

Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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Information 2
Rulemaking Guide 3

RULES AND RULEMAKING

Emergency Rulemaking, Notices of

 14 A.A.C. 5 Corporation Commission - Transportation 5

Rule Expirations

 4 A.A.C. 8 Acupuncture Board of Examiners 14
 6 A.A.C. 6 Department of Economic Security - Developmental Disabilities 14
 18 A.A.C. 2 Department of Environmental Quality - Air Pollution Control 15

OTHER AGENCY NOTICES

Docket Opening, Notices of Rulemaking

 18 A.A.C. 9 Department of Environmental Quality - Water Pollution Control 16
 18 A.A.C. 11 Department of Environmental Quality - Water Quality Standards 17

GOVERNOR'S OFFICE

Governor's Executive Orders

 E.O. 2015-11: Renewal of Military Reuse Zone Designation of Phoenix-Mesa Gateway Airport 19
 E.O. 2015-13: Relating to the Implementation of the Arizona Water Initiative 20
 E.O. 2015-01: Internal Review of Administrative Rules; Moratorium to Promote Job Creation and
 Customer-Service-Oriented Agencies 21

Governor's Proclamations

 Arizona Problem Gambling Awareness Month 23
 Career and Technical Education Month 23
 School Counseling Week 24
 Youth Who Learn Differently Awareness Month 25

INDEXES

 Register Index Ledger 26
 Rulemaking Action, Cumulative Index for 2015 27
 Other Notices and Public Records, Cumulative Index for 2015 36

CALENDAR/DEADLINES

 Rules Effective Dates Calendar 38
 Register Publishing Deadlines 40

GOVERNOR'S REGULATORY REVIEW COUNCIL

 Governor's Regulatory Review Council Deadlines 41

DIRECTOR
Public Services Division
Scott Cancelosi

PUBLISHER
Secretary of State
MICHELE REAGAN

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

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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PUBLISHER
SECRETARY OF STATE
Michele Reagan

PUBLIC SERVICES STAFF
DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

PRINTING
Demetrius Russaw

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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.

CONTACT US
The Honorable Michele Reagan
Office of the Secretary of State
1700 W. Washington Street, Fl. 7
Phoenix, AZ 85007
(602) 364-3224

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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 EMERGENCY RULEMAKING

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

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

Questions about the interpretation of the emergency rules should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF EMERGENCY RULEMAKING

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

CHAPTER 5. CORPORATION COMMISSION – TRANSPORTATION

[R15-196]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)**

R14-5-202	Amend
R14-5-203	Amend
R14-5-204	Amend
R14-5-205	Amend
R14-5-207	Amend

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

Authorizing statute: Arizona Constitution, Article XV § 3.
Implementing statute: A.R.S. § 40-441

- 3. The effective date of the rule:**

December 15, 2015

The rule takes effect upon filing the Notice of Emergency Rulemaking with the Office of the Secretary of State by the Office of the Attorney General. An exception from the effective date provisions in A.R.S. § 41-1032(A) is necessary to preserve public health and safety by immediately bringing the state rules into conformity with Federal Regulations relating to the safe transportation of natural gas and hazardous materials by pipeline in Arizona.

- 4. Citations to all related emergency rulemaking notices published in the Register as specified in R1-1-409(A) that pertain to the record of this notice of emergency rulemaking:**

None

- 5. The agency’s contact person who can answer questions about the rulemaking:**

Name: Charles Hains, Commission Counsel, Legal Division
Address: Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 542-3402
Fax: (602) 542-4870
E-mail: Chains@azcc.gov
Web site: www.azcc.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 purpose of the proposed rules is to amend, R14-5-202, R14-5-203, R14-5-204, R14-5-205 and R14-5-207, of the Pipeline Safety Rules. The amendments to R14-5-202, R14-5-203 R14-5-204, R14-5-205 and R14-5-207 are revised for clarity and to update incorporations by reference of the most recent amendments to the Code of Federal Regulations (“CFR”), Title 49.

The Commission is exempt from the Executive Order 2015-01 requirement to obtain prior approval before engaging in rulemaking proceedings.



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

Small Business Subject to the Rules: These rules do not change the responsibilities of master meter operators already established in 1970 by the adoption by the Commission of the Code of Federal Regulations, Title 49, Parts 191 and 192.

The new rules may increase testing costs for operators of liquefied natural gas facilities when welding is performed, although such costs should be minimal as welding is a non-recurring activity. Such costs will only be incurred if the liquefied natural gas facility operator is not already ensuring that nondestructive testing is completed for each weld performed on newly installed, replaced, or repaired pipeline or appurtenances.

The new rules will have no effect upon consumers or users of the gas service provided by regulated public utilities as they presently are required to be in compliance with all standards, but, this will benefit consumers, users and the general public by maintaining a safe pipeline system.

The new rules are the least costly method for obtaining compliance with the long standing minimum safety standards. The rules do not impose additional standards. There is no less intrusive method

10. 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 are not 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 federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rule amendments bring the state rules into conformity with the federal law, thereby paralleling the federal law and therefore are neither more nor less stringent than the 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:

None

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

49 CFR 40 (October 1, 2015) adopted in R14-5-202(B)

49 CFR 191 (October 1, 2015) adopted in R14-5-202(B)

49 CFR 192 (October 1, 2015), except I(A)(2) and (3) of Appendix D to part 192 adopted in R14-5-202(B)

49 CFR 193 (October 1, 2015) adopted in R14-5-202(B)

49 CFR 195 (October 1, 2015), except 195.1(b)(2), (3), and (4) adopted in R14-5-202(B)

49 CFR 199 (October 1, 2015) adopted in R14-5-202(B)

12. An agency explanation about the situation justifying the rulemaking as an emergency rule:

The Commission finds that it is necessary to adopt the rule amendments included in this Notice of Emergency Rulemaking as an emergency measure, and with an immediate effective date, because the rule amendments must take effect before January 1, 2016, in order for the Commission to (1) protect the public health, safety, and welfare; (2) comply with a deadline imposed by a federal program; (3) avoid violating requirements of a federal regulation; (4) avoid an imminent budget reduction; and (5) avoid serious prejudice to the public interest. The Commission's need to conduct emergency rulemaking is not due to its own inaction or delay and could not have been averted by timely compliance with the notice and public participation provisions of A.R.S. Title 41, Chapter 6.

