. The Notice of Final Rulemaking shall contain the heading NOTICE OF FINAL RULEMAKING in all capital letters, centered on a line approximately 1 inch from the top of the page; followed by the Title, its number, and heading centered on a line 1 double-space under the notice heading; followed by the Chapter, its number, and heading centered on a line 1 double-space below the Title; followed by the Subchapter, its label, and heading centered on a line 1 double-space below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters, centered on a line 1 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 2 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);

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3. The close of record date;
  4. The effective date for the rules; (If the effective date is the date the final rules are filed with the Secretary of State's Office, the answer to this question shall be "The date filed with the Secretary of State's Office"; if the effective date is later than the date the final rules are filed with the Office, the specific date shall be specified in the answer, along with the reason for the delayed effective date);
  5. A list of all previous notices appearing in the Register addressing the final rule (each specific notice is to be listed by type of notice followed by the Register citation and publication date);
  6. The name, address, and telephone number (including area code) of agency personnel with whom persons may communicate regarding the rulemaking;
  7. An explanation of the rule, including the agency's reasons for initiating the rule;
  8. A reference to any study that the agency relied on in its evaluation or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material;
  9. 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;
  10. The summary of the economic, small business, and consumer impact;
  11. A description of the changes between the proposed rules, including supplemental notices, and final rules;
  12. A summary of the principal comments and the agency response to them;
  13. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
  14. Incorporations by reference and their location in the text;
  15. 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;
  16. 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 heading shall appear with strike-outs through the heading but not through the Section number.
- B.** Each original final rulemaking package submitted to the Office for filing and publication shall include 2 copies of the agency receipt, 1 copy of incorporated-by-reference material, and the original and 2 copies of the rulemaking package including copies of the following 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.
- C.** An agency incorporating materials by reference shall include 1 copy of the material with each original final rulemaking package filed with the Office.

**ARTICLE 7. EMERGENCY RULEMAKING**

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

- A.** When 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 shall contain the heading NOTICE OF EMERGENCY RULEMAKING in all capital letters, centered on the line approximately ~~one~~ 1 inch from the top of the page; followed by the Title, its number, and heading, centered on a line ~~one~~ 1 double-space below the notice heading; followed by the Chapter, its number, and heading, centered on a line ~~one~~ 1 double-space below the Title; followed by the Subchapter, its label, and heading, if applicable; followed by the term PRE-AMBLE in all capital letters centered on the line ~~one~~ 1 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~~ 2 columns, as specified in R1-1-502(B)(1)(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 of the rules; ~~if different from the date filed with the Office~~ (If the effective date is the date the emergency rules are filed with the Secretary of State's Office, the answer to this question shall be "The date filed with the Secretary of State's Office"; if the effective date is later than the date the emergency rules are filed with the Office, the specific date shall be specified in the answer, along with the reason for the delayed effective date);
  4. Whether the rulemaking is a renewal of a previous emergency rulemaking and, if so, the Register citation or citations to the previous notice or notices of emergency rulemaking and the Register issue date or dates;
  5. The name, ~~and~~ address, and telephone number (including area code) of agency personnel with whom persons may communicate regarding the rulemaking;

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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 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 by reference and their location in the text;
  11. An explanation of the situation justifying the rule's adoption as an emergency rule;
  12. The date of the Attorney General's approval of the rule.
  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).
- B.** The 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 as specified in R1-1-105(B) before filing the rules with the Office and ~~two~~ 2 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, Certificate of Approval, which shall be attached to the ~~first~~ 1st page of the original of the notice and shall forward the original and ~~two~~ 2 copies of the rules to the Office. If the Attorney General does not approve 1 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 1 Section, and the Attorney General approves at least 1 Section and disapproves at least 1 Section, the Attorney General could attach a Certificate of Approval and 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. If a later date is specified, the agency must add an explanation for the delayed effective date. Emergency rules are effective for 180 days and may be renewed for a maximum of ~~two~~ 2 additional 180-day periods, pursuant to 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 emergency rule since the previous emergency rule was adopted.
- F.** Each renewal of an emergency rule shall be prepared in the manner prescribed in this Section.

**ARTICLE 8. SUMMARY RULEMAKING**

**R1-1-801. Summary Rulemaking**

- A.** The summary rulemaking process may be used as specified in A.R.S. § 41-1027(A).
- B.** When submitting summary rules to the Office for filing and for publication in the Register, the agency shall prepare a Notice of Proposed Summary Rulemaking which shall include the heading NOTICE OF PROPOSED SUMMARY RULEMAKING in all capital letters, centered on a line approximately ~~one~~ 1 inch from the top of the page; followed by the Title, its number, and heading centered on ~~the~~ a line and appearing ~~one~~ 1 double-space under the notice heading; followed by the Chapter, its number, and heading centered on a line ~~one~~ 1 double-space below the Title; followed by the Subchapter, its label, and heading centered on a line ~~one~~ 1 double-space below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters centered on a line ~~one~~ 1 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~~ 2 columns as specified in R1-1-502(B)(1)(a);
  2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific);
  3. The interim effective date of the summary rules (for summary rules, the answer to this question is "The date published in the Register");
  4. The name, ~~and~~ address, and telephone number (including area code) 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;
  6. 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. The preliminary summary of the economic, small business, and consumer impact;
  8. The name, ~~and~~ address, and telephone number (including area code) 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;
  11. 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).

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- C. *Within 90 days after publication in the Register and after consideration of any comments, the agency shall submit to the Council its adopted summary rule, along with the preamble, concise explanatory statement, and economic, small business, and consumer impact statement. (A.R.S. § 41-1027(E))*
- D. After submitting To submit the summary rule to the Council as specified in subsection (C), the agency shall ~~submit to the Office~~ prepare 2 copies of an agency receipt, an original and 2 copies of an agency certificate, and an original and 2 copies of a Notice of Adopted Summary Rulemaking which includes the heading NOTICE OF ADOPTED SUMMARY RULEMAKING in all capital letters, centered on a line approximately ~~one 1~~ one 1 inch from the top of the page; followed by the Title, its number, and heading centered on a line one 1 double-space under the notice heading; followed by the Chapter, its number, and heading centered on a line one 1 double-space below the Title; followed by the Subchapter, its label, and heading, if applicable, centered on a line 1 double-space below the Chapter; followed by the term PREAMBLE in all capital letters, centered on a line one 1 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 2~~ two 2 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 rules are implementing (specific);
  3. The effective date of the summary rules (This date is the Register publication date of the proposed summary rules; the agency shall fill in the appropriate date here);
  4. The name, ~~and~~ and address, and telephone number (including area code) of agency personnel with whom persons may communicate regarding the rulemaking;
  5. The concise explanatory statement, including an explanation of the rule and the agency's reasons for initiating the rule;
  6. 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. The economic, small business, and consumer impact;
  8. The name, ~~and~~ and address, and telephone number (including area code) 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;
  11. 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).
- E. After Council approval, the Council shall attach its approval form to the original of the adopted summary rule package and submit the original summary rulemaking package and 2 copies to the Office.

**ARTICLE 9. EXEMPT RULEMAKING**

**R1-1-901. Exempt Rulemaking**

- A. Any exempt rule initiated by an agency before September 30, 1992, ~~is may not be~~ is may not be filed with the Office and ~~is may not be~~ is may not be contained in the Code. Any person wishing a copy of ~~these~~ these exempt rules not appearing in the Code shall contact the specific agency involved for copies of any rules adopted under an exemption before this date.
- B. Any exempt rule initiated 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, following the procedures outlined in Article 6, using the notice heading NOTICE OF EXEMPT RULEMAKING in all capital letters.
- C. The Office shall identify each Chapter containing rules which were exempted from the Act and which were initiated after September 30, 1992, by an introductory statement specifying the exemption at the beginning of the Chapter and before each Section or Article adopted 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 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 authorizes an agency to develop and publish in the Register any other type of rulemaking, the agency shall contact the Office, specifying the exact statutory citation. The Office will work with the agency to develop the proper format for the rulemaking package. See also R1-1-416.

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

- A. The Notice of Exempt Rulemaking shall contain the heading NOTICE OF EXEMPT RULEMAKING in all capital letters, centered on a line approximately 1 inch from the top of the page; followed by the Title, its label, and heading centered on a line 1 double-space below the notice heading; followed by the Chapter, its label, and heading centered on a line 1 double-space below the Title; followed by the Subchapter, its label, and heading centered on a line 1 double-space below the

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Chapter, if applicable; followed by the term PREAMBLE in all capital letters, centered on a line 1 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 2 columns as specified in R1-1-502(B)(4)(a);
  2. The specific statutory authority for the rulemaking including both the authorizing statute (general), the statutes the rule is implementing (specific), and the statute authorizing the exemption;
  3. The effective date for the rules. (If the effective date is the date the exempt rules are filed with the Secretary of State's Office, the answer to this question shall be "The date filed with the Secretary of State's Office"; if the effective date is later than the date the exempt rules are filed with the Office, the specific date shall be specified in the answer, along with the reason for the delayed effective date);
  4. A list of all previous notices appearing in the Register addressing the exempt rule (each specific notice is to be listed by type of notice followed by the Register citation and publication date);
  5. The name, address, and telephone number (including area code) 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. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
  10. Incorporations by reference and their location in the text;
  11. 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 exempt rules;
  12. 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 but not through the Section number.
- B.** Each original exempt rulemaking package submitted to the Office for filing and publication shall include an agency certification as specified in R1-1-105(B);
- C.** An agency incorporating materials by reference shall include 1 copy of the material with each original exempt rulemaking package filed with the Office.

**ARTICLE 10. STYLE REQUIREMENTS**

**R1-1-1001. Publishing Style**

- A.** The Office shall use the publishing style outlined in this Article when publishing rules in the Register and the Code. For additional examples of current style, please refer to the *Arizona Rulemaking Manual*. If an agency's rules do not comply with the style requirements outlined in this Article, the Office shall return the rules to the agency for corrections before accepting the rules for publication or filing.
- B.** Because these style requirements are addressed specifically to agency rulewriters, the 2nd person subject is used rather than the more formal 3rd person.

**R1-1-1002. Abbreviations**

- A.** As a general rule, define all abbreviations included in rules. The definition of each term shall appear before an abbreviation is used. In some instances, abbreviations may be specific to an Article, Part, or Section. Although it is better to have all abbreviations defined at the beginning of a Chapter, you may want these Article-, Part-, or Section-specific abbreviations and their definitions to appear at the beginning of the Article, Part, or Section to which they apply. If this is the case, specify in the Chapter's main definitions Section where additional definitions may be found in the Chapter.
- B.** Spell out abbreviations that begin a sentence.
- C.** Define the term in the way it is used in the rules. In other words, do not define the spelled-out version of a term (for example, "Administrative Procedure Act") and then use the abbreviation ("Act" or "APA") in the rules. Do not use periods in an abbreviation or initialism in the text of your rules unless the definition includes the same periods.
- D.** Once you have defined a term, do not continue to define the same term elsewhere in your Chapter unless you are changing the meaning.
- E.** Spell out a phrase instead of using the Latin phrase.
- F.** R1-1-410 lists standard abbreviations which do not have to be defined in agency rules.

**R1-1-1003. Action Verbs**

- A.** Use action verbs because they are shorter and more direct than passive verbs.
- B.** Use verbs instead of nouns to add action to the rules.

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**R1-1-1004. Active Voice**

Write in the active voice. Active sentences are usually shorter and more forceful than passive sentences.

1. Active voice identifies the actor. Putting the actor before the verb clarifies who is responsible for the act.
2. The passive voice makes sentences longer and roundabout. Who is responsible for acting is much less obvious. Passive verbs use a form of the verb “to be” plus the past participle of a main verb.
3. Passive voice is appropriate when the actor is unknown, unimportant, or obvious.

**R1-1-1005. Amending Words and Phrases**

- A.** When amending words or portions of words, strike out the old version of the rule, leave 1 blank space, and then underline the new version of the word.
- B.** When amending a sentence or a paragraph, strike-out the old text 1st and then add the new text with underlining. Striking old text before adding new text is logical because old text is being deleted before being replaced with new text.

**R1-1-1006. Apostrophes**

- A.** You usually use an apostrophe to indicate omitted letters or words in a contraction. However, do not use contractions in your rules.
- B.** Use apostrophes to indicate possession.
- C.** Use apostrophes to indicate the passage of time.
- D.** You may use apostrophes in the plurals of letters, signs, symbols, figures, acronyms, and abbreviations. Although the trend is to omit the apostrophes, use them if it would be less confusing. Just be consistent.

**R1-1-1007. Automatic Repeal Dates**

If you set a date for the automatic repeal of a Section, specify the date in the last 1st-level subsection of the Section. Only complete Sections may have automatic repeal dates.

**R1-1-1008. Capitalization**

- A.** Capitalize the following:
  1. The major divisions of the Code (Title, Chapter, Subchapter, Article, Part, and Section). A subsection is not a major division of the Code;
  2. The names of governmental agencies and other organizations to which you refer in your rules;
  3. The names of governmental units, particularly in rules that contain references to the governing agency for those rules;
  4. The 1st letter of the 1st word of each subsection at any level;
  5. Any term that, in normal writing, would be capitalized;
  6. Any term that you have defined in your rules with capital letters if you also use the term capitalized within your rules;
  7. The titles of individuals when the titles immediately precede a person’s name;
  8. The 1st word after a colon contained within (not at the end of) a paragraph if the 1st word after the colon begins a complete sentence; and
  9. Key words in Section headings.
- B.** Do not capitalize the following:
  1. The word “rule” unless it is contained in the title of a document or begins a sentence;
  2. The word “federal” unless it is contained in the title of a document, is part of the name of an agency, or begins a sentence; or
  3. The term “subsection” unless it begins a sentence.
- C.** Avoid capitalizing words unnecessarily. If you choose to capitalize words such as “Director” and “Department”, you shall use consistent capitalization throughout your rules.
- D.** Capitalization of defined terms:
  1. Defined terms may be capitalized if they are defined with the 1st letters of each word in the term capitalized or with the key words of the term capitalized. If you define “State Plan” using capital letters for the 1st letter of each word, refer to this document elsewhere in the same Article with the same capital letters. If you define “State plan” with only the 1st word capitalized because it is the 1st word of the definition, refer to this document as “state plan” elsewhere in the Article.
  2. Because definitions usually place the term being defined at the beginning of the sentence, single words being defined will have capital letters. Either use the term either in all lower case or capitalize the 1st letter as long as the capitalization is consistent. Do not capitalize the 1st letter in 1 location and place it in lower case in another.
- E.** Capitalization of names or titles. The terms *federal government* and *government* (referring specifically to the United States government) are now commonly written in small letters because they are considered terms of general classification. In government documents, however, and in other types of communications where these terms are intended to have the force of an official name, they are capitalized. Names of governmental units are usually capitalized, particularly in rules that contain references to the governing agency for those rules. Capitalize titles of individuals when the title immediately

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precedes a person's name but do not capitalize the title when it follows the name unless you are placing specific emphasis on the title.

