



Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

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A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact customer service at
(602) 364-3224.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

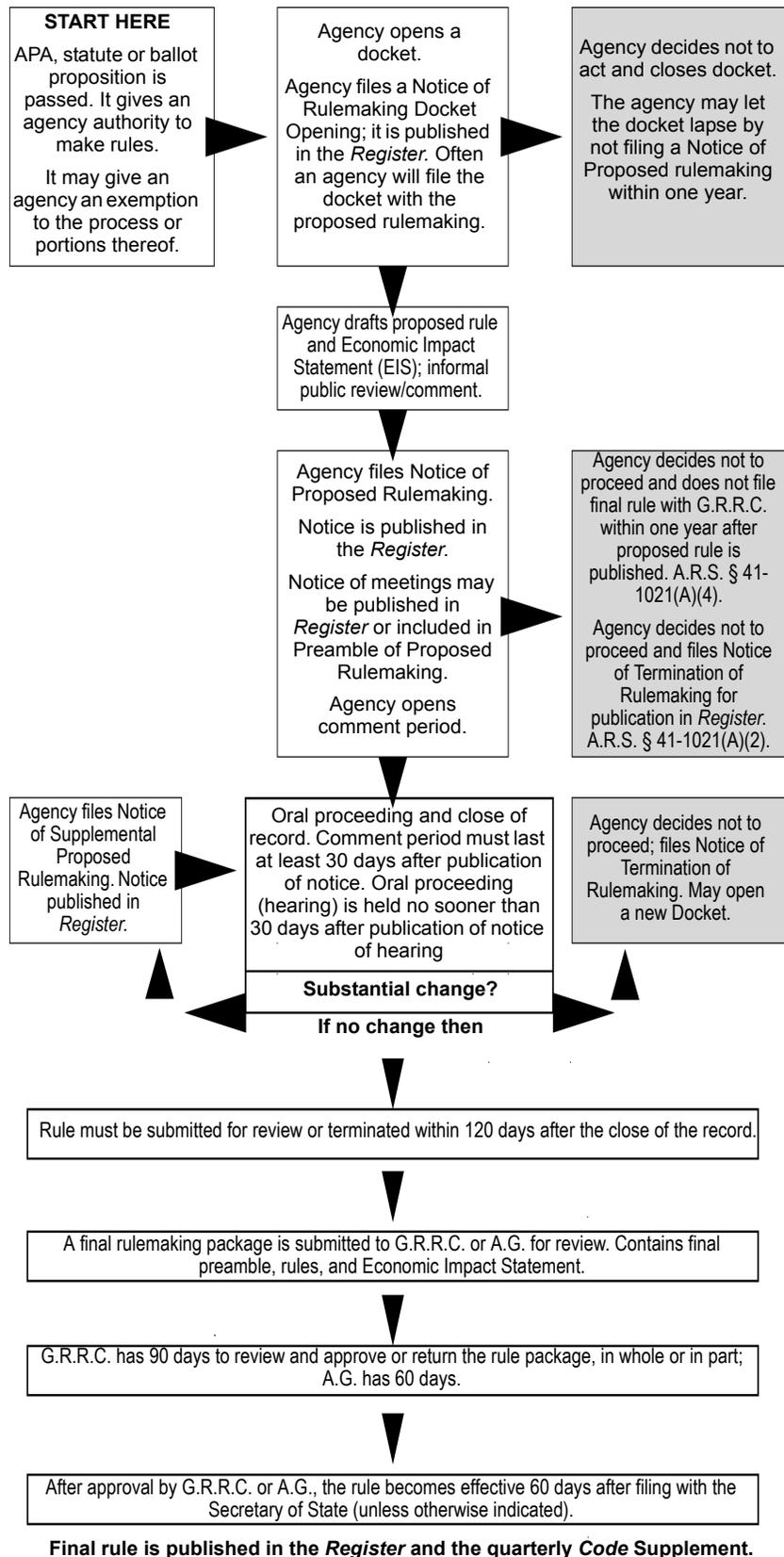
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.," and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF FINAL RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

[R15-168]

PREAMBLE

- 1. Articles, Parts, or Sections Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
3. The effective date of the rule:
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:



- 7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The agency did not review or rely on any study relevant to the rule.
- 8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. The summary of the economic, small business, and consumer impact:**
The amended rule will impact the Board, licensees, and the public. The amended rule's impact on established Board of Dental Examiners' procedures and office related costs is minimal. The rule will have no economic cost for the Board, but may have potential unmeasurable benefits.
The Board estimates the amended rule will have no economic impact on licensees.
The amended rule has no economic impact on the public.
The Board, licensees, and the public benefit from rules that are clear, concise, and understandable. The Board believes that approval of these rules will benefit the public health and safety by clearly establishing the procedures for a rehearing or review of a Board order.
- 10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**
There are no substantial changes in the final rules from the proposed rules. Minor changes to style, format, grammar, and punctuation were made as requested by GRRC staff.
- 11. An agency's summary of the public stakeholder comments made about the rulemaking and the agency response to the comments:**
A public hearing was held June 22, 2015. No one attended the hearing and no written comments were received.
- 12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**
- a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
The rules do not require a permit.
- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
The agency has determined that there is no corresponding federal law.
- c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
No
- 13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
None
- 14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**
No
- 15. The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

ARTICLE 17. REHEARING OR REVIEW

R4-11-1701. Procedure

ARTICLE 17. REHEARING OR REVIEW

R4-11-1701. Procedure

- A. Except as provided in subsection (F), a party licensee, certificate holder, or business entity who is aggrieved by an order issued by the Board may file a written motion for rehearing or review with the Board, pursuant to A.R.S. Title 41, Chapter 6, Article 10, specifying the grounds for rehearing or review.



- B. A ~~party~~ licensee, certificate holder, or business entity filing a motion for rehearing or review under this rule may amend the motion at any time before it is ruled upon by the Board. ~~Other parties or the attorney general~~ The opposing party may file a response within 15 days after the date the motion for rehearing or review is filed. The Board may require that the parties file supplemental memoranda explaining the issues raised in the motion, and may permit oral argument.
- C. The Board may grant a rehearing or review of the order for any of the following causes materially affecting a party's licensee, certificate holder, or business entity's rights:
 1. Irregularity in the proceedings of the Board or any order or abuse of discretion, which deprived a party licensee, certificate holder, or business entity of a fair hearing;
 2. Misconduct of the Board, its personnel, ~~the informal interviewing officer, the investigative interview panel, the hearing officer,~~ the administrative law judge, or the prevailing party;
 3. Accident or surprise which could not have been prevented by ordinary prudence;
 4. Excessive or insufficient penalties;
 5. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceeding;
 6. That the findings of fact or decision is arbitrary, capricious, or an abuse of discretion;
 7. That the findings of fact of decision is not justified by the evidence or is contrary to law; or
 8. Newly discovered, material evidence which could not, with reasonable diligence, have been discovered and produced at the original hearing.
- D. The Board may affirm or modify the order or grant a rehearing or review to all or ~~any of the parties on all or~~ part of the issues for any of the reasons in subsection (C). ~~After giving the parties notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.~~ The Board, within the time for filing a motion for rehearing or review, may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. An order granting a rehearing or review shall specify the grounds on which rehearing or review is granted, and any rehearing or review shall cover only those matters specified.
- E. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party ~~or the attorney general~~ may, within 15 days after such service, serve opposing affidavits.
- F. If the Board makes specific findings that the immediate effectiveness of the order is necessary for the preservation of public health and safety and that a rehearing or review is impracticable, unnecessary, or contrary to the public interest, the order may be issued as a final order without an opportunity for a rehearing or review. If an order is issued as a final order without an opportunity or rehearing or review, the aggrieved party shall make an application for judicial review of the order within the time limits permitted for application for judicial review of the Board's final order.
- G. The Board shall rule on the motion for rehearing or review within 15 days after the response has been filed, or at the Board's next meeting after the motion is received, whichever is later. ~~If a rehearing or review is granted, the Board shall hold the rehearing or review within 120 days after it issues the order granting the rehearing or review. If a motion for rehearing or review is not considered or reheard within these time limits, the motion is granted.~~