The Commission attempted to complete the rule amendments included in this emergency rulemaking through regular rulemaking, for which a Notice of Proposed Rulemaking was published at 21 A.A.R. 674 (May 15, 2015); an oral proceeding was held on June 18, 2015; and a Notice of Final Rulemaking packet was filed with the Office of the Attorney General ("AG"), pursuant to A.R.S. § 41-1044, on September 15, 2015. Subsequently, the Commission was notified by the AG that clarifying modifications to date parentheticals included in the Notice of Final Rulemaking were considered to constitute a substantial change under A.R.S. § 41-1025. These circumstances presented an unanticipated delay in the regular rulemaking process making it impossible for the Commission to adopt the rule amendments through regular rulemaking before January 1, 2016. Thus, the Commission is adopting the rule amendments as an emergency measure, to ensure that the rule amendments become effective before January 1,



2016, and will follow this emergency rulemaking with additional regular rulemaking to adopt the rule amendments. The primary purpose of the rule amendments is to make the Commission’s rules consistent with current federal pipeline safety regulations by updating incorporations by reference in the Commission’s rules to ensure that the Commission maintains compliance with the requirements of its intergovernmental agreement with the U.S. Department of Transportation’s Pipeline and Hazardous Material Safety Administration (“PHMSA”). The rule amendments update the incorporations by reference for 49 CFR Parts 40, 191, 192, 193, 195, and 199 as well as several U.S. Department of Transportation’s Pipeline and Hazardous Material Safety Administration (“PHMSA”) reporting forms. As a secondary purpose, the rule amendments also clarify some of the provisions in the rules.

Under 49 U.S.C. § 60105, the Commission holds certification from PHMSA authorizing the Commission to prescribe and enforce safety standards and practices for intrastate pipeline facilities and intrastate pipeline transportation. The Commission is also authorized to act as an interstate agent under 49 CFR Chapter 601. To maintain its certification, the Commission must annually submit to PHMSA a certification stating, *inter alia*, that the Commission (1) has regulatory jurisdiction over the standards and practices to which the certification applies; (2) has adopted, by the date of certification, each applicable standard prescribed under 49 U.S.C. Chapter 601 or, if the standard was prescribed no later than 120 days before certification, is taking steps to adopt the standard; and (3) is enforcing each adopted standard through means including inspections by qualified Commission employees. The certification filing must also identify the persons subject to the Commission’s safety jurisdiction, describe specific types of reported accidents or incidents during the past 12 months, provide an investigation summary for each accident or incident, and describe the Commission’s regulatory and enforcement practices. PHMSA may reject certification for a state authority if it determines that the state authority is not satisfactorily enforcing compliance with the applicable federal safety standards of 49 U.S.C. Chapter 601. A state authority that carries out a safety program pursuant to certification under 49 U.S.C. § 60105 is eligible to obtain grant funding from PHMSA of up to 80 percent of the state authority’s costs for the personnel, equipment, and activities reasonably required to carry out the program for the next calendar year. One of the performance factors considered by PHMSA when determining the allocation of grant funds to a state authority is whether the state has adopted the applicable federal pipeline safety standards. PHMSA can withhold payment if it determines that a state authority is not satisfactorily carrying out its safety program.

If the Commission fails to make the rule amendments effective by December 31, 2015, the compliance deadline under the PHMSA certification program, the Commission could lose federal grant funding for the Commission’s Pipeline Safety program. This would constitute an imminent budget reduction and would result in serious prejudice to the public interest, which is best served by a robust Pipeline Safety program that has sufficient resources to enforce the most current federal safety standards. Because the rules at issue establish safety standards consistent with the most current federal safety standards, it is in the public interest to have the rules in effect and capable of enforcement as soon as possible.

13. The date the Attorney General approved the rule:

December 15, 2015

14. The full text of the rules follows:

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;
SECURITIES REGULATION**

CHAPTER 5. CORPORATION COMMISSION – TRANSPORTATION

ARTICLE 2. PIPELINE SAFETY

Section

- R14-5-202. Construction and Safety Standards for Gas, LNG, and Hazardous Liquid Pipeline Systems
- R14-5-203. Pipeline Incident Reports
- R14-5-204. Annual Reports
- R14-5-205. Commission Investigations
- R14-5-207. Master Meter System Operators

ARTICLE 2. PIPELINE SAFETY

R14-5-202. Construction and Safety Standards for Gas, LNG, and Hazardous Liquid Pipeline Systems

- A. No Change
- B. Subject to the definitional changes in R14-5-201 and the modifications noted in this Section, the Commission adopts, incorporates, and approves as its own 49 CFR 40; 191; 192, except (1)(A)(2) and (3) of Appendix D to Part 192; 193; 195, except 195.1(b)(2), (3), and (4); and 199 (October 1, 2012 October 1, 2015), including no future editions or amendments, which are incorporated by reference; on file with the Office of Pipeline Safety; and published by and available from the U.S. Government Printing Office, 710 North Capital Street N.W., Washington DC 20401, and at <http://>



www.gpo.gov/fdsys/. For purposes of 49 CFR 192, “Business District” means an area where the public congregate for economic, industrial, religious, educational, health, or recreational purposes and two or more buildings used for these purposes are located within 100 yards of each other.