**R1-1-1009. Chapter Headings**

Within the *Arizona Administrative Code*, Chapter headings shall always contain the name of the agency. Large agencies with more than 1 Chapter shall also specify the subheading, which is a program or subject division, for that Chapter.

**R1-1-1010. Citations to Rules and Laws**

**A.** Cite the Register by the volume and page number of the specific issue, the short form "A.A.R." for the "Arizona Administrative Register", and the issue date. (For example, 5 A.A.R. 219, February 5, 1999.)

**B.** Cite the Code by Title, Chapter, Subchapter, Article, Part, and Section, as applicable, and the short form "A.A.C." for "Arizona Administrative Code". (For example, 1 A.A.C. 1 refers to this Chapter and A.A.C. R1-1-1010 refers to this Section.)

**C.** Citations to state laws:

1. Cite a law contained in a published edition of the Arizona Revised Statutes by using 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.)

2. Cite a law which has not yet been published in the Arizona Revised Statutes by doing the following:

a. If the reference is to a new Section of the statutes and the codified Section number is known, cite 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, cite 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 amended this Section of an existing law. (For example, A.R.S. § 41-1021 as amended by Laws 1998, Ch. 57, § 27.)

c. Cite new laws that do not indicate a statutory citation by using 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 you use a statutory citation and also refer to that law by a commonly used heading, enclose the commonly used heading within parentheses.

4. Because bill numbers from different legislative sessions may be the same but have different subjects, do not cite a statute by legislative bill number, either in the Preamble of a rulemaking or in the text of a rule. Cite all laws that are not yet compiled into the published version of the A.R.S. by Chapter Law number. If you do not know the Chapter number, contact the Office for that information. Do not refer to Chapter laws if the laws have been compiled into the A.R.S.

**D.** Citations to federal laws and rules:

1. Cite the United States Code (U.S.C.) and the United States Code Annotated (U.S.C.A.) by the Title number 1st, followed by the appropriate abbreviation, followed by the Part number or the Section number. Do not use either the word "Part" or "Section" or the Section symbol in the citation. (For example, 10 U.S.C.A. 1 et seq.) Cite laws not yet codified into the U.S.C. or the U.S.C.A. by the words "Public Law" or the abbreviation "P.L." and the number of the law. (for example, P.L. 100-20191.

2. Cite the Code of Federal Regulations (CFR) by the Title number 1st, followed by the appropriate abbreviation, followed by the Part number or the Section number. Do not use either the word "Part" or "Section" or the Section symbol in the citation. Cite the Federal Register (FR or Fed. Reg.) by the volume number 1st, followed by the abbreviation, followed by the page number. Include the date of the publication in all FR citations. (For example, 49 CFR 201, September 1, 1998; 42 FR 10109, July 1, 1997.)

**E.** Cite items incorporated by reference by the title of the incorporated document and include the publication information (publisher name and address), date of publication, and a location where the item is available if different from the publisher.

**R1-1-1011. Clichés**

**A.** Do not use clichés when drafting rules. Clichés are expressions that are used so often they lose much of their original freshness and power. For example, "user-friendly," although a relatively recent phrase, has been so widely adopted that the expression has already become a cliché.

**B.** Check the *Arizona Rulemaking Manual* for examples of clichés to avoid.

**R1-1-1012. Codification**

**A.** The codification outline for the Code is explained in R1-1-102 and R1-1-403. In Arizona, we use a codification which starts with general subject areas and goes to specific rules.

1. Titles are the most general and represent board subject areas.

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2. Chapters designate state agencies. Those agencies with multiple Chapters will also specify a program or other subject name as part of the Chapter heading along with the name of their agency.
  3. Subchapters are used when Chapters cover a variety of subject areas or govern different groups of people. Not every Chapter will have Subchapters.
  4. Articles designate groups of related rules.
  5. Parts are used to further break down Articles in smaller related groups of rules. Not every Article has Parts.
  6. Sections designate individual rules.
- B.** The ultimate authority for codification or recodification is the Office. The Office rarely interferes with the organization of a rule established by the drafter. However, please keep in mind:
1. Only the Office can create a new Title.
  2. Contact the Office for the designation of a new Chapter.
  3. Consult with and get the approval of the Office before creating Subchapters.
  4. Consult with and get the approval of the Office before creating Parts.

**R1-1-1013. Colons**

- A.** Use a colon between 2 independent clauses when the 2nd clause explains or illustrates the 1st clause and there is no coordinating conjunction or transitional expression linking the 2 clauses.
- B.** Do not use a colon when a form of the verb 'to be' is used.
- C.** Do not use a colon between 2 independent clauses when the 2 clauses are equal in value.
- D.** Use a colon to introduce a list or an example.
- E.** Use a colon to separate hours from minutes, volumes from pages (in citations), and the 1st part of a ratio from the 2nd.
- F.** Use a colon to separate the title and subtitle of a work that has both a title and a subtitle.
- G.** Do not use a colon when the list that follows contains items that complete the thought in the introductory sentence.

**R1-1-1014. Commas**

- A.** Use commas to
1. Set off words or phrases that interrupt the sense or structure of the sentence.
  2. Separate an introductory subordinate clause from the main part of the sentence.
  3. Separate independent clauses.
  4. Clarify or emphasize.
- B.** Do not use a comma to separate the noun from a verb unless an entire phrase between the noun and the verb is set off by commas.
- C.** Do not separate a month and year with a comma. However, separate the date from the year by a comma in a complete date (month, date, and year).
- D.** Use a comma after the year in a complete date when no other punctuation appears.
- E.** Use a comma before the last item in a list of 3 or more items for clarification.

**R1-1-1015. Compound Words**

- A.** Compound words result when 2 or more words acting together are combined. When using a compound word, you may have difficulty figuring out if the compound word is written as a single word, as a hyphenated word, or with spaces between the words. Compound words usually begin as 2 separate words with 1 space between the 2 words. As the 2 words are more frequently used together, a hyphen may be added to link them together. When the use of the compound word becomes common, the hyphen is usually dropped.
1. When you are unsure when to use a hyphen, a space, or no space, consult a dictionary that is 5 years old or newer or call the Office for guidance.
  2. Write the following compound words with no spaces or hyphens:
    - aboveground
    - airtight
    - anticrime
    - antipollution
    - areawide
    - bipartisan
    - biweekly
    - bondholder
    - bookmaking
    - buildup (n.)
    - bulkhead
    - businessperson
    - bylaw (n.)
    - bypass (n., v.)

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cardholder  
caregiver  
carpool  
carryforward (n.)  
carryout (n., adj.)  
carryover (n.)  
caseworker  
checkout (n., adj.)  
checkup (n., adj.)  
childrearing  
cleanup (n., adj.)  
clearinghouse  
clubhouse  
classwork  
codefendant  
coemployee  
commingle  
committeeperson  
communitywide  
co-officer  
co-owner  
copartnership  
copayment  
counterclaim  
countywide  
coursework  
courthouse  
coworker  
creditworthiness  
database  
districtwide  
earthmoving  
farmland  
farmworker  
firefighter  
firefighting  
firehouse  
fireproof  
floodplain  
freestanding  
freshwater  
fundraising  
groundwater  
handgun  
highlight  
horsepower  
infrastructure  
inpatient  
interagency  
intrastate  
lifesaving  
lifestyle  
lifetime  
longstanding  
lowfat  
makeup  
manmade  
manpower  
marketplace

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markup  
microcomputer  
microform  
multicounty  
multidimensional  
multifamily  
multistate  
multiyear  
nationwide  
nonappropriated  
nonattainment  
noncancelable  
noncontact  
nongovernmental  
nonmember  
nonprescription  
nonprofit  
nonsupport  
nonvoting  
offset  
offsite  
offtrack  
oneself  
onsite  
outpatient  
outreach  
overall  
paperwork  
passthrough  
percent  
policyholders  
policymaking  
postaudit  
postclosure  
postgraduate  
postsecondary  
powerhouse  
praiseworthy  
preaudit  
preconstruction  
preempt  
preexist  
printout  
rainwater  
ratemaking  
recordkeeping  
restroom  
retroactive  
rulemaking  
runoff  
saltwater  
securityholders  
semiannual  
semiautomatic  
semifinal  
semimonthly  
setup  
soundproof  
springwater

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standby  
statewide  
stockholder  
subcommittee  
subcontract  
underutilization  
videotape  
wastepaper  
wastewater  
waterborne  
watercourse  
whitewater  
workload  
workspace  
wrongdoing

**B.** For using hyphens with words, refer to R1-1-1027.

**R1-1-1016. Conditions (Lists)**

Rules often contain conditions that result in complex sentences with many clauses.

1. If only 1 or 2 simple conditions must be met before a rule applies, state the conditions 1st and then state the rule.
2. If 2 or more complex conditions must be met before a rule applies, state the rule 1st and then the conditions.
3. If several conditions or subordinate provisions must be met before a rule applies, use a list. When you list, remember the following:
  - a. Each item in the list shall fit the classification.
  - b. Each item in the list shall correspond, both in substance and form, to the introductory language for the list.
4. If the introductory language for the list is a complete sentence, End the introduction with a colon and make each item in the list a separate sentence.
5. If the introductory language for the list is an incomplete sentence:
  - a. End each item in the list, except the last item, with a comma if no item in the list contains a comma; end each item in the list, except the last item, with a semicolon if 1 or more items in the list contain a comma;
  - b. Capitalize the 1st word of each listed item;
  - c. Use parallel structure;
  - d. Write “and” or “or,” as appropriate, after the comma or semicolon in the next-to-last item in the list; and
  - e. End the last item in the list with a period unless the next subsection is a continuation.
6. Instead of trying to list every possible situation, develop broad categories.

**R1-1-1017. Consistency**

To make rules consistent:

1. Do not use different words to denote the same thing. Using a synonym rather than repeating the precise term confuses the reader or the stakeholder.
2. Do not use the same word to denote different things.
3. Adjust the vocabulary in the rules for the audience, keeping in mind that people without advanced college education may have to read, understand, and follow the rules.

**R1-1-1018. Dates**

When writing dates, spell out the date rather than writing it in numerical form.

**R1-1-1019. Degrees**

When using degrees in your rules, use the degree symbol (°).

**R1-1-1020. Directness; Imperative Form**

Direct the rule to the readers. Use the imperative mood. Rules, especially those that provide procedures, how-to instructions, and a list of duties, lend themselves to use of the imperative mood. Directness also avoids the passive voice. This style results in procedures that are shorter, crisper, and easier to understand.

**R1-1-1021. Effective Dates**

- A.** No rule can be effective before it is filed with the Office. Some rules may be effective days or weeks or months after they are filed them with the Office. If your rules are required to take effect after filing (a delayed effective date), explain the reason for the delay on the Preamble in the answer to the question about effective dates.
- B.** Proposed rules do not have effective dates because they have not yet been through the process required by the Act.
- C.** Specific effective date:

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1. The effective date of a final rule is the date the Council or Attorney General, as appropriate, files the rule with the Office.
  2. The effective date of an emergency rule is the date the Attorney General's Office files the rule with the Office.
  3. The effective date of an exempt rule is the date you file the rule with the Secretary of State's Office.
  4. The effective date of summary rule is the date the proposed summary rule is published in the *Register*. A summary rule takes permanent effect on the same date as the interim effective date if approved by the Council.
- D.** Use the last 1st-level subsection to specify an effective date in the text of a Section if the effective date is required to be included in the text of the Section. If there is no requirement that the effective date appear in the text of the rule, do not place it there.

**R1-1-1022. Exceptions**

Avoid starting a sentence with an exception.

1. State a rule or category directly rather than describing that rule or category.
2. However, you may use an exception if it avoids a long and cumbersome list or elaborate description. When you use an exception, state the rule or category 1st and then state its exception.

**R1-1-1023. Fractions**

- A.** When using fractions in rules, write them in Arabic numbers, except when the fraction begins a sentence. Do not use excessive words to spell out the fraction. If you need to a fraction begins a sentence, rewrite the sentence so that the fraction does not appear 1st.
- B.** Do not use a hyphen to separate a whole number from a fraction.

**R1-1-1024. Gender-specific Terminology**

- A.** Do not use words that unnecessarily distinguish between male and female.
- B.** Avoid gender-specific job titles:

<b><u>Do Not Use:</u></b>	<b><u>Use:</u></b>
<u>Chairman</u>	<u>chair, chairperson</u>
<u>Crewman</u>	<u>crew member</u>
<u>Draftsman</u>	<u>drafter</u>
<u>Fireman</u>	<u>firefighter</u>
<u>Foreman</u>	<u>supervisor</u>
<u>Mailman, postman</u>	<u>letter carrier</u>
<u>Man-hours</u>	<u>hours worked, work-hours</u>
<u>Mankind</u>	<u>humanity, humankind</u>
<u>Manpower</u>	<u>personnel, workforce</u>
<u>Policeman</u>	<u>police officer</u>
<u>Repairman</u>	<u>service technician</u>

- C.** Avoid gender-specific pronouns when the antecedent could be male or female.
- D.** Be careful when you rewrite text to avoid the problem of gender-specific terminology. Sometimes what you end up with does not have the same meaning as the sentence 1st did.
- E.** Do not use "s/he," "he/she," or "his/her." These are termed "hybrid forms" and cannot be adequately pronounced. Also do not use "his or her" or "his/her."

**R1-1-1025. Grammar, Punctuation, and Spelling**

Proper grammar means that you shall:

1. Avoid split infinitives.
2. Make the verb agree with its subject in number and person. If the subject is singular, the verb shall be singular; if the subject is plural, the verb shall be plural.
  - a. The following words are singular and take a singular verb:
    - anyone
    - anybody
    - each
    - either
    - everybody
    - everyone
    - neither
    - no one
    - nobody
    - one
    - somebody

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- someone
- b. The following “group” words take a singular verb if you are referring to a group as a whole, but they take a plural verb if you are referring to the individuals in the group. Most of the time you will use these as singular nouns.
- audience  
band  
class  
committee  
crowd  
dozen  
family  
flock  
group  
heap  
herd  
jury  
kind  
lot  
none  
number  
public  
team
- c. The following words are plural and take a plural verb:
- criteria  
data  
media  
phenomena
3. Do not use contractions. Write out each verb.
4. Do not use “it” unless the full noun has already appeared in the sentence and there is no possibility of confusion. When in doubt, write out the noun each time.
5. Do not end a sentence with a preposition. However, in extremely rare instances, ending a sentence with a preposition is preferable to what happens when you turn the sentence around trying to avoid ending it with a preposition.
6. Use “a” or “an” when you mean any item or individual. Use “the” when referring to a specific subject already described. Never use “such” in place of “a”, “an”, or “the”.
7. Place modifiers to communicate your intended meaning. You should place modifiers as close as possible to the word modified.