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 36. DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY

[R15-169]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Articles, Parts, and Sections Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R4-36-201 | Amend |
| R4-36-301 | Amend |
| R4-36-302 | Amend |
| R4-36-303 | Amend |
| R4-36-304 | Amend |
| R4-36-305 | Amend |
| R4-36-307 | Amend |
| R4-36-308 | Amend |
| R4-36-309 | Amend |
| R4-36-310 | Amend |
| R4-36-311 | Repeal |
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 41-2146(C)
 Implementing statute: A.R.S. § 41-2163

**3. The effective date for the rules:**

January 2, 2016

- a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**

Not applicable

- b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable

4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 21 A.A.R. 1123, July 17, 2015

Notice of Proposed Rulemaking: 21 A.A.R. 1077, July 17, 2015

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

Name: Frederick Durham, Assistant State Fire Marshal

Address: Department of Fire, Building and Life Safety
1110 W. Washington St.; Suite 100
Phoenix, AZ 85007-2935

Telephone: (602) 364-1080

Fax: (602) 364-1052

E-mail: Frederick.durham@dfbls.az.gov

Web site: www.dfbls.az.gov

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

The State Fire Safety Committee is updating the State Fire Code to the 2012 edition of the International Fire Code. The State Fire Code is designed to reduce hazards to life, property, and public welfare arising from fire, explosions, or dangerous conditions in new and existing buildings, structures, and premises and to provide safety to fire fighters and emergency responders. The state's current fire code is the 2003 edition of the International Fire Code. Some of the requirements in the 2003 edition are no longer consistent with current industry standards regarding best practices. For example, the 2012 edition changes occupancy classifications to provide greater protection for those who might be unable to save themselves. New requirements regarding roof obstructions provide greater safety for first responders. Keys for elevator emergency response are now standardized. Emergency responder radio coverage is required in new buildings. Safety requirements for solar photovoltaic power systems are addressed as are emergency notification systems in large stadiums and arenas. Improved fire alarm systems are now required in educational occupancies and carbon monoxide alarms are required in certain occupancies. The adoption of the new code is necessary to achieve the objective of protecting public safety.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated May 7, 2015.

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

The Committee neither reviewed nor relied on a study in its evaluation of or justification for any of the rules in this rulemaking.

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

Not applicable

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

The economic impact of the new fire code is minimized because the construction and design provisions of the new fire code apply only to structures, facilities, and conditions arising after or not legally in existence when the new fire code is adopted. The impact is further minimized by the fact that most of the people in Arizona live in jurisdictions that have opted, under the provisions in A.R.S. §§ 41-2162(A)(2), 41-2163(A)(2), and 41-2166(A), to already comply with a fire code that is at least as stringent as the new fire code.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

A few typographical errors were corrected in the final rules.



11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

An oral proceeding was held on August 20, 2015. Two individuals attended and made oral comments. Mr. William Loesche of the Golder Ranch Fire District spoke in support of adopting the 2012 International Fire Code. He indicated that the Golder Ranch Fire District is among the many fire districts that have already adopted the 2012 International Fire Code. He said the code has a positive economic impact as a result of preventing fires and associated loss of property and life and reducing the cost of insurance. The second speaker was Mr. David Keller, president of the Automatic Fire Alarm Association of Arizona. He supported adoption of the 2012 International Fire Code because of the need to ensure latest fire-prevention technology is authorized.

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

None

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

The permits required under the State Fire Code and described in R4-36-303 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

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

The rules are not more stringent than federal law. There are numerous federal laws relating to some of the same subject matter as the State Fire Code. For example, there are federal laws dealing with hazardous materials, protection of certain categories of individuals, consumer protections, and environmental protection. However, the International Code Council, which developed the International Fire Code, has ensured that the code is consistent with federal law.

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

No analysis was submitted.

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

The following is incorporated by reference in R4-36-201:

International Fire Code, 2012 edition, published by the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

None of the rules in this rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 36. DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY

ARTICLE 2. ARIZONA STATE FIRE CODE

Section
R4-36-201. Incorporation by Reference of the International Fire Code

ARTICLE 3. INTERNATIONAL FIRE CODE MODIFICATIONS

Section
R4-36-301. Definitions
R4-36-302. Appendices
R4-36-303. Permits
R4-36-304. Inspections and Enforcement
R4-36-305. General Precautions Against Fire
R4-36-307. Fire Service Features
R4-36-308. Building Services and Systems
R4-36-309. Fire Protection Systems
R4-36-310. Explosives and Fireworks
R4-36-311. ~~Referenced Standards~~ Repealed



ARTICLE 2. ARIZONA STATE FIRE CODE

R4-36-201. Incorporation by Reference of the International Fire Code

Unless otherwise provided by law, any person residing, doing business, or who is physically present within the state of Arizona shall comply with the provisions of the International Fire Code (2003 2012 Edition), including D102.1 and D107.1 of Appendix D and all provisions of Appendices B, C, E, F, ~~and G, H, I, and J,~~ which is published by the International Code Council, incorporated by reference as the State Fire Code, and modified by Article 3. The incorporated material does not include any later amendments or editions. Copies of the International Fire Code are available from the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795 and a copy is available for inspection at the Office of the State Fire Marshal.