- C. No change
 - 1. No change
 - 2. No change
- D. No change
- E. No change
 - 1. No change
 - 2. No change
- F. No change
- G. No change
- H. No change
- I. No change
- J. An operator of an intrastate pipeline transporting LNG, gas, or a hazardous liquid shall use a cathodic protection system designed to protect the metallic pipeline in its entirety, in accordance with 49 CFR 192, Subpart I, ~~October 1, 2010 (and no future amendments)~~, as incorporated by reference in subsection (B), ~~and copies available from the Office of Pipeline Safety and the United States Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954, except Sections (I)(A)(2) and (3) of Appendix D to Part 192 shall not be utilized. This modifies 49 CFR 192.463(a), 193.2629, and 195.571.~~
- K. No change
- L. No change
- M. No change
- N. An operator of an intrastate pipeline transporting gas or hazardous liquid that constructs an underground pipeline system using plastic pipe shall bury the installed pipe with at least 6 inches of sandy type soil, free of any rock or debris, surrounding the pipe for bedding and shading, unless the pipe is otherwise protected as approved by the Office of Pipeline Safety. Steel pipe shall be installed with at least 6 inches of sandy type soil, free of any debris or materials injurious to the pipe coating, surrounding the pipe for bedding and shading, unless the pipe is otherwise protected as approved by the Office of Pipeline Safety. This modifies 49 CFR 192.321, 192.361, and 195.246.
- O. No change
- P. No change
- Q. An operator of an intrastate pipeline transporting gas shall survey and grade all detected leakage according to the standards provided below, which modify 49 CFR 192.706 and 192.723:
 - 1. In the case of all gas except LPG, leakage surveys and grading shall be performed pursuant to the standards set by ASME Guide for Gas Transmission and Distribution Pipeline System, Guide Material, Appendix G-11-1983, including no future editions or amendments, which is incorporated by reference; on file with the Office of Pipeline Safety; published by and available from ASME, ~~Three Two~~ Park Avenue, New York, NY 10016-5990; and modified by omitting 4.4(c) and by replacing “should” with “shall” each time it appears.
 - 2. In the case of LPG, leakage surveys and grading shall be performed pursuant to the standards set by ASME Guide for Gas Transmission and Distribution Pipeline System, Guide Material, Appendix G-11A-1983, including no future editions or amendments, which is incorporated by reference; on file with the Office of Pipeline Safety; published by and available from ASME, ~~Three Two~~ Park Avenue, New York, NY 10016-5990; and modified by replacing “should” with “shall” each time it appears.
 - 3. No change
- R. No change
- S. No change
- T. An operator of an LNG facility shall ensure that nondestructive testing is completed for each weld performed on newly installed, replaced, or repaired pipeline or an appurtenance. This modifies 49 CFR 193.2303.
- ~~T~~U. In the event of an unknown failure of a gas, LNG, or hazardous liquid pipeline, resulting in the operator’s being required to provide a telephonic or written report under R14-5-203 (B) or (C) and in the operator’s removing a portion of the failed pipeline, the following shall occur:
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - 3. Within 48 hours after receiving telephonic notification pursuant to subsection (~~T~~ U)(2), the Office of Pipeline Safety shall:



- a. Determine, based on the information provided by the operator and the availability, adequacy, and reliability of any pipeline testing laboratory operated by the operator, whether it is necessary to have the removed portion of pipeline tested at an independent laboratory; and
- b. Telephonically notify the operator either:
 - i. That the operator must have the removed portion of pipeline tested, in accordance with Office of Pipeline Safety directions, by an independent laboratory selected by the Office of Pipeline Safety as provided in subsection (F U)(5), to determine the cause or causes of the failure; or
 - ii. That the operator is not required to have the removed portion of pipeline tested by an independent laboratory and instead must conduct testing in its own pipeline testing laboratory, after which the operator may discard the removed portion of pipeline;
- 4. After providing telephonic notice as provided in subsection (F U)(3)(b), the Office of Pipeline Safety shall confirm its notification in writing;
- 5. If the Office of Pipeline Safety directs testing by an independent laboratory:
 - a. The Office of Pipeline Safety shall:
 - i. Determine, as provided in subsection (F U)(6), the independent laboratory that will do the testing and the period of time within which the testing is to be completed;
 - ii. No change
 - iii. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
- 6. In determining an independent laboratory to perform testing required under subsection (F U), the Office of Pipeline Safety shall:
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 - i. No change
 - ii. No change
 - d. No change
 - No change

~~U.V.~~An operator shall ensure that all repair work performed on an existing intrastate pipeline transporting LNG, hazardous liquid, or gas complies with this Article.

~~V.W.~~The Commission may waive compliance with any of the requirements of this Section upon a finding that such a waiver is in the interest of public and pipeline safety.

~~W.X.~~To ensure compliance with the provisions of this Article, the Commission or an authorized representative thereof may enter the premises of an operator of an intrastate pipeline to inspect and investigate the property, books, papers, electronic files, business methods, and affairs that pertain to the pipeline system operation.

R14-5-203. Pipeline Incident Reports

- A. No change
- B. No change
 - 1. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - 2. No change
 - a. No change



- i. No change
 - ii. No change
 - iii. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - g. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
- C. No change
 - 1. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 2. A written incident report concerning a gas pipeline system shall be completed using the following, as applicable, which are incorporated by reference; on file with the Office of Pipeline Safety; and published by and available from PHMSA at East Building, Second Floor, 1200 New Jersey Ave., SE, Washington, DC 20590, and at <http://www.phmsa.dot.gov/pipeline/library/forms>:
 - a. Form PHMSA F 7100.1: Incident Report – Gas Distribution System (~~June 2014~~October 2014), including no future editions or amendments;
 - b. Form PHMSA F 7100.2: Incident Report – Natural and Other Gas Transmission and Gathering Pipeline Systems (~~December 2012~~October 2014), including no future editions or amendments; or
 - c. Form PHMSA F 7100.3: Incident Report – Liquefied Natural Gas (LNG) Facilities (~~June 2014~~October 2014), including no future editions or amendments.
 - 3. An operator of an intrastate pipeline transporting hazardous liquid shall file a written incident report completed using Form PHMSA F 7000-1: Accident Report – Hazardous Liquid Pipeline Systems (~~December 2012~~July 2014), including no future editions or amendments, which is incorporated by reference, on file with the Office of Pipeline Safety, and published by and available from PHMSA as set forth in subsection (C)(2), any time the operator would have been required to make a notification as required under R14-5-203(B)(2).
 - 4. A written incident report required by this Section shall be filed with the Office of Pipeline Safety within the time specified below:
 - a. For an LNG, or gas - incident, within 20 days after detection; and
 - b. No change
 - 5. No change
 - 6. After an incident involving shutdown or partial shutdown of a master meter system, an operator of a gas pipeline system shall request and obtain a clearance from the Office of Pipeline Safety before turning on or reinstating service to ~~a~~ the master meter system or portion of the master meter system that was shut down.