**R1-1-1026. Headings**

Headings of each division of the Code shall explain what is in that division. Because the divisions of the Code are, by definition, sets of rules (Title, Chapter, Subchapter, Article, and Part) or a single rule (Section), the word “rule” or the word “regulation” shall not appear in the heading of the division.

**R1-1-1027. Hyphens**

- A.** Sometimes trying to determine whether or not to hyphenate can be tricky. Every rule about hyphens has exceptions to it. One reference book may give you 1 set of rules and the next reference book may give you another set of rules and the 2 books may disagree considerably. When in doubt, either consult a recent dictionary (less than 5 years old) which will tell you whether the current usage includes a hyphen or contact the Office.
- B.** In some technical writing, the trend is to eliminate hyphens between connected words. While people knowledgeable in the particular field involved may understand the words without hyphens, people not so knowledgeable or technical will usually not be able to tell which words modify which words. The meanings may not be clear and may create unnecessary confusion. If you properly use hyphens, you will not confuse knowledgeable or technical people and you will help those less knowledgeable or familiar with the expression.
- C.** The following are general rules and may or may not hold true for your particular set of rules:
1. Use hyphens to connect words:
- a. Nouns  
brother-in-law  
follow-up
- b. Verbs  
double-space  
tape-record

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- c. Compound adjectives appearing before the noun (Adjectives appearing after the noun are usually not hyphenated.)
  - all-inclusive list
  - black-and-white picture
  - decision-making authority
  - Incorporated-by-reference material
  - long-range goals
  - part-time employees
  - up-to-date record

2. Use hyphens when 2 or more words act together to create a new meaning.

3. Use hyphens when 2 or more words act together to modify another word when

a. They appear before the word being modified; and

b. The 1st word does not end with -ly, because these are actually adverbs and indicate the structure of the modifying phrase.

4. Use hyphens when the 1st part of a compound adjective contains a number.

5. Use a hyphen after a prefix when the prefix precedes a capitalized word.

**D.** The following list shows some common compound words that should be hyphenated. Those that are adjectives are usually hyphenated when they immediately precede the nouns they modify, not hyphenated when they appear after the noun they modify but before the verb, and not hyphenated when they appear after both the noun they modify and the verb.

able-bodied (adj.)

agreed-upon (adj.)

air-condition (v.)

all-time (adj.)

animal-drawn (adj.)

at-large (adj.)

base-year (adj.)

by-product (n.)

child-care (adj.)

civic-minded (adj.)

computer-related (adj.)

cost-effective (adj.)

cost-efficient (adj.)

county-owned (adj.)

cross-examine (v.)

cross-examination (n.)

day-care (adj.)

degree-granting (adj.)

drug-related (adj.)

energy-saving (adj.)

even-numbered (adj.)

fact-finding (n, adj.)

fire-resistant (adj.)

fire-retardant (adj.)

time-frame

**R1-1-1028. Inappropriate Words**

Certain words are inappropriate in rules in Arizona.

1. Use the word “can” only to indicate ability.

2. Do not use the words “should” and “could” because they are not allowed in rules.

3. Use the word “will” only in limited circumstances.

4. Do not use the word “must”; use “shall” instead.

5. Use the word “may” to indicate discretion; when using “may”, specify the standards under which the agency will use that discretion.

**R1-1-1029. Incorporations by Reference**

**A.** Items you may incorporated by reference are specified in A.R.S. § 41-1028.

**B.** Submit 1 copy of each item incorporated by reference with your final, emergency, or exempt rulemaking package. Summary rulemakings should not have incorporated-by-reference items.

**C.** When incorporating items by reference, use language similar, if not identical, to the following:

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“... incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.”

- D.** Specify publication information including the publication date within parentheses immediately following the title of a document you are incorporating by reference.

**R1-1-1030. Indent Levels**

- A.** Rules submitted to the Secretary of State’s Office for publication and filing shall be indented similarly to the way the Office publishes the material. This means that,

1. When you use 9- and 10-point font (or elite pitch (12 point)) on a typewriter):
  - a. Begin the opening paragraph (implied A) at the 1-inch left-hand margin and continue across the page to the 1-inch right-hand margin. Each line goes from the 1-inch margin on the left to the 1-inch margin on the right.
  - b. Begin the 1st level of subsection with the label at the 1-inch left-hand margin and the text 1/4 inch to the right of the left-hand margin. Each successive line of text begins 1/4 inch from the left-hand margin and continues across the page to the right-hand margin.
  - c. Begin the 2nd level of subsection with the label 1/4 inch to the right of the left-hand margin and the text 1/2 inch to the right of the left-hand margin. Each successive line of text begins 1/2 inch from the left-hand margin and continues across the page to the right-hand margin.
  - d. Begin the 3rd level of subsection with the label 1/2 inch to the right of the left-hand margin and the text 3/4 inch to the right of the left-hand margin. Each successive line of text begins 3/4 inch from the left-hand margin and continues across the page to the right-hand margin.
  - e. Begin the 4th level of subsection with the label 3/4 inch to the right of the left-hand margin and the text 1 inch to the right of the left-hand margin. Each successive line of text begins 1 inch from the left-hand margin and continues across the page to the right-hand margin.
2. When you use 11- and 12-point font (or Pica (10 pitch) on a typewriter):
  - a. Begin the opening paragraph (implied A) at the 1-inch left-hand margin and continue across the page to the 1-inch right-hand margin. Each line goes from the 1-inch margin on the left to the 1-inch margin on the right.
  - b. Begin the 1st level of subsection with the label at the 1-inch left-hand margin and the text 1/3 inch to the right of the left-hand margin. Each successive line of text begins 1/3 inch from the left-hand margin and continues across the page to the right-hand margin.
  - c. Begin the 2nd level of subsection with the label 1/3 inch to the right of the left-hand margin and the text 2/3 inch to the right of the left-hand margin. Each successive line of text begins 2/3 inch from the left-hand margin and continues across the page to the right-hand margin.
  - d. Begin the 3rd level of subsection with the label 2/3 inch to the right of the left-hand margin and the text 1 inch to the right of the left-hand margin. Each successive line of text begins 1 inch from the left-hand margin and continues across the page to the right-hand margin.
  - e. Begin the 4th level of subsection with the label 1 inch to the right of the left-hand margin and the text 1 1/3 inch to the right of the left-hand margin. Each successive line of text begins 1 1/3 inch from the left-hand margin and continues across the page to the right-hand margin.

- B.** If you begin your Section with an unlabeled opening paragraph, the next level of subsection is level 2. Unlabeled opening paragraphs imply that, if there were a 2nd paragraph at that level, both paragraphs would be labeled as 1st-level subsections.

**R1-1-1031. Jargon, Technical Language, Foreign Phrases, and Other Inappropriate Language**

- A.** Use plain English when drafting rules. The plainer the English, the less confusing the material is to the reader. Although all agencies draft their rules for specific audiences, you shall write even the most technical information plainly because there are always people other than your agency’s specific audience who will need or want to read and understand the material. Every industry has its “buzz words” that may be understood by everyone in a specific industry. But when insiders use buzz words to communicate with anyone not in their field, confusion may occur. Do not assume that all the readers of your rules will know and understand all the terms as you use them. Even if you are writing rules for a very technical audience, some people may not understand what you are trying to tell them, particularly if you use common words in an uncommon way. Therefore, using plain English and defining terms will make your rules more understandable.
- B.** Unlike legitimate technical terms, which outsiders could look up in a dictionary, jargon is a private language that has meaning only to a particular group. If these special words or phrases are necessary to the understanding of your rule, be prepared to define the jargon.
- C.** Avoid redundant phrases, pompous words, long sentences, passive voice, topic-specific acronyms and initialisms unless you 1st define each 1. Use concrete or common usage words and phrases and make sentences short, direct, and clear.
- D.** Do not add “-ize” to a noun to make it into a verb. This is jargon. The list in subsection (G) contains several “-ize” words to avoid.

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- E.** Do not use a foreign phrase or abbreviations of foreign phrases if an everyday English equivalent can be used. (For example, do not use e.g.; use “for example. Do not use i.e.; use “that is”.)
- F.** Avoid unclear words and phrases that sound like “legalese.” These include “aforesaid,” “hereby,” “hereinabove,” “said,” “such,” “thereof,” “to wit,” “whatsoever” and “wherein.” Use words derived from the Anglo-Saxon language instead of Latin.
- G.** The following list contains jargon words and phrases and their plain English equivalents.

DO NOT USE:

a person is prohibited from  
abeyance  
above (adjective)  
above-stated conditions  
absolutely complete  
absolutely essential  
absolutely nothing  
accompanied by  
accorded  
according to the law  
accordingly  
acquaint  
acquire  
activate  
actual experience  
add an additional  
add the point that  
additional  
adequate enough  
adequate number of  
adhere  
admit of  
advance forward  
advance planning  
affix signature of  
afford an opportunity  
aforementioned  
aforesaid  
aggregate  
all of the  
along the lines of  
aluminum metal  
ameliorate  
and/or  
any and all  
any one of the two  
apprise  
as a general rule  
as a matter of fact  
as of now  
as of the date of this  
as of this date  
as regards  
as related to  
as to  
ascertain  
ask the question  
assembled together  
assist  
assuming that  
at a later date  
at all times

USE INSTEAD:

a person shall not  
wait, postpone  
- - - -  
(Cite to Code Section or subsection)  
complete  
essential  
nothing  
with  
given  
legally  
so  
tell  
get  
start  
experience  
add  
add that  
more  
adequate, enough  
enough  
stick  
allow  
advance  
planning  
sign  
allow, permit  
- - - -  
- - - -  
total, whole  
all the  
like  
aluminum  
improve  
a or b, or both,  
any, all  
either  
tell  
usually, generally  
in fact, actually  
now  
(use specific date)  
today  
about  
for, about  
about  
find out  
ask  
assembled, put together  
help  
if  
later  
always

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<u>at an early date</u>	<u>soon</u>
<u>at hand</u>	<u>here</u>
<u>at present</u>	<u>now</u>
<u>at regular intervals</u>	<u>regularly</u>
<u>at that time</u>	<u>then</u>
<u>at the conclusion of</u>	<u>after</u>
<u>at the place</u>	<u>where</u>
<u>at the present time</u>	<u>now</u>
<u>at the rear of</u>	<u>behind</u>
<u>at the same</u>	<u>when</u>
<u>at the time</u>	<u>when</u>
<u>at this point in time</u>	<u>now</u>
<u>at this time</u>	<u>now</u>
<u>at which time</u>	<u>when, then</u>
<u>attach together</u>	<u>attach, put together</u>
<u>attached hereto</u>	<u>attached</u>
<u>attains the age of</u>	<u>becomes _____ years of age, becomes _____ years old</u>
<u>authorized and empowered</u>	<u>authorized</u>
<u>based on the fact that</u>	<u>because, due to</u>
<u>basic fundamentals</u>	<u>fundamentals, basics</u>
<u>before (adjective)</u>	<u>--- --</u>
<u>before in the past</u>	<u>before, in the past</u>
<u>beforementioned</u>	<u>--- --</u>
<u>beyond a shadow of a doubt</u>	<u>doubtless</u>
<u>blue in color</u>	<u>blue</u>
<u>brief in duration</u>	<u>brief, short, quick, fast</u>
<u>brought to a sudden halt</u>	<u>stopped, halted</u>
<u>by and under</u>	<u>by, under</u>
<u>by and with</u>	<u>by, with</u>
<u>by means of</u>	<u>by</u>
<u>by the time that</u>	<u>when</u>
<u>by the use of</u>	<u>by</u>
<u>by way of illustration</u>	<u>for example</u>
<u>called attention to the fact</u>	<u>reminded</u>
<u>came to a stop</u>	<u>stopped</u>
<u>cannot be possible</u>	<u>impossible</u>
<u>cause it to be done</u>	<u>have it done</u>
<u>cease</u>	<u>stop</u>
<u>check up on</u>	<u>check</u>
<u>circle around</u>	<u>circle</u>
<u>claimant(s)</u>	<u>each claimant, claimant</u>
<u>close proximity</u>	<u>close</u>
<u>cognizance</u>	<u>--- --</u>
<u>cognizant</u>	<u>aware</u>
<u>collect together</u>	<u>collect, gather</u>
<u>combine together</u>	<u>combine</u>
<u>come to an end</u>	<u>end</u>
<u>commence</u>	<u>begin, start</u>
<u>compensation</u>	<u>pay</u>
<u>completely destroyed</u>	<u>destroyed, ruined</u>
<u>completely opposite</u>	<u>opposite</u>
<u>component</u>	<u>part</u>
<u>concur</u>	<u>agree</u>
<u>configuration</u>	<u>shape, design</u>
<u>conflagration</u>	<u>fire</u>
<u>connect together</u>	<u>connect</u>
<u>consensus of opinion</u>	<u>consensus</u>
<u>consequent results</u>	<u>results</u>
<u>consolidate together</u>	<u>consolidate</u>