ARTICLE 3. INTERNATIONAL FIRE CODE MODIFICATIONS

R4-36-301. Definitions

The following terms apply to the ~~state fire code~~ State Fire Code established in this Chapter:

1. ~~Wherever “International Plumbing Code” is used within the International Fire Code, substitute the term “State Plumbing Code.”~~
- 2.1. Wherever the terms “fire chief” or “fire code official” are used in the International Fire Code, these terms include the State Fire Marshal or the State Fire Marshal’s designated representative, unless the context otherwise requires.
- 3.2. Wherever the terms “fire department” or “department of fire prevention” are used in the International Fire Code, these terms include the State Fire Marshal or the State Fire Marshal’s designated representative unless the context otherwise requires.
- 4.3. Section 202, the definition of Occupancy Classification for R-3 within the Residential Group is modified to read: Residential occupancies where the occupancies are primarily permanent in nature and not classified as R-1, R-2, ~~R-4,~~ or I and ~~where buildings do not contain adult or child care facilities or more than five dwelling units. including:~~
 - Boarding houses (non-transient) with 16 or fewer occupants
 - Boarding houses (transient) with 10 or fewer occupants
 - Building that do not contain more than four dwelling units
 - Care facilities that provide accommodations for five or fewer persons receiving care
 - Congregate living facilities (non-transient) with 16 or fewer occupants
 - Congregate living facilities (transient) with 10 or fewer occupants
 - Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

R4-36-302. Appendices

The International Fire Code (2003 2012 Edition), which is incorporated by reference at R4-36-201, is ~~published by the International Code Council and available from the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, IL, 60478-5795, and~~ modified as shown in Exhibit A.

EXHIBIT A. Incorporated Appendices

Section 101.2.1 The following appendices are adopted as part of this Code:

- B: Fire-Flow Requirements for Buildings
- C: Fire Hydrant Locations and Distribution
- ~~D: Fire Apparatus Access and Loading~~
- D102.1 or the minimum requirement of the local fire response agency.
- D107.1 or the minimum requirement of the local building ~~or~~ subdivision authority.
- E: Hazard Categories
- F: Hazard Ranking
- G: Cryogenic Fluids – Weight and Volume Equivalents
- H. Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions
- I. Fire Protection Systems – Noncompliant Conditions
- J. Building Information Sign

R4-36-303. Permits

- A. The following time-frames are established for permits issued under the ~~state fire code~~ State Fire Code:
1. The Office of the State Fire Marshal shall determine within five business days ~~from~~ after receipt of a permit application and plan submission whether the permit application and plan are administratively complete and ready for review.
 2. The Office of the State Fire Marshal shall either grant or deny the permit within 60 calendar days ~~from the date that~~ after the documents are determined to be administratively complete.



- 3. ~~The A~~ permittee shall commence work within 180 days ~~of the issuance of a~~ after the permit is issued or apply in writing for an extension ~~in writing~~ from the State Fire Marshal. Without an extension, the permit is valid only for 180 days from the date of issuance.
- B.** The holder of an operational or construction permit is entitled to inspections as prescribed in this Chapter. ~~Reinspection because of The Office of the State Fire Marshal shall invoice a re-inspection caused by a violation or cancellation without 24-hours 24-hours' notice shall be invoiced at a rate established in the fee schedule; and shall not conduct the reinspection shall not be conducted~~ re-inspection until the fee is paid.
- C.** Section 105.1.1 is modified to read: Permits required. Any property owner or authorized agent that intends to conduct an operation or business, install or modify systems and equipment that are regulated by this code, or cause any such work to be done, shall first make application to the fire code official and obtain the required permit. The fire code official is authorized to waive the requirement for any permit listed in sections 105.6.1 through 105.6.46 and 105.7.1 through 107.16.
- ~~C.D.~~ **D.** Section 105.1.2 is modified to read: Types of permits. There shall be two types of permits as follows:
 1. Operational permit. An operational permit allows the applicant to conduct an operation for which a permit is required by Section 105.6 for a period that does not exceed 180 days from the date of issuance.
 2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.
- ~~D.E.~~ **E.** Section 105.2.4, the first sentence is modified to read: The fire code official shall examine or cause to be examined each application for a permit or a permit amendment.
- ~~E.F.~~ **F.** Section 105.3.1, the first sentence is modified to read: An operational permit shall remain in effect until reissued, renewed, or revoked or for a period of time that does not exceed 180 days.
- ~~F.G.~~ **G.** Section 105.3.3, the sentence is modified to read: Occupancy prohibited before approval. The building or structure shall not be occupied prior to the fire code official issuing a report indicating that applicable provisions of this code have been met.
- G.** ~~Sections 105.6.1 through 105.6.3 are deleted.~~
- H.** ~~Sections 105.6.5 through 105.6.13 are deleted.~~
- I.** ~~Sections 105.6.16 through 105.6.26 are deleted.~~
- J.** ~~Sections 105.6.28 through 105.6.32 are deleted.~~
- K.** ~~Sections 105.6.34 through 105.6.36 are deleted.~~
- L.** ~~Sections 105.6.38 through 105.6.42 are deleted.~~
- M.** ~~Sections 105.6.45 through 105.6.47 are deleted.~~
- N.** ~~Section 105.7.5.1 is deleted.~~
- O.** ~~Section 105.7.5.2 is modified to read: To install, construct, or alter, equipment, tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are processed, transported, stored, dispensed, or used.~~

R4-36-304. Inspections and Enforcement

- ~~A.~~ **A.** ~~Sections 103.1 through 103.4.1 are deleted.~~
- ~~B.A.~~ **B.** Sections 108.1 through 108.3 are deleted. Section 108.1 is modified to read: Board of appeals established. To hear and decide appeals of orders, decisions, or other determinations made by the fire code official regarding application or interpretation of this code, the authority having jurisdiction may establish a board of appeals. If established, the board of appeals shall be appointed by and hold office at the pleasure of the governing body. The fire code official shall be an ex officio member of the board of appeal with no vote on any matter before the board. The board of appeals shall adopt rules of procedure for conducting its business. The board of appeals shall provide a written copy of the findings and decision in an appeal to the appellant and fire code official.
- ~~C.B.~~ **B.** Section 409.3 109.4 is modified to read: Violation penalties. If a person violates a provision of this code or fails to comply with any of the requirements of the code, the State Fire Marshal shall proceed in accordance with A.R.S. § 41-2196.
- ~~D.C.~~ **C.** Section 111.2 is modified to read: Issuance. The State Fire Marshal shall issue a stop work order, referred to in statute as a cease and desist order, in accordance with A.R.S. § 41-2196.
- ~~E.D.~~ **D.** Section 111.4 is modified to read: Failure to Comply. Any person who shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, is subject to the provisions of A.R.S. § 41-2196.

R4-36-305. General Precautions Against Fire

- A.** Section 307.2 is modified to read: Permit required. A When required by the fire code official, a permit shall be obtained in accordance with requirements of the Department of Environmental Quality Section 105.6 before kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for the required permit shall only be made by and a permit issued to the owner of the land upon which the fire is to be kindled.
- B.** Section 311.1.1 is modified to read: Abandoned premises. Abatement of abandoned structures and premises shall be conducted Buildings, structures, and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe, and abated in accordance with state law.

R4-36-307. Fire Service Features



- A. Section 501.2 is modified to read: Permits. A permit shall be required as set forth in Sections 105.6 and 105.7 as modified by this Article.
- B. Section ~~509.1~~ 508.1.1 ~~the second sentence~~ is modified to read: Location and access. The location and accessibility of the fire command center shall be approved by a local authorized emergency response provider.

R4-36-308. Building Services and Systems

~~A.~~ Section 601.2 is deleted.