R14-5-204. Annual Reports

- A. An operator of an intrastate pipeline shall file with the Office of Pipeline Safety, not later than March 15, for the preceding calendar year, an annual report completed using one of the following, as applicable, which are incorporated by reference; on file with the Office of Pipeline Safety; and published by and available from PHMSA as provided in R14-5-



203(C)(2):

1. Form PHMSA F 7000-1.1: Annual Report for Calendar Year 20__ Hazardous Liquid Pipeline Systems (June ~~2014~~2014), including no future editions or amendments, which shall be completed in accordance with the PHMSA instructions for the form;
2. Form PHMSA F 7100.1-1: Annual Report for Calendar Year 20__ Gas Distribution System (~~January 2014~~ May 2015), including no future editions or amendments, which shall be completed in accordance with the PHMSA instructions for the form;
3. Form PHMSA F 7100.2-1: Annual Report for Calendar Year 20__ Natural and Other Gas Transmission and Gathering Pipeline Systems (~~December 2012~~October 2014), including no future editions or amendments, which shall be completed in accordance with the PHMSA instructions for the form; or
4. Form PHMSA F 7100.3-1: Annual Report for Calendar Year 20__ Liquefied Natural Gas (LNG) Facilities (~~June 2014~~October 2014), including no future editions or amendments, which shall be completed in accordance with the PHMSA instructions for the form.

B. No change

R14-5-205. Commission Investigations

A. No change

B. While investigating an incident, accident, or event, the Commission; or an authorized agent of the Commission may:

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change

R14-5-207. Master Meter System Operators

A. No change

B. An operator of a master meter system shall comply with this Section as a condition of receiving service from a provider. Noncompliance with this Section by an operator of a master ~~meters~~ meter system constitutes grounds for termination of service by the provider when informed in writing by the Office of Pipeline Safety. In case of an emergency, the Office of Pipeline Safety may give the provider oral instructions to terminate service, with written confirmation to be furnished within 24 hours.

C. No change

D. No change

1. No change
2. No change

E. No change

1. No change
2. No change
 - a. No change
 - b. No change
 - c. No change

F. No change

G. No change

H. No change

I. No change

J. No change

K. No change

L. No change

1. No change
2. No change
3. No change
4. No change

M. No change

N. No change

1. No change
2. No change
3. No change
4. No change

O. No change

1. No change
2. No change
3. No change
4. No change



- P. In the event of an unknown failure of a gas pipeline resulting in a master meter system operator's being required to provide a report under subsection (Q) and in the operator's removing a portion of the failed pipeline, the following shall occur:
1. No change
 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 3. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 4. No change
 5. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 6. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 - i. No change
 - ii. No change
 - d. No change
- Q. No change
1. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
 - viii. No change
 - b. No change
 - c. An event involving permanent or temporary discontinuance of service to a master meter system or any portion of a master meter system due to a failure of a leak test or for any purpose other than to perform routine maintenance; or
 - d. No change
 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change



- 3. No change
- R.** No change
- S.** To ensure compliance with all applicable provisions of this Article, the Commission or an authorized representative thereof, may enter the premises of an operator of a master meter system to inspect and investigate the property, books, papers, electronic files, business methods, and affairs that pertain to the operation of the master meter system.



NOTICES OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(E)

This section of the Arizona Administrative Register contains Notices of Expiration of Rules. Under A.R.S. § 41-1056(E), if an agency does not file a five-year rule review report with the Governor's Regulatory Review Council (including a revised report); or if an agency does not file an extension before the due date of the report; or if an agency files an extension but does not submit a report

within the extension period; the rules scheduled for review expire.

The Council is required to notify the Secretary of State that the rules have expired and are no longer enforceable. The notice is published in the Register, and the rules are removed from the Code.

GOVERNOR'S REGULATORY REVIEW COUNCIL NOTICE OF RULE EXPIRATION

[R15-199]

- 1. Agency name: Acupuncture Board of Examiners
2. Title and its heading: 4, Professions and Occupations
3. Chapter and its heading: 8, Acupuncture Board of Examiners
4. Articles and their headings: 4, Training Programs and Continuing Education
5. As required by A.R.S. § 41-1056(J), the Council provides notice that the agency intends to let the following Sections expire as of October 30, 2015:

R4-8-411. Preceptorship Training Standards
R4-8-412. Approval

- 6. Signature is of Nicole A. Ong /s/ Nicole A. Ong G.R.R.C. Chair
Date of Signing December 1, 2015

GOVERNOR'S REGULATORY REVIEW COUNCIL NOTICE OF RULE EXPIRATION

[R15-200]

- 1. Agency name: Department of Economic Security
2. Title and its heading: 6, Economic Security
3. Chapter and its heading: 6, Department of Economic Security - Developmental Disabilities
4. Articles and their headings: 14, Guardianship and Conservatorship
5. As required by A.R.S. § 41-1056(J), the Council provides notice that the agency intends to let the following Sections expire as of July 31, 2015:

R6-6-1401. Guardianship

- 6. Signature is of Nicole A. Ong /s/ Nicole A. Ong G.R.R.C. Chair
Date of Signing December 1, 2015



GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF RULE EXPIRATION

[R15-201]

- 1. Agency name: Department of Environmental Quality
2. Title and its heading: 18, Environmental Quality
3. Chapter and its heading: 2, Department of Environmental Quality - Air Pollution Control
4. Articles and their headings: 7, Existing Stationary Source Performance Standards
5. As required by A.R.S. § 41-1056(J), the Council provides notice that the agency intends to let the following Sections expire as of September 30, 2015:

- R18-2-709. Standards of Performance for Existing Petroleum Refineries
R18-2-711. Standards of Performance for Existing Secondary Lead Smelters
R18-2-712. Standards of Performance for Existing Secondary Brass and Bronze Ingot Production Plants
R18-2-713. Standards of Performance for Existing Iron and Steel Plants
R18-2-717. Standards of Performance for Steel Plants: Existing Electric Arc Furnaces (EAF)
R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators

- 6. Signature is of Nicole A. Ong /s/ Nicole A. Ong G.R.R.C. Chair
Date of Signing December 1, 2015



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

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL

[R15-197]

- 1. Title and its heading: 18, Environmental Quality
Chapter and its heading: 9, Department of Environmental Quality – Water Pollution Control
Article and its heading: 6, Reclaimed Water Conveyances; 7, Direct Reuse of Reclaimed Water
Section numbers: R18-9-601 through R18-9-603 and R18-9-701 through R18-9-720

2. The subject matter of the proposed rule:

Reclaimed water is highly treated wastewater from a wastewater treatment plant. A.R.S. § 49-201(32). Reclaimed water has uses such as for irrigation. Using reclaimed water offsets and conserves potable water for human consumption and domestic purposes.