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<u>construct, fabricate</u>	<u>make</u>
<u>contiguous to</u>	<u>next to</u>
<u>continue on</u>	<u>continue</u>
<u>continue to remain</u>	<u>remain</u>
<u>contributing factor</u>	<u>factor</u>
<u>cooperate together</u>	<u>cooperate</u>
<u>cost the sum of</u>	<u>cost</u>
<u>couple together</u>	<u>couple</u>
<u>create</u>	<u>establish</u>
<u>current status</u>	<u>status</u>
<u>curtail</u>	<u>slow, shorten</u>
<u>deem</u>	<u>consider</u>
<u>demonstrate</u>	<u>show</u>
<u>descend</u>	<u>fall, climb down</u>
<u>desirable benefits</u>	<u>benefits</u>
<u>despite the fact that</u>	<u>although</u>
<u>detailed information</u>	<u>details</u>
<u>diametrically opposite</u>	<u>opposite</u>
<u>disappear from sight</u>	<u>disappear</u>
<u>disregard altogether</u>	<u>disregard</u>
<u>does not operate to</u>	<u>does not</u>
<u>donate</u>	<u>give</u>
<u>draw to a close</u>	<u>end</u>
<u>due to, due to the fact that</u>	<u>because, as a result</u>
<u>during the course of</u>	<u>during</u>
<u>during such time as</u>	<u>while</u>
<u>during which time</u>	<u>while</u>
<u>each</u>	<u>a, an</u>
<u>each and all</u>	<u>each, all</u>
<u>each and every</u>	<u>each</u>
<u>earliest practicable date</u>	<u>(use the exact date)</u>
<u>early beginnings</u>	<u>beginnings</u>
<u>effectuate</u>	<u>carry out</u>
<u>employ</u>	<u>hire, use</u>
<u>empty cavity</u>	<u>cavity</u>
<u>enclosed herewith</u>	<u>enclosed</u>
<u>encounter</u>	<u>meet</u>
<u>endorse on the back</u>	<u>endorse</u>
<u>end product</u>	<u>result</u>
<u>end result</u>	<u>result</u>
<u>endeavor to</u>	<u>try to</u>
<u>enter into a contract with</u>	<u>contract</u>
<u>entirely destroyed</u>	<u>destroyed</u>
<u>equally as good</u>	<u>as good</u>
<u>estimated at about</u>	<u>estimated at</u>
<u>estimated roughly at</u>	<u>estimated at</u>
<u>etc.</u>	<u>(not to be used, since it is unclear)</u>
<u>evacuate</u>	<u>leave, empty, clear</u>
<u>evince</u>	<u>show</u>
<u>exactly alike</u>	<u>identical</u>
<u>exactly identical</u>	<u>identical</u>
<u>except in a small number of cases</u>	<u>usually</u>
<u>excessive number of</u>	<u>too many</u>
<u>exhibit</u>	<u>show</u>
<u>exhibit a tendency to</u>	<u>tend to</u>
<u>expose to elevated temperature</u>	<u>heat</u>
<u>expired and terminated</u>	<u>expired, terminated</u>
<u>extremely immoderate</u>	<u>immoderate</u>
<u>fabricate</u>	<u>make</u>

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<u>factor</u>	<u>fact</u>
<u>fast in action</u>	<u>fast</u>
<u>feasible</u>	<u>likely, possible</u>
<u>few in number</u>	<u>few</u>
<u>filled to capacity</u>	<u>filled</u>
<u>final and conclusive</u>	<u>final</u>
<u>final completion</u>	<u>completion</u>
<u>final conclusion</u>	<u>conclusion</u>
<u>finalize</u>	<u>finish, end, complete, conclude</u>
<u>finally ended</u>	<u>ended</u>
<u>first beginnings</u>	<u>beginnings</u>
<u>following after</u>	<u>following, after</u>
<u>for a short space of time</u>	<u>for a short time</u>
<u>for the duration of</u>	<u>during</u>
<u>for the period of a week</u>	<u>for a week</u>
<u>for the purpose of</u>	<u>to, for</u>
<u>for the reason that</u>	<u>because, since</u>
<u>for this reason</u>	<u>so</u>
<u>foregoing (adjective)</u>	<u>the, this, that, these, those</u>
<u>forthwith</u>	<u>promptly, immediately</u>
<u>forward the department a copy</u>	<u>send the department a copy</u>
<u>fracture</u>	<u>break</u>
<u>from now on</u>	<u>in the future</u>
<u>from the point of view of</u>	<u>for</u>
<u>from time to time</u>	<u>occasionally</u>
<u>full and complete</u>	<u>full</u>
<u>full force and effect</u>	<u>effective</u>
<u>function</u>	<u>work, act</u>
<u>furnish</u>	<u>provide, send, give</u>
<u>fused together</u>	<u>fused</u>
<u>give consideration to</u>	<u>consider</u>
<u>give recognition to</u>	<u>recognize</u>
<u>great deal of</u>	<u>much</u>
<u>great number of times</u>	<u>often, frequently</u>
<u>greater number of</u>	<u>more</u>
<u>have knowledge of</u>	<u>know</u>
<u>have need of</u>	<u>need</u>
<u>have the effect of</u>	<u>effect</u>
<u>having reference to this</u>	<u>for, about</u>
<u>he or she</u>	<u>the applicant, the inmate, the permittee, the director, or whatever the</u>
<u>descriptive title is. (avoid gender-specific references.)</u>	
<u>heat up</u>	<u>heat</u>
<u>hereafter</u>	<u>after this ... takes effect</u>
<u>hereby</u>	<u>--- --</u>
<u>herein</u>	<u>in this Article (or Section)</u>
<u>hereinafter</u>	<u>--- --</u>
<u>hereinbefore</u>	<u>--- --</u>
<u>herewith</u>	<u>--- --</u>
<u>hidden pitfall</u>	<u>pitfall</u>
<u>hold in abeyance</u>	<u>wait, postpone</u>
<u>hopeful optimism</u>	<u>optimism</u>
<u>hopefully</u>	<u>use only as an adverb</u>
<u>however</u>	<u>if, except, unless, or state the condition</u>
<u>if and when</u>	<u>if, when</u>
<u>if any person shall</u>	<u>a person who</u>
<u>if that were the case</u>	<u>if so</u>
<u>implement</u>	<u>carry out, put into effect</u>
<u>implicate</u>	<u>involve</u>
<u>important essentials</u>	<u>essentials</u>

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impotent  
in a number of cases  
in a position to  
in accordance with  
in addition (to)  
in as much as  
in back of  
in case of  
in close proximity to  
in compliance with request  
in conjunction with  
in consideration of the fact  
in excess of  
in favor of  
in few cases  
in few instances  
in isolation  
in lieu of  
in light of the fact that  
in many (most) cases  
in order to  
in other words  
in rare cases  
in reference (regard, respect) to  
in regard to  
in relation to  
in short supply  
in terms of  
in the absence of  
in the amount of  
in the case of  
in the course of  
in the event, in case  
in the environment of  
in the event that  
in the first place  
in the instance of  
in the interest of  
in the majority of cases  
in the matter of  
in the nature of  
in the near future  
in the neighborhood of  
in the preceding section  
in the process of  
in the proximity of  
in the vicinity of  
in view of the fact that  
inasmuch as  
incinerate  
includes, but is not limited to,  
increment  
indubitably  
inform  
initiate, commence  
institute  
introduced a new  
is applicable  
is authorized to

weak  
many, some  
may, is able to  
by, under  
also, besides  
because, since, as  
behind  
if  
close to, near  
as requested  
with  
because  
more than  
for  
seldom, rarely  
seldom, rarely  
alone, by itself  
instead of, in place of  
because  
often (usually)  
to  
or, that is  
rarely, seldom  
about, concerning  
regarding  
with  
scarce  
according to  
without  
of, for  
for, by, in, if  
during  
if  
around, near  
if, should  
first, primarily  
for  
for  
usually  
about  
like  
soon  
about, near  
in Section  
during, while  
near, nearly, about  
around, near  
considering, since  
since  
burn  
includes  
amount, bit  
doubtless, undoubtedly  
tell  
begin  
begin, start  
introduced  
applies  
shall

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<u>is defined as</u>	<u>is, means</u>
<u>is dependent on</u>	<u>depends</u>
<u>is empowered to, is authorized to, is entitled to, is permitted to</u>	<u>may</u>
<u>is in the possession of</u>	<u>has</u>
<u>is in the process of making</u>	<u>is making</u>
<u>is of the opinion that</u>	<u>believes</u>
<u>is representative of</u>	<u>is an example of</u>
<u>is unable to</u>	<u>cannot</u>
<u>it is apparent that</u>	<u>apparently</u>
<u>it is clear that</u>	<u>clearly</u>
<u>it is evident that</u>	<u>evidently</u>
<u>it is obvious that</u>	<u>obviously</u>
<u>it is often the case that</u>	<u>often, frequently</u>
<u>it is plain that</u>	<u>plainly</u>
<u>it is unquestionable that</u>	<u>unquestionably</u>
<u>it shall be unlawful</u>	<u>it is unlawful</u>
<u>it would appear that</u>	<u>it seems</u>
<u>join together</u>	<u>join</u>
<u>joint cooperation</u>	<u>cooperation</u>
<u>joint partnership</u>	<u>partnership</u>
<u>just exactly</u>	<u>exactly</u>
<u>kept an eye on</u>	<u>watched</u>
<u>kept under surveillance</u>	<u>watched</u>
<u>large in size</u>	<u>large</u>
<u>large number of</u>	<u>many</u>
<u>large-sized</u>	<u>large</u>
<u>last of all</u>	<u>last</u>
<u>lift up</u>	<u>lift</u>
<u>little less than</u>	<u>almost</u>
<u>locate</u>	<u>find</u>
<u>main essentials</u>	<u>essentials</u>
<u>major</u>	<u>chief, main</u>
<u>major portion of</u>	<u>most of</u>
<u>majority of</u>	<u>most</u>
<u>make a determination</u>	<u>determine</u>
<u>make a purchase</u>	<u>buy</u>
<u>make a recommendation that</u>	<u>recommend</u>
<u>make an investigation of</u>	<u>investigate</u>
<u>make application</u>	<u>apply</u>
<u>make contact with</u>	<u>meet, contact</u>
<u>make payment</u>	<u>pay</u>
<u>manifest</u>	<u>show</u>
<u>manipulate</u>	<u>operate, use</u>
<u>manner in which</u>	<u>how</u>
<u>manufacture</u>	<u>make</u>
<u>may or may not, may possibly</u>	<u>may</u>
<u>may be treated as</u>	<u>treated</u>
<u>means and includes</u>	<u>means, includes</u>
<u>melt down</u>	<u>melt</u>
<u>mingle together</u>	<u>mingle</u>
<u>mix together</u>	<u>mix</u>
<u>modification</u>	<u>change</u>
<u>more and more</u>	<u>increasingly</u>
<u>more preferable</u>	<u>preferable</u>
<u>moreover</u>	<u>besides</u>
<u>must</u>	<u>shall</u>
<u>mutual cooperation</u>	<u>cooperation</u>
<u>necessary and desirable</u>	<u>necessary, desirable</u>

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<u>necessary requisite</u>	<u>requirement</u>
<u>necessitate</u>	<u>require</u>
<u>necessity</u>	<u>need</u>
<u>new innovation</u>	<u>innovation</u>
<u>no later than</u>	<u>not later than</u>
<u>none whatsoever</u>	<u>none</u>
<u>notwithstanding</u>	<u>although</u>
<u>notwithstanding the fact that</u>	<u>although</u>
<u>null and void</u>	<u>void</u>
<u>number of</u>	<u>several, many, some</u>
<u>obligate</u>	<u>bind</u>
<u>obligation</u>	<u>debt</u>
<u>of a confidential nature</u>	<u>confidential</u>
<u>of a technical nature</u>	<u>technical</u>
<u>of considerable magnitude</u>	<u>big, large, great</u>
<u>of major importance</u>	<u>important</u>
<u>of minor importance</u>	<u>unimportant</u>
<u>off of</u>	<u>off</u>
<u>off of (slang)</u>	<u>from</u>
<u>on a few occasions</u>	<u>occasionally, sometimes</u>
<u>on a stretch of road</u>	<u>on a road</u>
<u>on account of</u>	<u>because</u>
<u>on behalf of</u>	<u>for</u>
<u>on or after July 1</u>	<u>after June 30</u>
<u>on or before June 30</u>	<u>before July 1</u>
<u>on the basis of</u>	<u>by</u>
<u>on the grounds that</u>	<u>because</u>
<u>on the part of</u>	<u>by</u>
<u>on two different occasions</u>	<u>twice</u>
<u>once in a great while</u>	<u>seldom, rarely</u>
<u>one after another</u>	<u>alternately</u>
<u>one and the same</u>	<u>the same</u>
<u>one by one</u>	<u>singly</u>
<u>one definite reason</u>	<u>one reason</u>
<u>one particular example</u>	<u>one example</u>
<u>one specific case</u>	<u>one case</u>
<u>only difference being that</u>	<u>except that</u>
<u>order and direct</u>	<u>order, direct</u>
<u>ought to</u>	<u>should</u>
<u>outside of</u>	<u>except</u>
<u>over and above</u>	<u>over, above</u>
<u>over the age of sixteen</u>	<u>16 or more years of age</u>
<u>owing to the fact that</u>	<u>since, because</u>
<u>paramount</u>	<u>main, chief</u>
<u>part and parcel</u>	<u>part</u>
<u>past experience</u>	<u>experience</u>
<u>perform an analysis of</u>	<u>analyze</u>
<u>period of time</u>	<u>period, time</u>
<u>period of several weeks</u>	<u>several weeks</u>
<u>personal opinion</u>	<u>opinion</u>
<u>perspective</u>	<u>view</u>
<u>pertaining to</u>	<u>about</u>
<u>phenomenal</u>	<u>unusual</u>
<u>philosophy</u>	<u>belief, idea</u>
<u>plan ahead (plan for the future, plan in advance)</u>	<u>plan</u>
<u>possess</u>	<u>have</u>
<u>possibly might</u>	<u>might</u>
<u>postponed until later</u>	<u>postponed</u>

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<u>potent</u>	<u>strong</u>
<u>practically</u>	<u>nearly, most, almost, all but</u>
<u>preclude</u>	<u>prevent, shut out</u>
<u>presently planned</u>	<u>planned</u>
<u>prior to</u>	<u>before</u>
<u>prioritize</u>	<u>place in priority order</u>
<u>probed into</u>	<u>probed</u>
<u>proceed</u>	<u>go</u>
<u>proceed to (action verb)</u>	<u>(use action verb by itself)</u>
<u>procure</u>	<u>buy, get obtain</u>
<u>prolong the duration</u>	<u>prolong</u>
<u>provide further</u>	<u>except</u>
<u>provided</u>	<u>if, except, unless, or state the condition</u>
<u>provisions of Section</u>	<u>Section</u>
<u>purchase</u>	<u>buy</u>
<u>pursuant to</u>	<u>by, under, following</u>
<u>qualified expert</u>	<u>expert</u>
<u>ramification</u>	<u>result</u>
<u>range all the way from</u>	<u>range from</u>
<u>really and truly</u>	<u>really, truly</u>
<u>reason is because</u>	<u>reason is, that, because</u>
<u>recur again</u>	<u>recur</u>
<u>red in color</u>	<u>red</u>
<u>reduce down</u>	<u>reduce</u>
<u>refer back</u>	<u>refer</u>
<u>regardless of the fact that</u>	<u>although</u>
<u>regress back</u>	<u>regress</u>
<u>relative to</u>	<u>about</u>
<u>remand back</u>	<u>remand</u>
<u>render (cause to be)</u>	<u>make</u>
<u>render (give)</u>	<u>give</u>
<u>repeat again</u>	<u>repeat</u>
<u>request</u>	<u>ask</u>
<u>reside</u>	<u>live</u>
<u>residence</u>	<u>home</u>
<u>resultant effect</u>	<u>result, effect</u>
<u>revise downward</u>	<u>lower</u>
<u>rule and regulation</u>	<u>rule (it's even better to use the appropriate <i>Code</i> term.)</u>
<u>said (adjective)</u>	<u>the</u>
<u>same (as a substitute for it, she, he)</u>	<u>the, its, her, his</u>
<u>same identical</u>	<u>same, identical</u>
<u>seems apparent</u>	<u>seems, is apparent</u>
<u>seldom if ever</u>	<u>rarely, seldom</u>
<u>separate and distinct</u>	<u>separate, distinct</u>
<u>shall be considered to be</u>	<u>considered</u>
<u>shall be deemed to be</u>	<u>deemed</u>
<u>since the time when</u>	<u>since</u>
<u>single unit</u>	<u>unit</u>
<u>skirt around</u>	<u>skirt</u>
<u>small in size</u>	<u>small</u>
<u>small number of</u>	<u>few, some</u>
<u>small-sized</u>	<u>small</u>
<u>sole and exclusive</u>	<u>sole, exclusive</u>
<u>sophisticated</u>	<u>complex</u>
<u>specific example</u>	<u>example</u>
<u>spotlight</u>	<u>stress, accent</u>
<u>started off with</u>	<u>began, started with</u>
<u>state</u>	<u>say</u>
<u>still continue</u>	<u>continue</u>