~~B.~~ A. Section 606.2 is modified to read: Refrigerants. The use and purity of new, recovered, and reclaimed refrigerants shall be in accordance with state law.

~~C.~~ B. Section ~~606.13~~ 606.14 is modified to read: Notification of refrigerant discharges. The fire department shall be notified immediately when a discharge becomes reportable under state, federal, or local regulations in accordance with Section ~~2703.3.1~~ 5003.3.1.

~~D.~~ C. Sections ~~2703.3.1~~ 5003.3.1 and ~~2703.3.1.4~~ 5003.3.1.4 replace “fire code official” with “fire department.”

R4-36-309. Fire Protection Systems

~~A.~~ Section 901.1 is modified to read: Scope. The provisions of this Chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing, and maintenance of all fire protection systems. Absent specific statutory authority to the contrary, these provisions provide the minimum protective standards relating to fire protection systems.

~~B.~~ Section ~~903.3.5~~ is modified to read: Monitoring. Where a building fire alarm system is installed, automatic fire extinguishing systems shall be monitored by the building fire alarm system in accordance with state law.

R4-36-310. Explosives and Fireworks

~~A.~~ Section ~~3301.1.3, 5601.1.3~~ the first paragraph is modified to read: Fireworks. *Except as otherwise provided by A.R.S., Title 36, Chapter 13, Article 1, it is unlawful to sell, offer or expose for sale, use, explode, or possess any fireworks.* A.R.S. § 36-1602(A): The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.
Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.

2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.

3. The use of fireworks for fireworks displays as allowed in Section 5608.

4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by A.R.S. Title 36, Chapter 13, Article 1 or local ordinances and regulations, provided the fireworks comply with 16 CFR Parts 1500 and 1507 and 49 CFR Parts 100-185, for consumer fireworks.

~~B.~~ Section ~~3301.1.3~~, exception 4 is deleted and replaced as follows: *This section shall not be construed to prohibit or restrict the manufacture or possession, by a qualified pyrotechnic expert, of aerial set pieces designed for use in pyrotechnic displays, or the display of such set pieces in accordance with the terms of A.R.S., Title 36, Chapter 13, Article 1.* A.R.S. § 36-1602(B).

~~C.~~ Section ~~3301.1.3~~, exception 5 is added to read: 5. Additional uses are permitted as provided by law.

~~D.~~ Section ~~3301.2.4.2~~ is modified to read: Fireworks display. The permit holder shall furnish a bond or certificate of insurance in the amount of one million dollars for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agency, employees, or subcontractors.

~~E.~~ Section 3302.1 is modified to substitute the following definition of “FIREWORKS” for the existing definition: *“Fireworks” (a) Means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and toy cannons in which explosives are used, the type of balloon which requires fire underneath to propel it, firecrackers, torpedoes, skyrocketers, roman candles, daygo bombs, sparklers or other fireworks of like construction, fireworks containing any explosive or combustible compound, and any tablet or other device containing an explosive substance. (b) Does not include: (i) Toy pistols, toy canes, toy guns or other devices in which paper caps containing not more than twenty-five hundredths grains of explosive compound are used if constructed so that the hand cannot come in contact with the cap when in place for the explosion. (ii) Toy pistol paper caps that contain less than twenty hundredths grains of explosive mixture, or fixed ammunition or primers therefore. (iii) Federally deregulated novelty items known as snap-poppers, snap caps, party poppers or glow worms that contain less than twenty-five hundredths grains of explosive compound.”* A.R.S. § 36-1601(1).

R4-36-311. Referenced Standards Repealed

Chapter 45 of the International Fire Code, 2003 Edition, incorporated by reference, is modified to substitute the following: National Fire Protection Association (NFPA) Installation of Sprinkler Systems, Standard 13, 1999 edition, is replaced by NFPA Installation of Sprinkler Systems, Standard 13, 2002 edition; National Fire Protection Association (NFPA) National Fire Alarm Code, Standard 72, 1999 edition, is replaced by NFPA National Fire Alarm Code, Standard 72, 2002 edition.



NOTICES OF FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the

interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 21. CHILD SAFETY

CHAPTER 5. DEPARTMENT OF CHILD SAFETY
PERMANENCY AND SUPPORT SERVICES

[R15-172]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
3. The effective date of the rule and the agency's reason it selected the effective date:
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:



ment of children in a suitable environment and with persons or institutions having appropriate qualifications to provide care for children in the custody of the Department.

Laws 2014, Second Special Session, Ch. 1, § 158 exempts the Department from the rulemaking requirements of in A.R.S. Title 14, Chapter 6 until November 28, 2015, in order to “Adopt rules to implement the purposes of the Department and the duties and powers of the director.” The Department received an exception from the Governor’s rulemaking moratorium, established by Executive Order 2015-01, for this rulemaking and has added Chapter 5, Article 1. The rules conform to the current rulemaking format and style requirements of the Office of the Secretary of State.

- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
- 8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. The summary of the economic, small business, and consumer impact, if applicable:**
The Department was exempted from Title 41, Chapter 6 and therefore no Economic Impact Statement is required.
- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**
Not applicable
- 11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
The Department’s exemption from rulemaking required the Department to provide public notice and an opportunity for public comment in writing and at two or more public comment hearings. The exemption did not require the Department to post its responses to the public comments. However, the Department provides the following information on the public comment hearings and public comment.

Public hearings for Article 1, Interstate Compact on the Placement of Children rule package were held on July 20, 2015 in Tucson and July 21, 2015 in Phoenix. Attendees were given the opportunity to provide oral or written comments. No comments were received at these meetings for this rule package. A copy of Article 1, Interstate Compact on the Placement of Children, draft rules were posted on the Department’s website from June 17, 2015 to July 23, 2015, along with an on-line survey to obtain public comments. No comments were received for this rule package.
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**

 - a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
Not applicable
 - b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Federal laws 42 U.S.C. 622, U.S.C. 675, U.S.C. 4671 and U.S.C. 5113 apply to this rulemaking. The rules are not more stringent than federal law.
 - c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:**
Not applicable
- 13. A list of any incorporated by reference material and its location in the rule:**
None
- 14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
The rules were not previously made, amended, repealed, or renumbered as an emergency rule.
- 15. The full text of the rules follows:**



TITLE 21. CHILD SAFETY

CHAPTER 5. DEPARTMENT OF CHILD SAFETY
PERMANENCY AND SUPPORT SERVICES

ARTICLE 1. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Section

- R21-5-101. Definitions
- R21-5-102. Authority
- R21-5-103. Conditions of Placement
- R21-5-104. Financial Responsibility
- R21-5-105. Applicability
- R21-5-106. Placement Approval
- R21-5-107. Operations

ARTICLE 1. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

R21-5-101. Definitions

The definitions contained in A.R.S. § 8-548 and the following definitions apply in this Article:

1. “Child” means any person less than the age of 18 years.
2. “Compact” or “ICPC” means the Interstate Compact on the Placement of Children.
3. “Compact Administrator” means the same as A.R.S. § 8-548.
4. “Compact State” means a state that is a member of the Interstate Compact on the Placement of Children.
5. “Department” or “DCS” means the Arizona Department of Child Safety.
6. “Interstate placement” means any movement of a child from one state to another state for the purpose of establishing a suitable living environment and providing necessary care.
7. “Intra-state placement” means the placement of a child within a state by an agency of that state.
8. “Placement” means the same as in A.R.S. § 8-548.
9. “Receiving state” means the same as in A.R.S. § 8-548.
10. “Sending agency” means the same as in A.R.S. § 8-548.
11. “Sending state” means the state where the sending agency is located, or the state in which the court holds exclusive jurisdiction over a child, which causes, permits, or enables the child to be sent to another state.