The Arizona Department of Environmental Quality (ADEQ) is developing changes to the reclaimed water rules, including the gray water requirements. ADEQ is considering changes to all the reclaimed water rules, including:

- The pipeline and open water conveyances in 18 A.A.C. 9, Article 6 (Reclaimed Water Conveyances),
• The permitting requirements in 18 A.A.C. 9, Article 7 (Direct Reuse of Reclaimed Water), and
• Reclaimed water uses and standards in 18 A.A.C. 11, Article 3 (Reclaimed Water Quality Standards).

ADEQ will begin statewide listening sessions over winter and spring 2016. Afterwards, ADEQ will work with a group of interested stakeholders to develop proposed rule changes. ADEQ will publish proposed rule changes, likely in the summer or fall of 2016, giving the public and all others the opportunity to comment and make suggested changes.

Please check the website: http://www.azdeq.gov/environ/water/permits/reuserulemaking.html for further details and the opportunity to sign up to receive e-mail updates.

This rulemaking for the reclaimed water rules is separate from the minor change to A.A.C. R18-9-704, which was published as a proposed rule on December 4, 2015.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Wendy LeStarge
Telephone: (602) 771-4836, or (800) 234-5677, ext. 771-4836
Fax: (602) 771-4834
E-mail: lestarge.wendy@azdeq.gov
Address: Arizona Department of Environmental Quality
Water Quality Division
1110 W. Washington St.



Phoenix, AZ 85007

Web Site: <http://www.azdeq.gov/environ/water/permits/reuserulemaking.html>

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments on this rulemaking may be submitted at any time to the person referenced in item # 4 above. Formal written comments for the rulemaking record should be submitted after publication of the notice of proposed rulemaking in the *Arizona Administrative Register* and prior to the close of public record date, which has not yet been determined.

6. A timetable for agency decisions or other action on the proceeding, if known:

ADEQ will begin statewide listening sessions over winter and spring 2016. Afterwards, ADEQ will work with a group of interested stakeholders to develop proposed rule changes. ADEQ will publish proposed rule changes, likely in the summer or fall of 2016, giving the public and all others the opportunity to comment and make suggested changes.

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS**

[R15-198]

- 1. Title and its heading:** 18, Environmental Quality
- Chapter and its heading:** 11, Department of Environmental Quality – Water Quality Standards
- Articles and their headings:** 3, Reclaimed Water Quality Standards
- Section numbers:** R18-11-301 through R18-11-309, Table A (*Sections may be added, deleted, or modified as necessary*)

2. The subject matter of the proposed rule:

Reclaimed water is highly treated wastewater from a wastewater treatment plant. A.R.S. § 49-201(32). Reclaimed water has uses such as for irrigation. Using reclaimed water offsets and conserves potable water for human consumption and domestic purposes.

The Arizona Department of Environmental Quality (ADEQ) is developing changes to the reclaimed water rules, including the gray water requirements. ADEQ is considering changes to all the reclaimed water rules, including:

- The pipeline and open water conveyances in 18 A.A.C. 9, Article 6 (Reclaimed Water Conveyances),
- The permitting requirements in 18 A.A.C. 9, Article 7 (Direct Reuse of Reclaimed Water), and
- Reclaimed water uses and standards in 18 A.A.C. 11, Article 3 (Reclaimed Water Quality Standards).

ADEQ will begin statewide listening sessions over winter and spring 2016. Afterwards, ADEQ will work with a group of interested stakeholders to develop proposed rule changes. ADEQ will publish proposed rule changes, likely in the summer or fall of 2016, giving the public and all others the opportunity to comment and make suggested changes.

Please check the website: <http://www.azdeq.gov/environ/water/permits/reuserulemaking.html> for further details and the opportunity to sign up to receive e-mail updates.

This rulemaking for the reclaimed water rules is separate from the minor change to A.A.C. R18-9-704, which was published as a proposed rule on December 4, 2015.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Wendy LeStarge
 Telephone: (602) 771-4836, or (800) 234-5677, ext. 771-4836
 Fax: (602) 771-4834
 E-mail: lestarge.wendy@azdeq.gov
 Address: Arizona Department of Environmental Quality
 Water Quality Division
 1110 W. Washington St.



Phoenix, AZ 85007

Web Site: <http://www.azdeq.gov/envirom/water/permits/reuserulemaking.html>

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments on this rulemaking may be submitted at any time to the person referenced in item # 4 above. Formal written comments for the rulemaking record should be submitted after publication of the notice of proposed rulemaking in the *Arizona Administrative Register* and prior to the close of public record date, which has not yet been determined.

6. A timetable for agency decisions or other action on the proceeding, if known:

ADEQ will begin statewide listening sessions over winter and spring 2016. Afterwards, ADEQ will work with a group of interested stakeholders to develop proposed rule changes. ADEQ will publish proposed rule changes, likely in the summer or fall of 2016, giving the public and all others the opportunity to comment and make suggested changes.