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<u>still remains</u>	<u>remains</u>
<u>stimulate</u>	<u>excite</u>
<u>subparagraph a. of paragraph 1. of</u> <u>subsection a. of section R1-1-110</u>	<u>R1-1-110(A)(1)(a)</u>
<u>subsequent to</u>	<u>after</u>
<u>substantial portion</u>	<u>large part</u>
<u>such (adjective)</u>	<u>the</u>
<u>suddenly collapsed</u>	<u>collapsed</u>
<u>suffer (in the sense of "allow")</u>	<u>allow</u>
<u>sufficient</u>	<u>enough</u>
<u>sufficient number of</u>	<u>enough</u>
<u>summer months</u>	<u>summer</u>
<u>surprising upset</u>	<u>upset</u>
<u>surround on all sides</u>	<u>surround</u>
<u>surrounding circumstances</u>	<u>circumstances</u>
<u>take appropriate measures</u>	<u>act</u>
<u>take into consideration</u>	<u>consider</u>
<u>telephonically</u>	<u>by telephone</u>
<u>ten miles distant from</u>	<u>ten miles from</u>
<u>terminate</u>	<u>end</u>
<u>terms and conditions</u>	<u>terms, conditions</u>
<u>terms and limitations</u>	<u>terms, limitations</u>
<u>that is to say</u>	<u>that is</u>
<u>the same is hereby</u>	<u>is</u>
<u>there is no doubt that</u>	<u>doubtless, no doubt</u>
<u>there is no question that</u>	<u>unquestionably</u>
<u>thoroughfare</u>	<u>aisle, street</u>
<u>three hours of time</u>	<u>three hours</u>
<u>through the use of</u>	<u>by</u>
<u>throughout the entire (throughout</u> <u>the whole)</u>	<u>throughout</u>
<u>to be cognizant of</u>	<u>to know</u>
<u>to summarize the above</u>	<u>in summary</u>
<u>to the north</u>	<u>north, northward</u>
<u>to wit</u>	<u>---</u>
<u>total of ten</u>	<u>ten</u>
<u>total operation costs</u>	<u>operating costs</u>
<u>transmit</u>	<u>send</u>
<u>traverse across</u>	<u>cross</u>
<u>true fact</u>	<u>fact</u>
<u>two by two</u>	<u>paired, in pairs</u>
<u>type and kind</u>	<u>type, kind</u>
<u>under the provision of</u>	<u>under</u>
<u>unless and until</u>	<u>unless, until</u>
<u>until such time as</u>	<u>until</u>
<u>up to now</u>	<u>formerly</u>
<u>utilize</u>	<u>use</u>
<u>utilization</u>	<u>use</u>
<u>ultimate end</u>	<u>end</u>
<u>universal the world over</u>	<u>universal</u>
<u>unsolved problem</u>	<u>problem</u>
<u>vacillate</u>	<u>waver</u>
<u>veracious</u>	<u>true</u>
<u>verification</u>	<u>proof</u>
<u>viable</u>	<u>workable</u>
<u>visit with</u>	<u>visit</u>
<u>visualize</u>	<u>imagine, picture</u>
<u>ways and means</u>	<u>ways, means</u>
<u>went on to say</u>	<u>added, continued</u>

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<u>whatsoever</u>	----
<u>when and if</u>	<u>if</u>
<u>whenever</u>	----
<u>whereas</u>	----
<u>wheresoever</u>	----
<u>whether or not</u>	<u>whether</u>
<u>whosoever</u>	----
<u>with a view to</u>	<u>intending to</u>
<u>with full approval</u>	<u>approved</u>
<u>with reference to</u>	<u>about</u>
<u>with regard to</u>	<u>about, regarding</u>
<u>with respect to</u>	<u>about</u>
<u>with the exception of</u>	<u>except</u>
<u>with the object of</u>	<u>to</u>
<u>with the result that</u>	<u>so that</u>
<u>within named</u>	----
<u>within the realm of possibility</u>	<u>possibly, possible</u>
<u>without variation</u>	<u>constant</u>

**R1-1-1032. Labeling Paragraphs**

- A.** When labeling paragraphs in your rules, remember that only 4 levels of subsections are allowed.
1. The 1st level of subsection is labeled with capital letters followed by a period.
  2. The 2nd level of subsection is labeled with Arabic numbers followed by a period.
  3. The 3rd level of subsection is labeled with small (lower case) letters followed by a period.
  4. The 4th level of subsection is labeled with small Roman numerals followed by a period.
- B.** Refer to R1-1-1030 for indent levels for the 4 levels of subsection.
- C.** Levels of subsection below the 4th level are not allowed. If you submit a proposed rule with more than 4 levels of subsection, your rules shall be returned to you for correction before the Office accepts them for publication or filing. If you submit an emergency, summary, or final rule with more than 4 levels, the Office shall return the rules to either the Council or the Attorney General who will then contact the agency for corrections. The only exception to this provision appears in R1-1-408(F).
- D.** When drafting rules, remember:
1. Do not leave any paragraph unlabeled (except an opening paragraph) because you cannot cite an unlabeled paragraph, except as noted in Section R1-1-408(G) concerning definitions. Do not leave any sentence or paragraph unlabeled between labeled subsections at any level.
  2. Do not use A without B, 1 without 2, a without b, or i without ii.
  3. Leave definitions unlabeled as long as the definitions or other list of items are listed in alphabetical order.
  4. If you do not label definitions, also do not label their subsections.
- E.** When a subsection reference contains several labels for different levels of subsection, list the labels in order, each within its own set of parentheses with no space between the parentheses.

**R1-1-1033. Lists**

- A.** When you draft your rules, you may leave a list of 3 or less items within the text of the paragraph but do not individually label each item. Lists of more than 3 items must appear in a “displayed” list - that is, at the next subsection level. Label each item in displayed lists; however, if the list is in alphabetical order, labels are not absolutely necessary. Labels can aid you if you wish to refer to an item in the list.
- B.** In a displayed list, capitalize the 1st word of each item.
- C.** When each item in the list completes the thought begun in the introductory sentence, use semicolons (if 1 or more of the items already contains a comma) or commas (when none of the items contains a comma) after all but the last item and use a period after the last item. NOTE: when using a list of items that complete the introductory sentence, make sure each item is parallel in structure.
- D.** When each item in the list is a complete thought by itself, end each item with a period.

**R1-1-1034. Notices**

All Notices submitted to the Office for publication in the Register or the Code shall be double-spaced. This includes the information in the Preamble (part of the Notice), all pages of text, the concise explanatory statement, and other agency-generated materials contained in the rulemaking package. Incorporated-by-reference materials submitted with your final rules are not included in this requirement. Notices submitted that are not double-spaced will be returned to the agency for correction before the Office will accept them for publication or filing.

**R1-1-1035. Numbers**

- A. Do not begin a sentence with a number.
- B. Write all numbers as Arabic numbers.
- C. Do not use both the number spelled out and its Arabic number equivalent in parentheses.
- D. For expressions of time, use the abbreviations “a.m.” and “p.m.” all in lower case.
- E. When using numbers which are 1 million or greater, use a combination of figures and words.
- F. Use a comma to separate groups of 3 digits (for example: 109,278,345). The exception to this rule is for numbers of 4 figures (for example: 1000). In this instance, you may either use the comma or omit the comma as long as you are consistent throughout your rules.

**R1-1-1036. Parallel Structure**

Arrange items in a list so that parallel ideas have parallel construction. Do not start 1 item in the list with a verb, another with a noun, and a 3rd with a gerund.

**R1-1-1037. Percent**

When using percents in your rules, use the percent symbol (%).

**R1-1-1038. Plurals**

Do not make a noun or a verb plural by the addition of the plural form in parentheses. Use the singular form, the plural form, or both, but do not combine the 2 forms. (For example, use “form or forms” but do not use “form(s).”

**R1-1-1039. Positive Writing**

- A. Do not write sentences in the negative. Negative sentences are difficult to understand. Double negatives are worse.
- B. Use a negative statement for clarity if you are cautioning the reader.
- C. Avoid several negatives in 1 sentence.

**R1-1-1040. Possessives**

- A. When drafting rules, note which words are possessive and modify a noun. If you can state the noun followed by “of” and then the modifying word, use an apostrophe (and an ‘s’ if necessary) when the modifier is immediately before the noun.
- B. Certain phrases indicating the passage of time are possessives.
- C. Additional information on possessives may be found in R1-1-1006.

**R1-1-1041. Present Tense**

When you write a rule of continuing effect, write it as of the time you apply it, not as of the time you draft it or when it becomes effective.

**R1-1-1042. Problem Words**

There are many words that people tend to confuse in function and purpose. Make sure you use the appropriate word, the word you actually mean. The following list shows some common problem words along with their definitions:

1. Ability/Capacity
  - a. “Ability” means the state of being able to do something.
  - b. “Capacity” means the power of receiving or containing.
2. About/Approximately
  - a. “About” is inexact; it indicates a rough estimate.
  - b. “Approximately” implies accuracy.
3. Accept/Except
  - a. “Accept” means to receive willingly or to agree with.
  - b. “Except” means excluding.
4. Adapt, adept, adopt
  - a. “Adapt” means to alter or to adjust.
  - b. “Adept” means skillful or proficient.
  - c. “Adopt” means to take as one’s own without change.
5. Advice/Advise/Inform
  - a. “Advice” means suggestions or recommendations concerning a course of action.
  - b. “Advise” means to offer counsel and suggestions.
  - c. “Inform” means to communicate information.
6. Affect/Effect (mnemonic device: RAVEN: Remember, Affect is a Verb, Effect is a Noun.)
  - a. “Affect” means to change or to influence. (Usually a verb.)
  - b. “Effect” means result or consequence. (Usually a noun.)
7. Alternate/Alternative
  - a. “Alternate” means a substitute.
  - b. “Alternative” means a choice between 2 or more possibilities.

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8. Among/Between
  - a. “Among” is used when things are shared by more than 2 people.
  - b. “Between” is used when things are shared by 2.
9. Amount/Number
  - a. “Amount” tells how much.
  - b. “Number” tells how many.
10. Balance/Remainder
  - a. “Balance” is used in business to mean the amount still owed after a partial payment or the excess of debits over credits.
  - b. “Remainder” is what is left when a part is taken away.
11. Because/Due to/Since
  - a. “Because” means by reason of or on account of and refers to a direct causal relationship.
  - b. “Due to” means attributable to. It should follow a form of “to be” and must modify a noun.
  - c. “Since” means in view of the fact that and refers to a non-causal relationship. “Since” also refers to something that happened at a particular time in the past. “Since” generally refers to something happening at a particular time in the past. Do not use “since” when you mean “because.”
12. Biannually/Biennially
  - a. “Biannually” means 2 times a year.
  - b. “Biennially” means every 2 years.
13. Bimonthly/Semimonthly
  - a. “Bimonthly” means every 2 months.
  - b. “Semimonthly” means twice a month.
14. Capital/Capitol
  - a. “Capital” means an uppercase letter, the site of government, or money.
  - b. “Capitol” means the main government building.
15. Cite/Sight/Site
  - a. “Cite” means to quote and is a short form of “citation,” as in “legal cite.”
  - b. “Sight” means vision.
  - c. “Site” means a place.
16. Comprise/Constitute/Compose
  - a. “Comprise” means to contain.
  - b. “Constitute” means to form or make up.
  - c. “Compose” means to form by putting together 2 or more things.
17. Continual/Continuous
  - a. “Continual” means something that happens again and again, over a long period of time.
  - b. “Continuous” means without interruption.
18. Council/Counsel
  - a. “Council” means a group of people.
  - b. “Counsel” means an attorney, advice, or to advise.
19. Either/Any
  - a. “Either” means 1 or the other of 2.
  - b. “Any” means every or some.
20. Farther/Further
  - a. “Farther” refers to physical distance that can be measured.
  - b. “Further” means to a greater degree or extent and refers to matters in which physical measurement is impossible or in which distance is figurative.
21. Feel/Think
  - a. “Feel” refers to physical or emotional sensation.
  - b. “Think” refers to mental activity.
22. Fewer/Less
  - a. “Fewer” means things or units that can be counted individually.
  - b. “Less” refers to bulk or volume.
23. Fewer Than or More Than/Under or Over
  - a. “Fewer than” and “more than” refer to figures.
  - b. “Under” or “over” refers to spatial comparisons only.
24. If/Whether
  - a. “If” means “in case that” or “even though” and introduces a conditional clause.
  - b. “Whether” means “if it be the case that” and introduces a noun clause involving choices.
25. Principal/Principle

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- a. “Principal” means main or chief.
- b. “Principle” means moral standard or belief.
- 26. Their/There/They're
  - a. “Their” means possession by “them.”
  - b. “There” means in or at that place.
  - c. “They're” means contraction of “they are.”
- 27. Who/Which/That
  - a. “Who” and “that” are used when referring to persons. Select “who” when the individual person or the individuality of a group is meant and “that” when a class, species, or type is meant.
  - b. “Which” and “that” are used when referring to places, objects, and animals. “Which” is always used to introduce nonessential clauses and “that” is ordinarily used to introduce essential clauses.
  - c. “Which”, “that”, and “who” may be used to refer to organizations. When referring to the organization as a single entity (it), then use “which” or “that”. However, when thinking of an organization in terms of the individuals who make up the organization (they), you may use “who” or “that”.
  - d. “That” sets off a restrictive or essential clause and is used without commas.
  - e. “Which” sets off a nonrestrictive or nonessential clause and usually is used with commas.
- 28. Who/Whom
  - a. Use “who” (or “whoever”) whenever “he”, “she”, “they”, “I”, or “we” could be substituted in the “who” clause.
  - b. Use “whom” (or “whomever”) whenever “him”, “her”, “them”, “me”, or “us” could be substituted as the object of the verb or as the object of a preposition in the “whom” clause.