R21-5-102. Authority

The ICPC is governed by A.R.S. §§ 8-548 through 8-548.06 and the ICPC regulations. ICPC regulations are posted on the Association of Administrators of the Interstate Compact on the Placement of Children website. These regulations supplement those authorities and must be read in conjunction with them.

R21-5-103. Conditions of Placement

No person, court, or public or private agency in a Compact State shall place a child in another Compact State until the Compact Administrator in the receiving state has notified the Compact Administrator in the sending state, on a prescribed form, that such placement does not appear to be contrary to the interests of the child and does not violate any applicable laws of the receiving state.

R21-5-104. Financial Responsibility

The sending person, court, or public or private agency shall be held financially responsible for:

1. Sending the child to the receiving state;
2. Returning the child to the sending state; and
3. Treatment of the child during the period of placement.

R21-5-105. Applicability

A. Except as listed in sub-section B, the ICPC applies to the placement of:

1. Children in another Compact State by an agency, court or person, which has care or custody of the children.
2. Foreign-born children who are brought under the jurisdiction of a Compact State by an international child placing agency.

B. In addition to the children listed in statute that are not subject to ICPC, the ICPC does not apply:

1. When a child is placed in an institution caring for the mentally ill, mentally impaired, epileptic, or in any institution primarily educational in character or in any hospital or other medical facility.
2. To the placement of children into and out of the United States when the other jurisdiction involved is a foreign country.
3. When a sending court or agency seeks an independent (not ICPC related) courtesy check for placement with a parent from whom the child was not removed, the responsibility for credentials and quality of the courtesy check rests directly with the sending court or agency and the person or party in the receiving state who agrees to conduct the



courtesy check without invoking the protection of the ICPC home study process. This does not prohibit a sending state from requesting an ICPC.

4. The Compact does not apply in court cases of paternity, divorce, custody, and probate pursuant to which or in situations where children are being placed with parents or relatives or non-relatives.

R21-5-106. Placement Approval

Sending and receiving states must obtain approval from the Compact Administrator in both the sending and receiving states prior to the placement of a child in another Compact State.

R21-5-107. Operations

In providing services provided under this Article, the sending and the receiving state shall:

1. Maintain all information required by state and federal law.
2. Comply with all federal and their respective state laws and regulations regarding the disclosure and use of confidential health and personal information.
3. Comply with all federal and their respective state non-discrimination laws and regulations.
4. Ensure that interpreters, including assistance for the visually or hearing impaired, are available to those receiving services at no cost.

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD FOR PRIVATE POSTSECONDARY EDUCATION

[R15-173]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 39, Board for Private Postsecondary Educations
Article and its heading: 1, Definitions, Licensure, Reporting
2, Fees
3, Operation of Private Non-accredited Institutions
4, Operation of all Licensed Institutions
5, Investigations and Hearing Procedures
6, Student Tuition Recovery Fund

Section numbers: R4-39-101 through R4-39-111; R4-39-201; R4-39-301 through R4-39-308; R4-39-401 through R4-39-408; R4-39-501 through R4-39-504; and R4-39-601 through R4-39-603. *Additional Sections may be made, amended, or deleted as needed.*
- 2. The subject matter of the proposed rule:**
In response to a five-year-review report approved by Council on September 13, 2011, the Board is amending all of its rules to ensure they are consistent with statute and agency and industry practice. The language of the rules is also being updated.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Teri Stanfill, Executive Director
Address: 1400 W. Washington St., Room 260
Phoenix, AZ 85007

Telephone: (602) 542-5709
Fax: (602) 542-1253
E-mail: teri.stanfill@azppse.az.gov
Web site: www.ppse.az.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined



NOTICES OF PROPOSED DELEGATION AGREEMENT

This section of the Arizona Administrative Register contains Notices of Proposed Delegation Agreements.

The Administrative Procedure Act requires the publication of notices of proposed delegation agreements in the Register. A delegation agreement is an agreement between an agency and a political subdivision that authorizes the political subdivision to exercise functions, powers, or duties conferred on the delegating agency by a provision of law.

Delegation agreements are not intergovernmental agreements pursuant to A.R.S. Title 11, Chapter 7, Article 3. For at least 30 days after publication of the Notice of Proposed Delegation Agreement in the Register, the agency shall provide persons the opportunity to submit in writing statements, arguments, data, and views on the proposed delegation agreement and shall provide an opportunity for a public hearing if there is sufficient interest. The delegating agency shall follow the procedures for delegation agreements specified in A.R.S. Title 41, Chapter 6, Article 8.

NOTICE OF PROPOSED DELEGATION AGREEMENT

[M15-294]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivision to which functions, powers and duties of the agency are proposed to be delegated:

Gila County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

Approvals of Drinking Water Systems, Subdivisions, On-Site Wastewater Treatment Facilities and Sewage Collection Systems; Private Residential Gray Water

Name: Jerry Smit, Manager, Groundwater Section

Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

Phone: (602) 771-4827

E-mail: jhs@azdeq.gov

4. A summary of the delegation agreement and the subjects and issues involved:

Under A.R.S. § 49-107, the Arizona Department of Environmental Quality proposes to amend the delegation agreement with Gila County, the Local Agency (LA). The proposed delegation agreement makes the following changes:

- Changes delegation from county community development department to county public health and emergency services, environmental health department
Changes Primary Contact to Director of county public health and emergency services, environmental health department for Appendix A and Appendix B
Updates state Agency contact person for Waste Inspections & Compliance Section

All other delegated program elements remain the same as the current delegation agreement.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Agreement may be downloaded from the following web site address:

http://azdeq.gov/function/permits/delegated.html

Or contact: Sherri Zendri, Administrative Counsel
Arizona Department of Environmental Quality
Office of Administrative Counsel
1110 W. Washington
Phoenix, AZ 85007

Telephone: (602) 771-2242

E-mail: slz@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R18-1-401 and R18-1-402.



ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.



NOTICES OF SUBSTANTIVE POLICY STATEMENT

The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal

procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF INSURANCE

[M15-292]

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Notification of Change of Department Procedure (Regulatory Bulletin 2015-06).

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The substantive policy statement was issued November 4, 2015.