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 2015-11

Renewal of Military Reuse Zone Designation of Phoenix-Mesa Gateway Airport (Formerly Williams Air Force Base)

[M15-344]

WHEREAS, Williams Air Force Base closed on September 30, 1993, pursuant to the Defense Base Closure and Realignment Act of 1990 (Public Law No: 101-510), and the recommendations of the Defense Base Closure and Realignment Commission; and

WHEREAS, Williams Air Force Base was used for operational purposes and training of the active uniformed services of the United States; and

WHEREAS, the closure of Williams Air Force Base resulted in the loss of thousands of jobs and millions of dollars in economic activity, and the State of Arizona and local communities, faced with the challenge of replacing these losses, formed a unique partnership to develop a comprehensive economic reuse plan for Williams Air Force Base; and

WHEREAS, a primary component of this economic reuse initiative was the 1992 enactment of Arizona's Defense Restructuring and Military Reuse Zone Programs, a forward-thinking legislative framework for designating closed military bases in Arizona as Military Reuse Zones, which provide targeted economic incentives for aviation and aerospace businesses creating new jobs and making capital investments within these zones; and

WHEREAS, the Williams Gateway Airport Authority desired to establish a civil airport on a portion of the lands comprising Williams Air Force Base and applied to the Air Force for a public benefit transfer of such lands with improvements thereon, together with certain related personal property, under 49 U.S.C. § 47151; and

WHEREAS, the Air Force approved and accepted the Williams Gateway Airport Authority's application; and

WHEREAS, the Secretary of the Air Force ultimately transferred to the Williams Gateway Airport Authority title to the premises and property consisting of certain lands with improvements thereon, comprising a portion of Williams Air Force Base, more particularly described in the quitclaim deed executed on the 14th of April 1998 and recorded in Maricopa County on the 30th of April 1998; and

WHEREAS, the Williams Gateway Airport was designated a Military Reuse Zone pursuant to Executive Order 96-12 in 1996, and it remained a Military Reuse Zone until July 2006; and

WHEREAS, on October 19, 2006, Executive Order 2006-15 designated Williams Gateway Airport as a Military Reuse Zone, pursuant to A.R.S. § 41-1531, for a period of ten years from the date of designation; and

WHEREAS, Williams Gateway Airport became known as Phoenix-Mesa Gateway Airport in 2008; and

WHEREAS, the Military Reuse Zone designation at Phoenix-Mesa Gateway Airport (formerly Williams Gateway Airport) has been an important component of the economic redevelopment strategy that attracted over 52 companies and created 6,675 direct jobs since 1996; and

WHEREAS, the renewal of the Military Reuse Zone designation will continue to facilitate state and local economic readjustment efforts by providing opportunities for commercial and industrial development, including major infrastructure improvements that will spur job creation and accelerate redevelopment growth.

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me as Governor of the State of Arizona by the Constitution and Laws of this State, and pursuant to A.R.S. § 41-1531, do hereby:



1. Renew the Military Reuse Zone designation in Executive Order 2006-15 for one term of ten years. This renewal shall apply to the Phoenix-Mesa Gateway Airport (formerly Williams Gateway Airport) premises and property consisting of certain lands with improvements thereon comprising a portion of Williams Air Force Base, more particularly described in the quitclaim deed executed on the 14th of April 1998 and recorded in Maricopa County on the 30th of April 1998; and
2. Set the termination date for this Military Reuse Zone renewal for October 19, 2026, which is ten years after the termination of the designation in Executive Order 2006-15.

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 fifteenth day of December 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 2015-13

Relating to the Implementation of the Arizona Water Initiative *(Supersedes and Rescinds Executive Order 2014-10)*

[M15-346]

WHEREAS, in January of 2014, the Arizona Department of Water Resources released “Arizona’s Next Century: A Strategic Vision for Water Supply Sustainability” (Strategic Vision) that identified key priorities, timelines and action items to maintain sustainable water supplies for Arizona into its next century;

WHEREAS, the Strategic Vision divided the state into twenty-two planning areas and analyzed the water demands and supplies for each and identified strategies for meeting water demands into the future;

WHEREAS, sustainable water supplies are essential to the economic vitality and quality of life for Arizona and its citizens;

WHEREAS, the proactive measures taken by the State of Arizona have resulted in a current state of resiliency with respect to its water supplies;

WHEREAS, Arizona Governor Janice K. Brewer established the Governor’s Council on Water Supply Sustainability on November 4, 2014 that published an Initial Report on December 31, 2014;

WHEREAS, the Initial Report recommended that working groups be formed to develop, evaluate and prioritize recommendations and potential partnerships regarding water supply augmentation and water supply infrastructure needs;

WHEREAS, the Initial Report proposed workgroups to address desalination, funding, rural issues, and stakeholder engagement;

WHEREAS, implementation of the Strategic Vision and the recommendations of the Initial Report is imperative for the future of Arizona;

WHEREAS, on October 5, 2015, I announced a Water Initiative that will implement the Strategic Vision and address the recommendations of the Initial Report through two tracks to insure the certainty of Arizona’s water supply into the future;

WHEREAS, the first track will focus on a stakeholder driven analysis of the twenty-two Strategic Vision planning areas and the second track will be a council that will investigate long-term water augmentation strategies for the state;

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:

- 1) The Arizona Department of Water Resources shall provide staffing and technical support to complete the first track of the Water Initiative.



- 2) The Governor’s Water Augmentation Council (Council) shall be created to implement the second track of the Water Initiative.
- 3) The Council shall meet quarterly.
- 4) The Council shall consist of members appointed by the Governor who shall serve at the pleasure of the Governor.
- 5) The Arizona Department of Water Resources shall provide staffing and technical support to the Council.
- 6) The Council shall consider the need to create additional working groups and, if formed, Council members shall serve on working groups that may also include non-Council members.
- 7) The Council shall consider a communication plan for the State to accurately convey the status of its water supply resiliency and its efforts to maintain that status moving forward
- 8) The Council shall prepare an annual report and submit it to the Governor by July 1, 2016 and by July 1 every year thereafter.
- 9) The annual report shall describe the activities and the recommendations of the Council and activities undertaken pursuant to the first track of the Water Initiative.
- 10) Executive Order 2014-10 is hereby superseded by this Order and Executive Order 2014-10 is rescinded.

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 Sixteenth day of December 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.