**R1-1-1043. Receipts**

Include with all rulemaking packages submitted to the Office for publication or filing 2 copies of an agency receipt. The Office will date- and time-stamp both copies and will return 1 copy to you, keeping the other copy for Office files. The Office will return to you any rulemaking package submitted without the receipts.

**R1-1-1044. Rulemaking Action**

Note that there is a column for Rulemaking Action on all notices of rulemaking activity submitted to the Office. The types of rulemaking action to be listed include: new Section, amendment, repeal, and renumbering. Do not use the term “Adopt” for new Sections.

**R1-1-1045. Section Numbers**

Use complete Section numbers, either for rules or statutes, referenced in a rule. Complete Section numbers include the “R”, the Title number, the Chapter number, and the individual Section number. Complete A.R.S. Section numbers include the Title number and the individual Section number. Complete U.S.C. Section numbers include the Part number and the individual Section number. Complete CFR Section numbers include the Part number.

**R1-1-1046. Semicolons**

- A.** Use a semicolon when 2 independent clauses are related and emphasis is placed equally on both clauses.
- B.** Use a semicolon at the end of each subsection that completes the thought of the next previous level of subsection.
  - 1. If none of the items in the list is a complete sentence, and
  - 2. If 1 of the items in the list contains a comma.
- C.** If no item in the list contains a comma, use commas at the end of each item. See also “Commas” in Section R1-1-1014.

**R1-1-1047. “Shall” and “May”**

Although “shall” and “must” have essentially the same meaning, in Arizona, both in the statutes and in the rules, use “shall”.

- 1. Use “shall” instead of “may” when you require specific action. “Shall” is used to impose a mandatory duty, direction, or command.
- 2. Use “shall not” to indicate an obligation not to act or a prohibition against acting.
- 3. Avoid using “shall” to confer a right.
- 4. Avoid the negative subject with the affirmation “shall”.
- 5. “May” is permissive and confers a right, privilege, or power. When using “may”, give the standards under which the discretion will be used.

**R1-1-1048. Short Sentences**

Keep sentences short. Readable sentences are simple, active, affirmative, and declarative.

**R1-1-1049. Signs and Symbols**

- A.** If you need to use a sign or symbol in your rules, use the sign or symbol rather than spelling out what the sign or symbol means. The Office can handle any symbol, whether it is a mathematical, scientific, or other sign or symbol. If you cannot create the sign or symbol on your equipment, leave space and handwrite it in.
- B.** The following are standard signs and symbols and should always be used instead of words:

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=, +, -, \$, %, X, +, II, and §.

**R1-1-1050. Singular Form**

- A.** In the absence of language to the contrary, the singular implies the plural.
- B.** Do not use “(s)”, “(es)”, or “(ies)” at the end of a singular noun to indicate both the singular and the plural. Use either the singular or the plural form. See also “Plurals” in R1-1-1038.

**R1-1-1051. Spelling**

Proofread, including a visual proofreading, and spell-check your rules before submitting them to the Office for publication and filing. The Office will correct spelling when we know that a word is misspelled. However, Office staff are not experts in your agency’s subject area and may not realize when a technical word is misspelled. Using only a spell-check program on computer equipment may not catch a misspelled word when the misspelling is another correctly spelled word.

**R1-1-1052. Statutory Quotations, Book Titles, and Scientific Names**

Place statutory quotations, book titles, and scientific names in italics.

**R1-1-1053. Subsections**

Do not use more than 4 levels of subsections in your rules. The Office will not accept any proposed, final, emergency, summary, or exempt rules with more than 4 levels. See also R1-1-408

**R1-1-1054. Supplementary Material**

- A.** When you find it necessary to include a table, an illustration, a diagram, or other material that appears in a form other than prose, submit a camera-ready copy of the item when you submit your rules for publication at any stage of the rulemaking process. A photocopy of the item is not sufficient; a dot matrix original or copy is not considered camera-ready. When in doubt, bring a copy of the item to the Secretary of State’s Office for us to check before you submit the material for publication.
- B.** If you include in your rules supplementary material that you have labeled and to which you have assigned a heading, list the item or items in the Chapter’s table of contents. Use 1 of the following 4 terms for supplementary material:
1. Appendix: use with material in prose form.
  2. Exhibit: use for forms and supplementary material that does not fit the definitions of Appendix, Illustration, and Table. Note that forms described in the statutes or in expository form in the rules need not be filed with or contained in your rules as a form.
  3. Illustration: use for pictures, maps, photographs, drawings, and other graphics.
  4. Table: use for material in tabular format.
- C.** If the material is supplementary to a particular Section and fits within the columnar requirements of the Code, place it immediately after the Section and include it in the Chapter’s table of contents slightly indented under the Section to which it belongs. If the material is supplementary to the entire Article or Part, place it at the end of the appropriate Article or Part and list it in the table of contents at the same left hand margin as the Section numbers.
- D.** Other requirements for supplementary material appear in R1-1-412.

**R1-1-1055. Terminology**

Use the proper terminology in your rules to refer to divisions within the Code:

1. Use ‘Title’ for the main subject area in which your rules appear.
2. Use ‘Chapter’ when you refer to the entire set of rules contained in the Chapter.
3. Use ‘Subchapter’ when you refer to the rules in a particular Subchapter, if you have divided your rules into Subchapters.
4. Use ‘Article’ when you refer to the rules in a particular Article.
5. Use ‘Part’ when you refer to the rules in a particular Part, if you have divided your Articles into Parts.
6. Use ‘Section’ when you refer to an individual rule.
7. Use ‘subsection’ when you refer to any level of subsection within a Section.
8. Use ‘Appendix’ when you refer to an item of supplementary material written in prose format that does not otherwise fit the codification system but which you have included as part of your Chapter.
9. Use ‘Table’ to refer to supplementary material in tabular form that cannot fit within the column limitations of a Section but that you have included as part of your Chapter.
10. Use ‘Illustration’ to refer to supplementary material in the form of a picture, map, drawing, or other illustration that you have included as part of your Chapter and that does not fit within the column limitations of a Section.
11. Use ‘Exhibit’ to refer to supplementary material that does not fit the codification system and is information other than that allowed in an Appendix, Illustration, or Table that you have included as part of your rules.

**R1-1-1056. Underlining**

- A.** Underlining is used in the text of rules filed with the Secretary of State only to indicate new language being added to an existing rule. Do not use underlining in the text of rules for any other purpose.

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- B.** You may choose not to underline the text of new rules (complete Sections) when only whole new Sections are being added. However, if you are adding at least 1 whole new Section, and either repealing or amending at least 1 other Section, indicate all changes.
- C.** When you are proposing to amend your existing rules, show all changes between the version on file with the Office and what you are doing in this rulemaking. Changes include all language the agency is deleting and all language the agency is adding or otherwise changing.
- D.** When you are amending your rules and submitting them as final rules, show all changes between the version on file with the Office and what you are doing in the final rulemaking. Do not show only the changes made between proposal and final adoption.

**R1-1-1057. Unnecessary Words**

- A.** If it is possible to omit a word and preserve the desired meaning, always omit the word.
- B.** Omit language that is meaningless or confusing.

**R1-1-1058. Verb Tense and Voice**

Place verbs in the present tense whenever possible and use the active voice.

**ARTICLE 11. RECODIFICATION**

**R1-1-1101. Recodification**

- A.** An agency renumbering more than 5 Sections in a Chapter, or renumbering Sections from 1 Chapter to another, shall file a notice of recodification with the Office for publication and filing.
- B.** A Notice of Recodification includes the heading NOTICE OF RECODIFICATION in all capital letters, centered on a line approximately 1 inch from the top of the page; followed by the Title, its number, and heading centered 1 double-space under the notice heading; followed by the Chapter, its number, and heading centered 1 double-space below the Title; followed by the Subchapter, its label, and heading, if applicable; 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 2 numbering schemes;
  - 4. The name and address of agency personnel with whom persons may communicate regarding the recodification.
- C.** Rules being recodified shall have no other changes made to the rules other than corrections to Section references within the text of the rules.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 1. RULES AND THE RULEMAKING PROCESS**

**CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL**

**PREAMBLE**

<b><u>1. Sections Affected</u></b>	<b><u>Rulemaking Action</u></b>
R1-6-101	New Section
R1-6-101	Renumber
R1-6-102	Renumber
R1-6-102	Amend
R1-6-103	Renumber
R1-6-103	Amend
R1-6-104	Renumber
R1-6-104	Amend
R1-6-105	Renumber
R1-6-105	New Section
R1-6-106	Renumber
R1-6-106	New Section
R1-6-107	Renumber
R1-6-107	New Section
R1-6-108	Renumber

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R1-6-108	Amend
R1-6-109	Re-number
R1-6-109	Amend
R1-6-110	New Section
R1-6-111	Re-number
R1-6-111	Amend
R1-6-112	Re-number
R1-6-112	Amend
R1-6-113	Re-number
R1-6-113	Amend
R1-6-114	New Section
R1-6-201	Amend
R1-6-301	Re-number
R1-6-301	New Section
R1-6-302	Re-number
R1-6-302	Amend
R1-6-401	Amend

**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. § 41-1051(E)

Implementing statute: A.R.S. §§ 41-1051 through 41-1056.01; 41-1033; and 41-1081

**3. List of all previous notices appearing in the register addressing the proposed rule:**

Notice of Docket Opening: 4 A.A.R. 2843, October 2, 1998.

Notice of Docket Opening: 5 A.A.C. 504, February 12, 1999.

**4. The name and address or agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Jeanne Hann

Address: Governor's Regulatory Review Council  
1400 West Washington St., Suite 270  
Phoenix, AZ 85007

Telephone: (602) 542-2006

Fax: (602) 542-1486

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Council is updating its rules to make them consistent with recent statutory changes, agency practice, and current rulewriting standards. The Council is converting substantive policy statement, G96-1, dealing with submission of documents, into a rule. When these rules become final, the substantive policy statement will be void.

**6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**

None.

**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:**

Not applicable.

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

The rules will require that, to be placed on Council's agenda, only 2 copies of a rule package or five-year-review report be submitted instead of 11, as required by current rules. This will produce a significant savings for the agencies that submit a total of more than 130 rule packages or reports annually. The change will reduce the time and cost that agencies spend producing copies before a rule package or report is determined to be in final form. This change reflects current practice, which has been in place since 1996 through use of a substantive policy statement. The savings from placing this requirement in rule will accrue primarily to the few agencies that are unaware of the substantive policy statement. The remainder of the changes simply update the rules to make them consistent with recent statutory changes and to improve their clarity and conciseness. These changes will have minimal economic impact.

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**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:**

Name: Allen Malanowski  
Address: Governor's Regulatory Review Council  
1400 West Washington St., Suite 270  
Phoenix, AZ 85007  
Telephone: (602) 542-2017  
Fax: (602) 542-1486

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Written comments may be submitted through June 30, 1999, to the person identified in item 4. An oral proceeding on the proposed rule will be held:

Date: Monday, June 28, 1999  
Time: 9 a.m.  
Location: 1400 West Washington, Room 250  
Phoenix, AZ

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

None.

**12. Incorporations by reference and their location in the rules:**

None.

**13. The full text of the rule follows:**

**TITLE 1. RULES AND THE RULEMAKING PROCESS**

**CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL**

**ARTICLE 1. RULES OF PROCEDURE**

Section

~~R1-6-101~~ R1-6-101. Definitions  
~~R1-6-101~~R1-6-102. Meetings  
~~R1-6-102~~R1-6-103. Schedule and Filing Deadlines  
~~R1-6-103~~R1-6-104. Submission of Placing a Regular Rule on the Council's Agenda  
R1-6-105. Submitting a Proposed Summary Rule  
R1-6-106. Placing a Final Summary Rule on the Council's Agenda  
R1-6-107. Submitting Approved Rules  
~~R1-6-104~~R1-6-108. Filing Rules Approved by the Council  
~~R1-6-105~~R1-6-109. Returned Rules  
R1-6-110. Concise Explanatory Statement  
~~R1-6-106~~R1-6-111. Appearance by Agency  
~~R1-6-107~~R1-6-112. Oral and Written Comments  
~~R1-6-108~~R1-6-113. 5-year-review Reports  
R1-6-114. Rescheduling a 5-year-review Report

**ARTICLE 2. DELEGATION AGREEMENTS**

Section

R1-6-201. Appeals of Delegation Agreements

**ARTICLE 3. AGENCY PRACTICE OF SUBSTANTIVE POLICY STATEMENTS**

Section

~~R1-6-301~~ R1-6-301. Petition for Council Rulemaking or Review  
~~R1-6-301~~R1-6-302. Appeals of Existing Agency Practices or Substantive Policy Statements

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**ARTICLE 4. APPEALS OF ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENTS**

Section

R1-6-401. Appeals of Economic, Small Business, and Consumer Impact Statements

**ARTICLE 1. RULES OF PROCEDURE**

**R1-6-101. Definitions**

**A.** The definitions at A.R.S. § 41-1001 apply to this Chapter.

**B.** In this Chapter:

“Chair” means the chairperson of the Council.

“Council” means the Governor’s Regulatory Review Council.

“Regular rule” means a rule made according to A.R.S. §§ 41-1021 through 41-1025, 41-1028 through 41-1032, 41-1035, 41-1036, 41-1052, and 41-1055.

~~R1-6-101~~**R1-6-102. Meetings**

**A.** The Chair, in consultation with the Council, shall set regular meeting dates of the Council for each calendar year by the preceding October 31. Notice of a regular meeting shall be posted according to the Open Meeting Law, A.R.S. § 38-431, *et seq.*

**B.** The Council may schedule a special meeting to consider ~~rules resubmitted to the Council; appeals of delegation agreements; appeals of economic, small business, and consumer impact statements; appeals of substantive policy statements; or for other matters~~ any matter it can consider at a regular meeting. Notice of a special meeting shall be posted according to the Open Meeting Law, A.R.S. § 38-431, *et seq.*, at least 48 hours before ~~a~~ the special meeting.

**C.** The Council may recess a regular meeting to a later date if, before recessing, the Chair gives notice of the date and time of the resumption of the meeting and posts a notice of resumption of the meeting according to the Open Meeting Law.