3. Summary of the content of the substantive policy statement:

The Regulatory Bulletin advises all surety insurers that engage bail bond agents to post appearance (bail) bonds in Arizona courts of a change of procedure within the Department.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 20-286(C), 20-340.03(A)(6), 20-340.06, and 33-804.
A.A.C. R20-6-601(e)(4)(b) and (c)

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new statement.

6. The name, address, and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Mary Kosinski
Address: Arizona Department of Insurance
2910 N. 44th St., Suite 210
Phoenix, AZ 85018-7269
E-mail: mkosinski@azinsurance.gov
Telephone: (602) 364-3471

7. Information about where a person may obtain a copy of the substantive policy statement:

Copies of this policy are available via the internet at http://insurance.az.gov or from the person listed in question #6 for 25 cents per page.



NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman. Agencies shall publish annually in the *Register* the name or names of those employees who are designated by the agency to

assist members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

NOTICE OF AGENCY OMBUDSMAN

ARIZONA LOTTERY

[M15-293]

- 1. **The agency name:** Arizona Lottery
- 2. **The ombudsman's:**
 - a. **Name:** Brian Townsend
 - b. **Title:** Deputy Director
 - c. **Specific agency division, if applicable:** NA
- 3. **The ombudsman's office address to include the city, state and zip code:**
 Arizona Lottery
 4740 E. University Dr.
 Phoenix, AZ 85034
- 4. **The ombudsman's area code and telephone number, fax number and e-mail address, if available:**
 Telephone: (480) 921-4437
 Fax: (480) 921-4488
 E-mail: btownsend@azlottery.gov



GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the Register shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2015-07

Authorization to Arm Designated Members of the Arizona National Guard

[M15-310]

WHEREAS, on July 16, 2015, an act of terrorism directed at military personnel at the military recruitment and readiness centers in Chattanooga, Tennessee resulted in the deaths of four United States Marines and one Navy Petty Officer; and

WHEREAS, there have been multiple domestic instances of terrorist acts and intended acts against members of the U.S. Military, including but not limited to the 2009 attack at Fort Hood, Texas, against U.S. service members who were going through medical in-processing prior to overseas deployment, which resulted in 13 deaths and 32 people wounded; and

WHEREAS, in each of these cases, the perpetrator of the terrorist acts likely understood that his intended military victims were unarmed and therefore presented "soft targets;" and

WHEREAS, the brave men and women of the Arizona National Guard – Soldiers and Airmen who protect the residents of this State and the United States of America – are entitled to at least the same level of self-defense as other residents of this State; and

WHEREAS, Article V, Section 3 of the Arizona Constitution and A.R.S. §§ 26-101(C) and 26-102(A) establish the Governor as the commander-in-chief of the military forces of the State, including the Arizona National Guard; and

WHEREAS, A.R.S. § 26-102(D)(8) directs the Adjutant General of the Arizona National Guard, with the approval of the Governor, to adopt methods of security for the national guard reservations or facilities;

NOW, THEREFORE I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby direct the Adjutant General of the Arizona National Guard as follows:

- A. Identify and arm all appropriately trained National Guard personnel who he determines reasonably necessary, based upon their duty positions, responsibilities, or locations, to protect themselves and other persons from the threat of deadly physical force;
B. Institute a policy and training requirements that permit National Guard personnel to carry personally owned handguns while on duty at a secured facility or military installation, in lieu of a government-issued handgun, as specified by the Adjutant General. This policy should allow National Guard personnel to carry these handguns on unsecured facilities while on duty if a government-issued handgun is not reasonably accessible;
C. Consult with the Director of the Arizona Department of Public Safety to review the security measures and protocols in place at Arizona National Guard facilities, including without limitation recruiting offices, and make any recommendations necessary to further protect Soldiers, Airmen, and the public against attacks on military personnel.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Twenty-Second day of July in the Year Two Thousand Fifteen and of the independence of the United States of America the Two Hundred and Fortieth.



ATTEST:
Michele Reagan
Secretary of State

EXECUTIVE ORDER 2015-08

**The Governor's Council on Child Safety and Family Empowerment
(Superseding Executive Order 2014-06)**

[M15-311]

WHEREAS, strong families and youth are the future of Arizona and are of vital importance to our communities and economy; and

WHEREAS, the need to support families and youth, especially Arizona's most vulnerable (those most likely to enter into or are in the care of the State) is of the utmost urgency; and

WHEREAS, government has an important but limited role in providing benefits, goods and services, recognizing the need to collaborate with faith-based and private sector partners to solve community challenges; and

WHEREAS, Arizona's public, charitable, faith-based and business communities have successfully provided support and services to families and youth; and

WHEREAS, the state's future well-being is intrinsically linked to the cooperative and collaborative engagement of public, charitable, faith-based and business communities in providing opportunities to develop all families and youth to their fullest potential with a particular emphasis on those children that may end up in the care of the State.

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Arizona Constitution and laws of the State of Arizona do hereby order and direct as follows:

- The Governor's Council on Child Safety and Family Empowerment is hereby created to align, leverage and coordinate faith-based and community resources to solve challenges faced by our most vulnerable children and families within the child welfare system and to provide additional support to strengthen families that are caring for both foster and adopted children.
 - Members of the Council shall be appointed by, and serve without compensation at the pleasure of the Governor. To the extent practicable, the members of the Council shall reflect the geographic, cultural and religious diversity of the State.
 - The Governor shall appoint Co-Chairs of the Council.
 - The Office may accept monies from local, state or federal government sources, other public agencies, or non-governmental organizations, and monies donated or awarded by any other entities. The monies shall be expended solely for the purposes provided in this Executive Order Purpose and accounted for as provided by law.
- The Council, in alliance with the Governor's Office of Youth, Faith and Family shall:
 - Prepare and update annually a strategic plan.
 - Conduct local outreach to develop a comprehensive and inclusive state service plan and coordinate with existing programs to prevent duplication of effort.
 - Develop partnerships between the state, faith-based organizations and community entities in order to ultimately decrease the number of children being placed in the child welfare system by facilitating and providing support for Prevention services, as well as supporting recruitment to increase the number of foster and adoptive families, and aiding in the support of existing foster and adoptive families.
 - Bring attention to exemplar programs that provide innovative examples for effective family and youth programming.
 - Prepare an annual progress report for submission to the Governor by June 30 of each year.
- This Executive Order shall supersede Executive Order 2014-06, and will integrate the family and youth-focused work of the Arizona Council on Faith and Community Partnerships.
- The Governor's Office of Youth, Faith and Family shall serve as the lead agency for administration of the Council as is deemed appropriate and necessary to fulfill the objectives of this Order. Additionally, all state agencies shall



provide reasonable assistance to the Council as requested to ensure a fully coordinated state effort for promoting Arizona’s families and youth.