ARIZONA PROBLEM GAMBLING AWARENESS MONTH

[M15-350]

WHEREAS, many forms of legalized gaming exist in Arizona, including the Arizona Lottery, Indian Gaming, pari-mutuel racing, bingo, charitable gambling, amusement gambling, and social gambling; and

WHEREAS, Arizona’s Indian gaming provides substantial funds for problem gambling programs throughout the State; and

WHEREAS, the Arizona Department of Gaming’s Office of Problem Gambling administers problem gambling funds to provide and support effective problem gambling prevention, education, and treatment programs throughout Arizona; and

WHEREAS, since 1998, the Arizona Lottery has had a formal statewide responsible gambling program; and

WHEREAS, beginning in 1999, the Arizona Legislature has continuously appropriated Arizona Lottery revenues to be used specifically for problem gambling programs; and

WHEREAS, the Arizona Council on Compulsive Gambling, Inc., an Arizona non-profit, has provided compulsive gambling, education, awareness, and prevention programs in Arizona since 1994; and

WHEREAS, the National Council on Problem Gambling and the Association of Problem Gambling Service Administrators have declared the month of March as National Problem Gambling Awareness Month; and

WHEREAS, through programming and education, potential and existing gambling related problems can be addressed by individuals, organizations, and state and tribal governments.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 2016 as

ARIZONA PROBLEM GAMBLING AWARENESS MONTH

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 fourteenth day of December 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**

CAREER AND TECHNICAL EDUCATION MONTH

[M15-349]

WHEREAS, February has been designated as Career and Technical Education month by the Association for Career and Technical Education (ACTE) of Arizona and National ACTE; and

WHEREAS, profound economic and technological changes in our society are rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on our educational system; and

WHEREAS, career and technical education provides Americans with a school-to-careers connection and is the backbone of a strong, well-educated workforce, which fosters productivity in business and industry and contributes to America’s leadership in the international marketplace; and

WHEREAS, career and technical education gives high school students experience in practical, meaningful applications of basic skills such as reading, writing and mathematics, thus improving the quality of their education, motivating potential dropouts and giving all students leadership opportunities in their career fields and in their communities; and

WHEREAS, career and technical education offers individuals lifelong opportunities to learn new skills, which provide them with career choices and potential satisfaction; and



WHEREAS, the best education for all students is a rigorous education that blends the essential content of college prep studies with quality career technical education; and

WHEREAS, the ever-increasing cooperative efforts of career and technical educators, business and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for career fields forecast to experience the largest and fastest growth in the next decade; and

WHEREAS, DECA, Educators Rising, FBLA, FCCLA, FFA, HOSA and VICA/Skills USA are non-profit educational, student leadership organizations whose purpose is to develop the leaders of the future work force.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 2016 as

CAREER AND TECHNICAL EDUCATION MONTH

and urge all citizens to become familiar with the services and benefits offered by the career and technical education programs in this community and to support and participate in these programs to enhance their individual work skills and productivity.

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 fourteenth day of December 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

SCHOOL COUNSELING WEEK

[M15-348]

WHEREAS, school counselors are employed in public and private schools to help students reach their full potential; and

WHEREAS, school counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

WHEREAS, school counselors help parents focus on ways to further the educational, personal, and social growth of their children; and

WHEREAS, school counselors work with teachers and other educators to help students explore their potential and set realistic goals for themselves; and

WHEREAS, school counselors seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students become productive members of society; and

WHEREAS, comprehensive developmental school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 1 - 5, 2016 as

SCHOOL COUNSELING WEEK

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 fourteenth day of December 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



YOUTH WHO LEARN DIFFERENTLY AWARENESS MONTH

[M15-347]

WHEREAS, youth who learn differently have talents and gifts to share with the world; and

WHEREAS, no two students are the same and each possesses their own combination of intelligence, creativity, determination, out of the box thinking, and special skills that are valuable to our State and our future; and

WHEREAS, proven educational and teaching methods exist that, with the support of parents, teachers, and community members, can assist youth who learn differently in unleashing their full potential; and

WHEREAS, all students who learn differently should be supported and encouraged to pursue an education and succeed in school; and

WHEREAS, thirty years ago, Ronald Reagan, the 40th President of the United States, signed a proclamation declaring Learning Disabilities Awareness Month; and

WHEREAS, January 2016 is the month during which the ribbon will be cut for the opening of the Jones-Gordon School in support of students who learn differently.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim January 2016 as

YOUTH WHO LEARN DIFFERENTLY AWARENESS MONTH

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 fourteenth day of December 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**

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

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
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**

PXN = Proposed Exempt new Section
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

**2015 Arizona Administrative Register
Volume 21 Page Guide**

Issue 1, Jan. 2, 2015.....1-46	Issue 18, May1, 2015.....607-632	Issue 35, Aug. 28, 2015.....1671-1760
Issue 2, Jan. 9, 2015 47-112	Issue 19, May 8, 2015.....633-666	Issue 36, Sept. 4, 2015.....1761-1810
Issue 3, Jan. 16, 2015..... 113-152	Issue 20, May 15, 2015.....667-706	Issue 37, Sept. 11, 2015.....1811-1882
Issue 4, Jan. 23, 2015 153-172	Issue 21, May 22, 2015.....707-742	Issue 38, Sept. 18, 2015.....1883-2004
Issue 5, Jan. 30, 2015 173-196	Issue 22, May 29, 2015.....743-774	Issue 39, Sept. 25, 2015.....2005-2104
Issue 6, Feb. 6, 2015.....197-228	Issue 23, June 5, 2015.....775-818	Issue 40, Oct. 2, 2015.....2105-2276
Issue 7, Feb. 13, 2015.....229-262	Issue 24, June 12, 2015.....819-864	Issue 41, Oct. 9, 2015.....2277-2340
Issue 8, Feb. 20, 2015.....263-284	Issue 25, June 19, 2015.....865-916	Issue 42, Oct. 16, 2015.....2341-2440
Issue 9, Feb. 27, 2015.....285-320	Issue 26, June 26, 2015.....917-954	Issue 43, Oct. 23, 2015.....2441-2502
Issue 10, March 6, 2015.....321-374	Issue 27, July 3, 2015.....955-996	Issue 44, Oct. 30, 2015.....2503-2592
Issue 11, March 13, 2015.....375-406	Issue 28, July 10, 2015.....997-1072	Issue 45, Nov. 6, 2015.....2593-2706
Issue 12, March 20, 2015.....407-432	Issue 29, July 17, 2015.....1073-1146	Issue 46, Nov. 13, 2015.....2707-2808
Issue 13, March 27, 2015.....433-482	Issue 30, July 24, 2015.....1147-1220	Issue 47, Nov. 20, 2015.....2809-2966
Issue 14, April 3, 2015.....483-516	Issue 31, July 31, 2015.....1221-1457	Issue 48, Nov. 27, 2015.....2967-3012
Issue 15, April 10, 2015.....517-538	Issue 32, Aug. 7, 2015.....1458-1520	Issue 49, Dec. 4, 2015.....3013-3112
Issue 16, April 17, 2015.....539-566	Issue 33, Aug. 14, 2015.....1521-1622	Issue 50, Dec. 11, 2015.....3113-3206
Issue 17, April 24, 2015.....567-606	Issue 34, Aug. 21, 2015.....1623-1670	Issue 51, Dec. 18, 2015.....3207-3436
		Issue 52, Dec. 25, 2015.....3437-3562