~~R1-6-102~~**R1-6-103. Schedule and Filing Deadlines**

The Council shall establish for each calendar year, by the preceding October 31, a schedule containing filing deadlines, ~~publication dates,~~ and meeting dates for Council review of:

1. Rules submitted to the Council including new, amended, ~~or repealed,~~ or renumbered rules;
2. Resubmissions of rules ~~pursuant to~~ under A.A.C. ~~R1-6-105(1)~~ R1-6-109(1); and
3. 5-year-review reports.

~~R1-6-103~~**R1-6-104. Submission of Placing a Regular Rules Rule on the Council’s Agenda**

**A.** ~~For each adopted~~ To place a regular rule submission, rule on the Council’s agenda, an agency shall deliver to the Council office ~~the following documents formatted as 2 rule packages prepared in the style and format required by this Chapter and the rules of the Secretary of State. Eleven~~ The agency shall ensure that the rule packages that contain the following documents items assembled in the following order:

**a1.** ~~A Cover cover~~ letter signed by the agency head specifying:

**ia.** ~~The close of the record date and the date the rules were adopted by the agency;~~

**ii.** ~~The dates the following were published in the Register:~~

~~(1) i.~~ Notice of Docket Opening, as required by A.R.S. § 41-1021(C);

~~(2) ii.~~ Notice of Proposed Rulemaking, as required by A.R.S. § 41-1022;

~~(3) iii.~~ Any supplemental notices Notice of Supplemental Proposed Rulemaking, as required by A.R.S. § 41-1022(D) 41-1022(E), if any;

~~(4) iv.~~ Notice of Oral Proceeding, as required by A.R.S. § 41-1023(D), if published separately from the Notice of Proposed Rulemaking; and

v. Notice of Public Information, if any; and

~~(5) vi.~~ Any other notice Notice of public participation (See public participation, permitted by A.R.S. § 41-1023), if any.

**iii.** ~~A statement of whether definitions of terms contained in statutes or other rules and used in the rule have been~~ are attached;

**iv.** ~~If applicable, a~~ A statement that of whether the rulemaking relates to a 5-year-review report and the date the report was ~~accepted~~ approved by the Council; and

**v.** ~~A list of all documents enclosed;~~

**b2.** Notice of Final Rulemaking, required by A.A.C. R1-1-601, including the preamble, table of contents for the rule, and text of the rule;

~~e.~~ Table of contents for the adopted rule;

~~d.~~ Text of the adopted rule;

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- e 3. Economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055;
  - f 4. Concise explanatory statement that contains the information required by A.R.S. § 41-1036 and is prepared according to R1-6-110;
  - g 5. Copy of the existing rule if the existing rule is not shown as part of the revised text of a rule the agency is amending;
  - h 6. Copy of the general and specific statutes authorizing the rule; and
  - i 7. Copy of definitions of terms, contained in statutes or other rules, used in the ~~adopted~~ rule, if any.
- B.** ~~For each adopted regular rule approved by the Council, an agency shall deliver to the Council office within 14 calendar days after Council action, unless otherwise authorized by the Council the following documents formatted as required by the rules of the Secretary of State:~~
- 1. A letter identifying each change made at the direction of the Council;
  - 2. One original and 5 copies of the following documents assembled in the following order:
    - a. Agency certificate, required by A.A.C. R1-1-105(B);
    - b. Text of the adopted rule containing the changes required by the Council, if any; and
    - c. Items listed in subsections (A)(1)(b), (A)(1)(c), (A)(1)(d), and (A)(1)(f).
  - 3. One original and 1 copy of the receipt required by A.A.C. R1-1-106.
- C.** ~~For each summary rule, an agency shall deliver to the Council office the following documents formatted as required by the rules of the Secretary of State:~~
- 1. ~~For a proposed summary rule, 1 copy of the following documents assembled in the following order:~~
    - a. ~~Notice of Proposed Summary Rulemaking, including the preamble, filed with the Office of the Secretary of State, required by A.R.S. § 41-1027(B);~~
    - b. ~~Table of contents for the proposed summary rule;~~
    - c. ~~Text of the proposed summary rule; and~~
    - d. ~~Statute that repeals or supersedes the authority under which the original rule was enacted or the statute that is repeated verbatim in the original rule or proposed summary rule.~~
  - 2. ~~For an adopted summary rule:~~
    - a. ~~Eleven rule packages that contain the following documents assembled in the following order:~~
      - i. ~~Notice of Summary Rulemaking, required by A.A.C. R1-1-801, including the preamble;~~
      - ii. ~~Table of contents for the adopted summary rule;~~
      - iii. ~~Text of the adopted summary rule;~~
      - iv. ~~Economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055; and~~
      - v. ~~Concise explanatory statement that contains the information required by A.R.S. § 41-1036; and~~
    - b. ~~One copy of all written comments submitted by the public concerning the rule.~~
- D.** ~~For each adopted summary rule approved by the Council, an agency shall deliver to the Council office within 14 calendar days after Council action, unless otherwise authorized by the Council the following documents formatted as required by the rules of the Secretary of State:~~
- 1. ~~A letter identifying each change made at the direction of the Council;~~
  - 2. ~~One original and 5 copies of the following documents assembled in the following order:~~
    - a. ~~Agency certificate, required by A.A.C. R1-1-105(B);~~
    - b. ~~Text of the adopted summary rule containing the changes required by the Council, if any; and~~
    - c. ~~Items listed in Subsections (C)(2)(a)(i), (C)(2)(a)(ii), (C)(2)(a)(iv), and (C)(2)(a)(v).~~
  - 3. ~~One original and 1 copy of the receipt required by A.A.C. R1-1-106.~~
- E.** ~~The documents shall be formatted to conform to the requirements of the Office of the Secretary of State as contained in A.A.C. Title 1, Chapter 1.~~
- 2B.** In addition to the items specified in subsection (A), an agency shall submit One 1 copy of each of the following:
- a1. All written comments submitted by the public received by the agency concerning the proposed rule; and
  - b2. Materials incorporated by reference, if any.
- C.** After a rule is placed on the Council's agenda, Council's staff shall review the rule for compliance with the requirements of A.R.S. § 41-1052(C) and this Chapter and may suggest changes to the agency. After making any changes, the agency shall submit to the Council office 1 original and 10 copies of the items listed in subsections (A)(1) through (A)(7), assembled in the order specified in subsection (A).
- D.** After a rule is placed on the Council's agenda, an agency may have the rule moved to the agenda of a later meeting by having the agency head send a notice to the Chair that includes the date of the later meeting.
- E.** If it is necessary to place a rule on the Council's agenda more than once, the agency shall consult with the Council office to learn which rule package items, if any, must be resubmitted for the subsequent meeting.

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**R1-6-105. Submitting a Proposed Summary Rule**

To submit a proposed summary rule, an agency shall deliver to the Council office 1 copy of the following items, assembled in the order specified and prepared in the style and format required by this Chapter and the rules of the Secretary of State:

1. Notice of Proposed Summary Rulemaking, including the preamble, table of contents, and text of the proposed summary rule filed with the Office of the Secretary of State as required by A.R.S. § 41-1027(B); and
2. Statute that repeals or supersedes the authority under which the original rule was enacted or the statute that is repeated verbatim in the original rule or proposed summary rule.

**R1-6-106. Placing a Final Summary Rule on Council's Agenda**

**A.** To place a final summary rule on the Council's agenda, an agency shall deliver to the Council office 1 original and 10 copies of a rule package, prepared in the style and format required by this Chapter and the rules of the Secretary of State:

**B.** An agency shall ensure that the rule packages contain the following items assembled in the order specified:

1. Cover letter signed by the agency head specifying:
  - a. The close of the record date;
  - b. The date on which the Notice of Proposed Summary Rulemaking, required by A.R.S. § 41-1027, was published in the Register;
  - c. A statement of whether the rulemaking arises from a 5-year-review report and the date the report was approved by the Council; and
  - d. A list of all documents enclosed.
2. Notice of Final Summary Rulemaking, required by A.A.C. R1-1-801, including the preamble, table of contents, and text of the final summary rule;
3. Economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055 or a statement that the rulemaking is exempt from this requirement under A.R.S. § 41-1055(D)(2);
4. Concise explanatory statement that contains the information required by A.R.S. § 41-1036 and complies with R1-6-110; and
5. Copy of the general and specific statutes authorizing the rule.

**C.** In addition to the rule packages specified in subsection (B), an agency shall submit 1 copy of all written comments received by the agency concerning the proposed summary rule.

**R1-6-107. Submitting Approved Rules**

**A.** For each final regular or summary rule approved by the Council, an agency shall deliver to the Council office within 14 calendar days after Council action, unless otherwise authorized by the Council, the following items, prepared in the style and format required by this Chapter and the rules of the Secretary of State:

1. A letter identifying each change made at the direction of the Council. If no changes were directed, no letter is required;
2. One original and 4 copies of the following documents assembled in the order specified:
  - a. Agency certificate, required by A.A.C. R1-1-105(B); and
  - b. Items listed in R1-6-104(A)(2) through R1-6-104(A)(4) for a regular rule; or
  - c. Items listed in R1-6-106(B)(2) through R1-6-106(B)(4) for a summary rule; and
3. One original and 1 copy of the receipt required by A.A.C. R1-1-106.

**B.** If an agency is unable to deliver an approved regular or summary rule to the Council office within the time specified in subsection (A), the agency shall call the Council office and arrange to submit the approved rule at a later date.

**R1-6-104R1-6-108. Filing Rules Approved by the Council**

**A.** ~~When~~ If the Council approves an agency's rules as submitted and the agency submits the documents required by R1-6-107, the Council shall file the original and 4 3 copies of the agency certificate; rule; preamble; concise explanatory statement; economic, small business, and consumer impact statement; agency's documents; 2 copies of the agency receipt; and 1 copy of materials incorporated by reference with the Office of the Secretary of State. The Council shall include a written notice signed by the Chair specifying the Sections approved and the date of Council approval.

**B.** ~~The If the Council may vote to approve~~ approves an adopted rule, a preamble, table of contents, rule, or economic, small business, and consumer impact statement, or concise explanatory statement after providing the agency with the exact words of each change to be made, subject to the agency making changes as directed by the Council, and the agency submits the documents required by R1-6-107:

1. The Chair shall verify that each change required by the Council was made and file the original and 4 copies of the agency certificate; rule; preamble; concise explanatory statement; and economic, small business, and consumer impact statement; 2 copies of the agency receipt; and 1 copy of materials incorporated by reference with the Office of the Secretary of State. The Council shall include a written notice signed by the Chair specifying the Sections approved and the date of Council approval. the documents with the Office of the Secretary of State as prescribed in subsection (A).

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2. If an agency fails to submit the revised rule, preamble, or economic, small business, and consumer impact statement within the scheduled time or submits a revised preamble, table of contents, rule, preamble, economic, small business, and consumer impact statement, or concise explanatory statement that does not contain the exact words approved by the Council, the Chair shall notify the agency and require that the documents be submitted as approved or schedule the matter for reconsideration by the Council.
- C. Except as specified in subsection (B), an agency shall not make any change to a preamble, table of contents, rule, preamble, economic, small business, and consumer impact statement, concise explanatory statement, or materials incorporated by reference after they have been approved by the Council.

**~~R1-6-105~~R1-6-109. Returned Rules**

The Council may vote to return a rule, preamble, table of contents, rule, or economic, small business, and consumer impact statement, or concise explanatory statement, pursuant to under A.R.S. § 41-1052 (B), after identifying issues for further consideration by the agency.

1. The Council may schedule a date for resubmission in consultation with the agency representative.
2. An agency resubmitting a rule, preamble, table of contents, rule, or economic, small business, and consumer impact statement, or concise explanatory statement to the Council shall respond in writing to each issue raised by the Council at a the Council meeting. The agency shall identify all changes made to the rule, preamble, table of contents, rule, or economic, small business, and consumer impact statement, or concise explanatory statement, explain why a change suggested by the Council was not made, and show that the adopted resubmitted rule is not substantially different from the proposed rules as set forth rule under the standards in A.R.S. § 41-1025.
3. The Council may request that an agency representative return to a Council meeting to explain any change in the preamble, table of contents, rule, economic, small business, and consumer impact statement, or concise explanatory statement, or preamble.
4. If an agency does not submit a rule, preamble, or economic, small business, and consumer impact statement by the scheduled resubmission date, the Chair shall notify the Council and head of the agency and schedule the rule, preamble, or economic, small business, and consumer impact statement for reconsideration by the Council.

**R1-6-110. Concise Explanatory Statement**

**A.** To assist the Council to assess whether public comments have been adequately addressed, an agency shall include in the concise explanatory statement required by A.R.S. § 41-1036 a parenthetical reference for each comment. The reference shall identify:

1. The document received by the agency in which the comment appears.
2. The page of the document referenced in subsection (1) on which the comment appears, and
3. The paragraph or line of the page referenced in subsection (2) that contains the comment.

**B.** If a public comment was not submitted in writing, the parenthetical reference required by subsection (A) shall identify:

1. The name of the commenter;
2. The commenter's telephone number, if known; and
3. The date and location of the oral proceeding at which the comment was made.

**C.** If the same comment appears in multiple documents received by an agency or is made by multiple commenters, the agency complies with this Section if it provides the information required by subsections (A) and (B) for only 1 of the documents received or 1 of the commenters.

**~~R1-6-106~~R1-6-111. Appearance by Agency**

**A.** A representative of an agency submitting an adopted that has a rule or 5-year-review report on the Council's agenda, shall appear at the Council meeting at which the rule or report is to be considered to respond to questions and comments by the Council.

**B.** If an agency representative fails to appear after submitting an adopted at the meeting at which the agency's rule or report is considered, the Council shall allow public comment and may:

1. Approve the rule or report;
2. Reschedule consideration of the adopted rule or report at another Council meeting; or
3. Return the rule or report to the agency.

**~~R1-6-107~~R1-6-112. Oral and Written Comments**

**A.** Under A.R.S. § 41-1052(F), A a person may submit written comments to the Council about an agency rulemaking, pursuant to A.R.S. § 41-1052(E ), by sending. To enable the Council to consider the written comments adequately, a person shall submit 1 original and 9 copies of the written comments to the Council office and 1 copy to the affected agency head as far in advance of the Council meeting as is practicable. Written comments shall be received in the Council office and the office of the agency head at least 6 calendar days before the regular Council meeting at which the rule is scheduled on the agenda.