- The Governor’s Council on Child Safety and Family Empowerment shall be reviewed no later than June 30, 2020, to determine appropriate action for its continuance, modification or termination.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this Thirtieth day of July in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
Secretary of State

EXECUTIVE ORDER 2015-10
The Workforce Arizona Council
(Superseding Executive Order 2008-17)

[M15-312]

WHEREAS, the future of Arizona and the economic opportunities available to its residents depend on the ability of Arizona’s businesses and workforce to compete in the global economy; and

WHEREAS, workforce development requires a partnership among the business community, educational institutions, and certain government agencies to effectively educate and prepare the workforce for in-demand careers; and

WHEREAS, a coordinated and strategic effort of workforce development activities should be implemented to optimize our effectiveness and give Arizona a competitive edge; and

WHEREAS, to further these goals, the Workforce Arizona Council should be created to (i) bring together a broad range of stakeholders representing industries vital to Arizona’s continued economic development, (ii) provide state-level coordination of workforce development policies and programs, (iii) establish goals for the development of a state plan, and (iv) make recommendations to the Governor on the effective use of resources.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona, hereby order as follows:

- The Workforce Arizona Council (WAC) shall be established in accordance with the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3111, and A.R.S. § 41-1542.
- Membership of the WAC shall be consistent with the requirements of the WIOA, 29 U.S.C. § 3111, and A.R.S. § 41-1542 and shall consist of:
 - The Governor of the State of Arizona, or his designee;
 - A member of each chamber of the Arizona State Legislature, appointed by the appropriate presiding officers of such chamber;
 - Other members who shall be appointed by the Governor pursuant to the requirements set forth in the WIOA, 29 U.S.C. § 3111(b)(1)(C), and A.R.S. § 41-1542.
 - The WAC shall include members who represent diverse geographic areas of the State of Arizona.
 - The Governor shall select a chairperson for the WAC from among the members who are representatives of businesses in the State.
 - Members of the WAC shall serve at the pleasure of the appointing person.
 - Appointments to the WAC shall be for three-year terms.
 - The WAC may create subcommittees, appointed by the chairperson. Subcommittee members may include individuals from the general public who have specialized knowledge and experience to be of assistance to the WAC.



This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this Seventeenth day of November in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
Secretary of State

EXECUTIVE ORDER 2015-01

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2015, as a notice to the public regarding state agencies' rulemaking activities.

[M15-02]

WHEREAS, Arizona has lost more jobs per capita than any other state and has yet to recover all of those jobs;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency, subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency, subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
 - a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
 - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
3. Paragraphs 1 and 2 apply to all State agencies, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission, or (c) any State agency whose agency head is not appointed by the Governor. Those State agencies to which Paragraphs 1 and 2 do not apply are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.



4. Pursuant to Article 5, Section 4 of the Arizona Constitution and Arizona Revised Statutes Section 41-101(A)(1), the State agencies identified in Paragraph 3 must provide the Office of the Governor with a written report for each proposed rule 30 days prior to engaging in any rulemaking proceeding and must also provide the Office of the Governor with a written report within 15 days of any rulemaking. The reports required by this Paragraph shall explain, in detail, how the rulemaking advances the priorities and principles set forth in this Order.
5. No later than September 1, 2015, each State agency shall provide to the Office of the Governor an evaluation of their rules, with recommendations for which rules could be amended or repealed consistent with the priorities and principles set forth in this Order. The evaluation shall also include a summary of licensing time frames and describe how those time frames compare to real processing time, and whether or not they can be reduced. Additionally, each agency shall identify any existing licenses or permits in which a general permit could be used in lieu of an individual permit, pursuant to Arizona Revised Statutes Section 41-1037.
6. No later than July 1, 2015, each State agency shall provide to the Office of the Governor an update on divisions where electronic reporting and payment are not implemented and a suggested plan for how to implement this customer-service-oriented service.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
8. This Executive Order expires on December 31, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this fifth day of January in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

ATTEST:
Michele Reagan
Secretary of State



GOVERNOR PROCLAMATIONS

The Administrative Procedure Act (APA) requires the publication of Governor proclamations of general applicability, and ceremonial dedications issued by the Governor.

THANKSGIVING DAY

[M15-314]

WHEREAS, President George Washington, at the request of Congress, proclaimed the first national Thanksgiving Day, November 26, 1789, as “a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many signal favors of Almighty God”; and

WHEREAS, President Abraham Lincoln, in 1863, proclaimed the last Thursday of November as the annual date for the national Thanksgiving Day; and

WHEREAS, on December 26, 1941, President Franklin Roosevelt signed a joint resolution of Congress changing the national Thanksgiving Day from the last Thursday in November to the fourth Thursday.

WHEREAS, the State of Arizona designated its motto as *Ditat Deus* - God Enriches, which acknowledges the blessings of God; and

WHEREAS, on Thanksgiving Day, Arizonans and all Americans come together to enjoy the fellowship of family and friends with a feast that symbolizes the many blessings in our lives; and

WHEREAS, Thanksgiving is a time to gather in a spirit of gratitude with one another, and it is also an opportunity to serve others and to share our prosperities with those in need; and

WHEREAS, as Arizonans, we pause to consider our good fortune as American citizens and residents of this great State, and we are mindful of the heroic men and women, and their families, serving in our Armed Forces, especially those serving abroad.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do proclaim November 26, 2015, as

THANKSGIVING DAY

and I further encourage all citizens to pray or reflect and give thanks for the rich blessings of our State and our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-third day of November in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

**VICTIMS' BILL OF RIGHTS DAY**

[M15-313]

WHEREAS, on Tuesday, November 6, 1990 the voters of Arizona passed an amendment to the Arizona Constitution that enacted the Victims' Bill of Rights (VBR) for crime victims;

WHEREAS, on November 27, 1990, the VBR became effective and established a new era of hope that the rights of victims to justice and due process would be preserved and protected;

WHEREAS, this year marks the 25th Anniversary of the establishment of victims' rights in Arizona;

WHEREAS, in the intervening 25 years, Arizona has become a transformational national leader in the enactment and enforcement of the rights of crime victims;

WHEREAS, across Arizona dedicated victim advocates, law enforcement officers, prosecutors, and judges have been faithful to these constitutional rights;

WHEREAS, despite these significant gains, challenges remain to protect the rights of victims to justice and due process, among others, the rights to a speedy trial and to be heard at all critical stages, and renewed efforts must be made to preserve and protect all rights for crime victims; and

WHEREAS, the victims' rights enjoyed by Arizonans should be the birthright of every person in the United States;

NOW, THEREFORE, I, Douglas A. Ducey, Governor of Arizona, hereby proclaim November 27, 2015 as

VICTIMS' BILL OF RIGHTS DAY

and:

1. Call on all Arizonans to celebrate with thanks the passage of the Victims' Bill of Rights;
2. Call on all those in the criminal justice system to fully and fairly enforce all the rights of crime victims; and
3. Call on the Congress to send to the States for ratification an amendment to the U.S. Constitution to establish rights for all crime victims.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-third day of November in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:

Michele Reagan
SECRETARY OF STATE

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “Information” in the front of each issue for a more detailed explanation).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

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PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

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SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT PROPOSED**

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PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