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- B.** A person ~~making may make~~ oral comments about an agency rulemaking at a Council meeting, shall submit 1 original and 9 copies of visual aids, if used, to the Council office and 1 copy to the affected agency head. A person making oral comments shall submit visual aids to the Council office and the office of the agency head at least 6 calendar days before the regular Council meeting at which the rule is scheduled on the agenda. If a person who makes oral comments supplements the comments with visual aids or written materials, the person shall provide 1 original and 9 copies of the visual aids or written materials to the Council and 1 copy to the affected agency.
- C.** All ~~A person who makes~~ written ~~and~~ or oral comments shall:
1. Ensure that the comments relate to a rule scheduled on the Council meeting agenda;
  2. ~~cite~~ Cite the particular provision of A.R.S. § 41-1052(C) that is the basis for the Council's authority to consider each issue addressed, ~~and;~~
  3. ~~state~~ State specifically how ~~the~~ each issue relates to ~~that a~~ statutory criterion for Council action;
  4. Tell what other efforts the person made to communicate with the agency about each issue; and
  5. If the comments are submitted to the Council and affected agency head fewer than 6 days before the Council meeting at which the rule is scheduled on the Council's agenda, tell why the person was unable to submit the comments earlier.
- D.** The Chair may limit the time allotted to each speaker and preclude repetitious comments.
- D.** ~~The Chair may permit a person to submit written comments within the scope of A.R.S. § 41-1052 (C) or visual aids if the person establishes good cause for not complying with the document and time requirements in subsections (A) or (B).~~

**R1-6-108R1-6-113. 5-Year-Review Reports**

- A.** To place a 5-year-review report on the Council's agenda. An agency shall deliver to the Council office 1 original and 10 2 copies of a the 5-year-review report required by A.R.S. § 41-1056. Except as indicated in subsection (B), the agency 5-year-review report shall separately discuss and present the following information in the 5-year-review report in the following order specified for each rule:
1. General and specific statutes authorizing the rule;
  2. Objective of the rule;
  3. Effectiveness of the rule in achieving that objective;
  4. Consistency of the rule with state and federal statutes and rules, and a listing of the statutes or rules used in determining the consistency;
  5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement;
  6. Agency views regarding current wisdom of the rule;
  7. Clarity, conciseness, and understandability of the rule;
  8. Summary of the written criticisms of the rule received by the agency within the 5 years immediately preceding the 5-year-review report, including letters, memoranda, and written allegations made in litigation and administrative proceedings in which the agency was a party that the rule is discriminatory, unfair, unclear, inconsistent with statute, or beyond the authority of the agency to enact, and the conclusion of the litigation and administrative proceedings;
  9. Estimated economic, small business, and consumer impact of the rule as compared to the economic, small business, and consumer impact statement prepared on the last ~~adoption~~ making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last adoption of the rule, an assessment of the actual economic, small business, and consumer impact of the rule; and
  10. Course of action the agency proposes to take regarding each rule, including the month and year in which the agency anticipates ~~opening a rulemaking docket and~~ submitting the rules to the Council if the agency determines it is necessary to amend, repeal, or ~~adopt~~ make a rule.
- B.** ~~When~~ If the information regarding any of the items listed in subsection (A) is identical for any group of rules, the agency shall discuss that information in its 5-year-review report only once for the group of rules.
- C.** An agency shall attach the following to each copy of The a 5-year-review report shall have attached the following:
1. A cover letter, signed by the agency head, that identifies a person to contact for information regarding the report,
  - ~~2.~~ A Copy copy of the rules being reviewed, and
  - ~~3.~~ A Copy copy of the general and specific authorizing statutes.
- D.** If an economic, small business, and consumer impact statement was prepared on the last adoption of the rules being reviewed, an agency shall attach 1 copy of the statement to the 5-year-review report.
- E.** After a 5-year-review report is placed on the Council's agenda, Council's staff shall review the report for compliance with the requirements of A.R.S. § 41-1056 and this Chapter and may suggest changes to the agency. After making any changes, the agency shall submit to the Council office 1 original and 10 copies of the items listed in subsections (A) and (C).

**R1-6-114. Rescheduling a 5-Year-Review Report**

To request that a 5-year-review report be rescheduled under A.R.S. § 41-1056(C), an agency head shall submit a letter to the Chair that includes the following information:

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1. The Title, Chapter, and Article of the rules for which rescheduling is sought;
2. Whether the rules were initially made or substantially revised within the last 2 years; and
  - a. If substantially revised:
    - i. A description of the nature of the changes.
    - ii. Why the changes are believed to be substantial, and
    - iii. The date on which the rules were published in the Register by the Office of the Secretary of State; or
  - b. If initially made, the date on which the rules were published in the Register by the Office of the Secretary of State.

**R1-6-109. Repealed**

**ARTICLE 2. DELEGATION AGREEMENTS**

**R1-6-201. Appeals of Delegation Agreements**

- A. ~~When appealing an agency's decision to enter into a delegation agreement pursuant to Under~~ A.R.S. § 41-1081 (F), a person ~~who appealing~~ appeals an agency's decision to enter into a delegation agreement ~~the agency's decision~~ shall deliver to the Council office ~~one 1~~ original and ~~eight 8~~ copies of a written request signed by the person submitting the appeal and the following:
1. All written objections to the delegation agreement submitted to the delegating agency ~~to the delegating agency~~ by the person filing the appeal;
  2. The name and address of each agency and each political subdivision entering into the delegation agreement;
  3. The name, address, and facsimile and telephone numbers of the person filing the appeal;
  4. The name of the entity or person being represented by the person filing the appeal;
  5. The subject matter of the delegation agreement; and
  6. The reasons why the person is objecting to the delegation agreement and filing the appeal.
- B. An agency whose delegation agreement is being appealed shall deliver to the Council office ~~one 1~~ original and ~~eight 8~~ copies of the following:
1. A memorandum that ~~sets forth~~ lists the date the delegating agency gave written notice of the decision to enter into the delegation agreement and the dates of all public proceedings regarding the delegation agreement;
  2. The name, address, and facsimile and telephone numbers of each agency and each political subdivision contact person;
  3. The delegation agreement; and
  4. A written summary prepared by the agency, responding to ~~any~~ all oral or written comments received by the agency regarding the delegation agreement.
- C. The Council shall notify the delegating agency of an appeal of a delegation agreement by 5:00 p.m. of the business day following Council notification of the appeal. The agency shall deliver to the Council office the information and documentation ~~set forth~~ listed in subsection (B) no later than 5:00 p.m. on the ~~third 3rd~~ business day following notification of the appeal by the Council.
- D. Within 14 calendar days after an appeal is filed with the Council, the Chair shall send written notice to the person filing the appeal and the delegating agency stating whether ~~three 3~~ Council members have requested that the appeal be considered at a Council meeting. If an appeal is to be considered at a Council meeting, the notice shall include the date and time of the Council meeting.
- E. ~~When~~ After the Council approves or disapproves a delegation agreement that has been appealed, the Chair shall send a written letter to the delegating agency and person filing the appeal that specifies the reasons for the approval or disapproval and the date of Council action.

**R1-6-202. Repealed**

**R1-6-203. Repealed**

**R1-6-204. Repealed**

**R1-6-205. Repealed**

**R1-6-206. Repealed**

**ARTICLE 3. AGENCY PRACTICE OR SUBSTANTIVE POLICY STATEMENTS**

**R1-6-301. Petition for Council Rulemaking or Review**

- A. A person may petition the Council under A.R.S. § 41-1033(A) for a:
1. Rulemaking action relating to the Council's rules, including making a new rule or amending or repealing an existing rule; or
  2. Review of an existing Council practice or substantive policy statement alleged to constitute a rule.

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- B.** To act under A.R.S. § 41-1033(A) and this Section, a person shall submit to the Council office a written petition including the following information:
1. Name, address, telephone number, and facsimile number, if any, of the person submitting the petition;
  2. Name of any entity or person represented by the person submitting the petition;
  3. If seeking a rulemaking action:
    - a. Statement of the rulemaking action sought, including the A.A.C. citation of all existing rules, and the specific language of a new rule or rule amendment; and
    - b. Reasons for the rulemaking action, including an explanation of why an existing rule is inadequate, unreasonable, unduly burdensome, or unlawful.
  4. If seeking a review of an existing practice or substantive policy statement:
    - a. Subject matter of the existing practice or substantive policy statement, and
    - b. Reasons why the existing practice or substantive policy statement constitutes a rule.
  5. Dated signature of the person submitting the petition.
- C.** Supporting information may be submitted with a petition, including:
1. Statistical data; and
  2. A list of other persons and entities likely to be affected by the rulemaking action or the review, with an explanation of the likely effects.
- D.** The Council shall send the person submitting a petition a written response within 60 days of the date the Council receives the petition.

**~~R1-6-301~~R1-6-302. Appeals of Existing Agency Practices or Substantive Policy Statements**

- A.** A person appealing an agency's final decision regarding a petition for review of an existing agency practice or substantive policy statement filed pursuant to under A.R.S. § 41-1033(B) shall deliver to the Council office 1 original and 9 copies of the following:
1. A written request signed by the person submitting the appeal that ~~sets forth~~ includes the following:
    - a. Name of the agency upon which the appeal is taken;
    - b. Name, address, ~~and facsimile and telephone numbers~~ number, and facsimile number, if any, of the person filing the appeal;
    - c. Name of the entity or person being represented by the person filing the appeal;
    - d. Subject matter of the existing agency practice or substantive policy statement being appealed; and
    - e. Reasons why ~~the person appealing believes that~~ the existing agency practice or substantive policy statement constitutes a rule~~;~~.
  2. The petition requesting a review of the agency's existing practice or substantive policy statement~~;~~ and
  3. The agency's written decision to each petition submitted to the agency requesting a review of the agency's existing practice or substantive policy statement being appealed.
- B.** The Council shall notify the affected agency head of an appeal of an existing agency practice or a substantive policy statement by 5 p.m. of the business day following Council receipt of the appeal. The agency shall deliver to the Council office the information and documents ~~set forth listed~~ in subsection (C) no later than 5 p.m. on the ~~third~~ 3rd business day following notification by the Council of the appeal.
- C.** An agency whose final decision is being appealed shall deliver to the Council office 1 original and 9 copies of the following:
1. A memorandum that ~~sets forth~~ includes the following:
    - a. Date the agency gave written notice of its decision ~~pursuant to under~~ A.R.S. § 41-1033(A);
    - b. Name, address, ~~and facsimile and telephone numbers~~ number, and facsimile number, if any, of each agency contact person; and
    - c. Reasons why the agency believes that the existing agency practice or substantive policy statement does not constitute a rule~~;~~.
  2. The existing agency practice or substantive policy statement being appealed;
  3. Each petition filed with the agency requesting a review of the agency's existing practice or substantive policy statement being appealed; and
  4. The agency's written decision to each petition submitted to the agency requesting a review of the agency's existing practice or substantive policy statement being appealed.
- D.** Within 14 calendar days after an appeal is filed with the Council, the Chair shall send written notice to the person filing the appeal and the affected agency head stating whether 3 Council members have requested that the appeal be considered at a Council meeting. If the appeal is to be considered at a Council meeting, the notice shall include the date and time of the Council meeting.
- E.** Within 7 calendar days after the Council decides whether the agency practice or substantive policy statement constitutes a rule, the Chair shall send a letter to the affected agency and the person filing the appeal that specifies the decision and the reasons for and date of the Council decision.

**ARTICLE 4. APPEALS OF ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENTS**

**R1-6-401. Appeals of Economic, Small Business, and Consumer Impact Statements**

- A.** A person appealing an agency's final decision on whether to initiate a rulemaking ~~pursuant to~~ under A.R.S. § 41-1056.01(D), shall deliver to the Council office 1 original and 9 copies of the following:
1. The written request signed by the person submitting the appeal, citing the rule or rules being appealed and ~~setting forth~~ including the following:
    - a. Name of the agency upon which the appeal is taken;
    - b. Name, address, ~~and facsimile and telephone numbers~~ number, and facsimile number, if any, of the person filing the appeal;
    - c. Name of the entity or person being represented by the person filing the appeal;
    - d. ~~Manner in which~~ How the person filing the appeal is or may be affected by the agency's final decision made ~~pursuant to~~ under A.R.S. § 41-1056.01(C); and
    - e. ~~Reasons why~~ Why the person appealing believes either that:
      - i. Under A.R.S. § 41-1056.01(A)(1), the actual economic, small business, or consumer impact significantly exceeded the estimated impact ~~pursuant to A.R.S. § 41-1056.01(A)(1); or that,~~
      - ii. Under A.R.S. § 41-1056.01(A)(2), the actual economic, small business, or consumer impact was not estimated on adoption of the rule; ~~and that~~ the impact imposes a significant burden on persons subject to the rule ~~pursuant to A.R.S. § 41-1056.01(A)(2);.~~
  2. The economic, small business, and consumer impact statement being addressed in the appeal; and
  3. The data used by the person appealing to support the reasons ~~set forth~~ listed under subsection (A)(1)(e).
- B.** The Council shall notify the affected agency head of an appeal of a rule and its impact by 5 p.m. of the business day following Council receipt of the appeal. The agency shall deliver to the Council office the information and documents ~~set forth~~ listed in subsection (C) no later than 5 p.m. on the ~~third~~ 3rd business day following notification by the Council of the appeal.
- C.** An agency whose final decision is being appealed shall deliver to the Council office 1 original and 9 copies of the following:
1. A memorandum that ~~sets forth~~ includes the following:
    - a. Date of the publication of the agency's final decision ~~pursuant to~~ under A.R.S. § 41-1056.01(C);
    - b. Name, address, ~~and facsimile and telephone numbers~~ number, and facsimile number, if any, of each agency contact person;
    - c. If appropriate, reasons why the agency believes ~~either that; the~~
      - i. The actual economic, small business, and consumer impact did not significantly exceed the estimated economic, small business, and consumer impact; ~~or that the-~~
      - ii. The actual economic, small business, and consumer impact was estimated on adoption approval of the rule ~~and that~~ the impact does not impose a significant burden on persons subject to the rule, ~~or both; and~~
    - d. Final judgments, if any, issued by a court of competent jurisdiction that are based on whether the contents of the ~~adopted~~ rule's economic, small business, and consumer impact statement were insufficient or inaccurate;
  2. The rule being appealed; and
  3. The agency's written summary of comments received about the rule and its impact, the agency's response to those comments, and the agency's final decision on whether to ~~adopt~~ make a new rule, or amend, or repeal the existing rule.
- D.** Within 14 calendar days after an appeal is filed with the Council, the Chair shall send written notice to the person filing the appeal and the affected agency head stating whether 3 Council members have requested that the appeal be considered at a Council meeting. If the appeal is to be considered at a Council meeting, the notice shall include the date and time of the Council meeting.
- E.** Within 7 calendar days after the Council decides whether either or both of the provisions ~~set forth~~ in A.R.S. § 41-1056.01(A) are met, the Chair shall send a letter to the affected agency and the person filing the appeal that specifies the decision, the reasons for and date of the Council decision, and the action, if any, required by the agency.