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R4-6-803.	FXM-2630		FM-2528	R21-1-401.	FXN-2554
R4-6-804.	FXR-2630	R4-5-405.	PM-869;	R21-1-402.	FXN-2554
R4-6-901.	FXM-2630		FM-2528	R21-1-403.	FXN-2554
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R4-6-1001.	FXM-2630	Exhibit 2.	PM-869	R21-1-405.	FXN-2554
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R4-6-1103.	FXM-2630		FM-2528	R21-1-503.	FXN-2554
R4-6-1104.	FXM-2630	R4-5-408.	PM-869;	R21-1-504.	FXN-2554
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R4-6-1106.	FXN-2630	R4-5-409.	PM-869;	R21-1-506.	FXN-2554
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R4-5-104.	PM-869;		FM-2528	R2-20-110.	PXM-2043
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R4-5-107.	PM-869;	R21-1-103.	FXN-2554		FXM-1633
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R4-5-108.	PM-869;	R21-1-105.	FXN-2554		FXM-1634
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	F#-2528;	R21-1-201.	FXN-2554		
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R7-2-1084.	FXM-1525	R7-2-1181.	FXM-1525	R18-14-303.	FN-2597
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A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
September 4, 2015	September 25, 2015	October 26, 2015
September 11, 2015	October 2, 2015	November 2, 2015
September 18, 2015	October 9, 2015	November 9, 2015
September 25, 2015	October 16, 2015	November 16, 2015
October 2, 2015	October 23, 2015	November 23, 2015
October 9, 2015	October 30, 2015	November 30, 2015
October 16, 2015	November 6, 2015	December 7, 2015
October 23, 2015	November 13, 2015	December 14, 2015
October 30, 2015	November 20, 2015	December 21, 2015
November 6, 2015	November 27, 2015	December 28, 2015
November 13, 2015	December 4, 2015	January 4, 2016
November 20, 2015	December 11, 2015	January 11, 2016
November 27, 2015	December 18, 2015	January 18, 2016
December 4, 2015	December 25, 2015	January 25, 2016
December 11, 2015	January 1, 2016	February 1, 2016
December 18, 2015	January 8, 2016	February 8, 2016
December 25, 2015	January 15, 2016	February 15, 2016
January 1, 2016	January 22, 2016	February 22, 2016
January 8, 2016	January 29, 2016	February 29, 2016
January 15, 2016	February 5, 2016	March 7, 2016
January 22, 2016	February 12, 2016	March 14, 2016
January 29, 2016	February 19, 2016	March 21, 2016
February 5, 2016	February 26, 2016	March 28, 2016
February 12, 2016	March 4, 2016	April 4, 2016
February 19, 2016	March 11, 2016	April 11, 2016
February 26, 2016	March 18, 2016	April 18, 2016
March 4, 2016	March 25, 2016	April 25, 2016
March 11, 2016	April 1, 2016	May 2, 2016
March 18, 2016	April 8, 2016	May 9, 2016



GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5:00 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2014	December 17, 2014	December 30, 2014	January 6, 2015
December 15, 2014	January 14, 2015	January 27, 2015	February 3, 2015
January 20, 2015	February 11, 2015	February 24, 2015	March 3, 2015
February 17, 2015	March 18, 2015	March 31, 2015	April 7, 2015
March 16, 2015	April 15, 2015	April 28, 2015	May 5, 2015
April 20, 2015	May 13, 2015	May 28, 2015	June 2, 2015
May 18, 2015	June 17, 2015	June 30, 2015	July 7, 2015
June 15, 2015	July 15, 2015	July 28, 2015	August 4, 2015
July 20, 2015	August 12, 2015	August 25, 2015	September 1, 2015
August 17, 2015	September 16, 2015	September 29, 2015	October 6, 2015
September 21, 2015	October 14, 2015	October 27, 2015	November 3, 2015
October 19, 2015	November 12, 2015	November 24, 2015	December 1, 2015
November 16, 2015	December 16, 2015	December 29, 2015	January 5, 2016



GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE
NOVEMBER 3, 2015 MEETING

[M15-291]

FIVE-YEAR-REVIEW REPORTS:**ARIZONA DEPARTMENT OF INSURANCE (F-15-0903)**

Title 20, Chapter 6, Article 4, Types of Insurance Companies; Article 5, The Insurance Contract; Article 6, Types of Insurance Contracts; Article 19, Health Care Services Organizations Oversight

ARIZONA BOARD OF CHIROPRACTIC EXAMINERS (F-15-1101)

Title 4, Chapter 7, Article 1, Definitions; Meetings; Article 2, Committees; Article 3, Hearings; Article 4, Examinations; Article 5, Licenses; Article 6, Acupuncture Certification; Article 7, Standards of Education; Article 8, Continuing Education; Article 9, Unprofessional Conduct; Article 10, Preceptorship Training Program; Article 11, Chiropractic Assistants; Article 13, Charges; Article 14, Business Entities

ARIZONA RADIATION REGULATORY AGENCY (F-15-1102)

Title 12, Chapter 1, Article 6, Use of X-rays in the Healing Arts; Article 12, Administrative Provisions; Article 14, Registration of Nonionizing Radiation Sources and Standards for Protection Against Nonionizing Radiation

ARIZONA DEPARTMENT OF HEALTH SERVICES (F-15-1103)

Title 9, Chapter 11, All Articles

RULES:**ARIZONA BOARD OF DENTAL EXAMINERS (R-15-1101)**

Title 4, Chapter 11, Article 17, Rehearing or Review

Amend: R4-11-1701

ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS (R-15-1102)

Title 8, Chapter 2, Article 1, Search or Rescue

Amend: R8-2-101; R8-2-102; R8-2-103; R8-2-104; R8-2-105

ARIZONA GAME AND FISH DEPARTMENT (R-15-1103)

Title 12, Chapter 4, Article 1, Definitions and General Provisions; Article 3, Taking and Handling of Wildlife; Article 6, Rules of Practice Before the Commission; Article 8, Wildlife Areas and Department Property

Renumber: R12-4-125, R12-4-804

Amend: R12-4-101, R12-4-103, R12-4-104, R12-4-105, R12-4-106, R12-4-107, R12-4-108, R12-4-110, R12-4-111, R12-4-112, R12-4-113, R12-4-114, R12-4-115, R12-4-116, R12-4-117, R12-4-119, R12-4-120, R12-4-121, R12-4-125, R12-4-302, R12-4-611

New Sections: R12-4-118, R12-4-124

ARIZONA DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY (R-15-1104)

Title 4, Chapter 36, Article 2, Arizona State Fire Code; Article 3, International Fire Code Modifications

Amend: R4-36-201; R4-36-301; R4-36-302; R4-36-303; R4-36-304

R4-36-305; R4-36-307; R4-36-308; R4-36-309; R4-36-310

Repeal: R4-36-311

ARIZONA DEPARTMENT OF PUBLIC SAFETY (R-15-1105)

Title 13, Chapter 13, Article 1, School Bus Minimum Standards

Amend: R13-13-105, R13-13-106, R13-13-107, R13-13-108

COUNCIL ACTION: ALL OF THE ABOVE ITEMS WERE APPROVED ON THE CONSENT AGENDA