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the Register issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 52 OF VOLUME 21.

Agriculture, Department of - Agricultural Councils and Commissions R3-9-601. FXM-3082	System - Administration R9-22-202. FM-1225 R9-22-712.05. PM-1815; FM-3469	R9-28-206. PM-487; FM-1243
Agriculture, Department of - Animal Services Division R3-2-203. FXM-2404 R3-2-701. FXM-2404 R3-2-801. FXM-2407 R3-2-810. FXM-2404 R3-2-811. FXM-2407	R9-22-712.07. PM-1768; FM-3476 R9-22-730. PXM-5; PXM-491; FXM-637; PXM-1041; FXM-1486	Behavioral Health Examiners, Board of R4-6-101. FXM-2630 R4-6-201. FXM-2630 R4-6-202. FXR-2630 R4-6-203. FXM-2630 R4-6-204. FXR-2630 R4-6-205. FXM-2630 R4-6-206. FXM-2630 R4-6-207. FXM-2630 R4-6-208. FXM-2630 R4-6-209. FXM-2630 R4-6-210. FXR-2630; FXN-2630
Agriculture, Department of - Environmental Services Division R3-3-101. PM-2345 Table 1. PM-2345 R3-3-201. PM-2345 R3-3-202. PM-2345 R3-3-208. PM-2345 R3-3-305. PM-2345 R3-3-401. PM-2345 R3-3-402. PM-2345 R3-3-502. PM-2345	R9-22-1001. FM-1237 R9-22-1002. FM-1237 R9-22-1003. FM-1237 R9-22-1202. FM-1225 R9-22-1301. PM-823; FM-2022 R9-22-1303. PM-823; FM-2022 R9-22-1304. PM-823; FM-2022 R9-22-1431. FR-1241	R4-6-211. FXM-2630 R4-6-212. FXM-2630 R4-6-212.01. FXN-2630 R4-6-213. FX#-2630; FXN-2630 R4-6-214. FX#-2630; FXN-2630 R4-6-215. FX#-2630; FXM-2630 R4-6-216. FX#-2630; FXM-2630 R4-6-301. FXM-2630 Table 1. FXM-2630
Agriculture, Department of - Office of Commodity Development and Promotion R3-6-102. FXM-2412	Arizona Health Care Cost Containment System - Arizona Long-term Care System R9-28-202. PM-487; FM-1243	
Agriculture, Department of - Plant Services Division R3-4-301. FXM-2410		
Arizona Health Care Cost Containment		

R4-6-302.	FXM-2630	R4-5-107.	PM-869;	R21-1-103.	FXN-2554
R4-6-303.	FXR-2630		FM-2528	R21-1-104.	FXN-2554
R4-6-304.	FXM-2630	R4-5-108.	PM-869;	R21-1-105.	FXN-2554
R4-6-305.	FXM-2630		FM-2528	R21-1-106.	FXN-2554
R4-6-306.	FXM-2630	Table 1.	PN-869;	R21-1-107.	FXN-2554
R4-6-307.	FXR-2630;		FN-2528	R21-1-108.	FXN-2554
	FXN-2630	R4-5-109.	P#-869;	R21-1-109.	FXN-2554
R4-6-401.	FXM-2630		PM-869;	R21-1-110.	FXN-2554
R4-6-402.	FXM-2630		F#-2528;	R21-1-201.	FXN-2554
R4-6-403.	FXM-2630		FM-2528	R21-1-202.	FXN-2554
R4-6-404.	FXM-2630	R4-5-201.	PM-869;	R21-1-203.	FXN-2554
R4-6-405.	FXR-2630		FM-2528	R21-1-204.	FXN-2554
R4-6-501.	FXM-2630	R4-5-202.	PM-869;	R21-1-205.	FXN-2554
R4-6-502.	FXM-2630		FM-2528	R21-1-206.	FXN-2554
R4-6-503.	FXM-2630	R4-5-203.	PM-869;	R21-1-207.	FXN-2554
R4-6-504.	FXM-2630		FM-2528	R21-1-208.	FXN-2554
R4-6-505.	FXR-2630	R4-5-204.	P#-869;	R21-1-209.	FXN-2554
R4-6-601.	FXM-2630		F#-2528	R21-1-210.	FXN-2554
R4-6-602.	EM-521;	R4-5-301.	PM-869;	R21-1-211.	FXN-2554
	FXM-2630		FM-2528	R21-1-212.	FXN-2554
R4-6-603.	FXM-2630	R4-5-302.	PM-869;	R21-1-213.	FXN-2554
R4-6-604.	FXM-2630		FM-2528	R21-1-301.	FXN-2554
R4-6-605.	FXM-2630	R4-5-303.	PM-869;	R21-1-302.	FXN-2554
R4-6-606.	FXR-2630		FM-2528	R21-1-303.	FXN-2554
R4-6-701.	FXM-2630	R4-5-304.	PM-869;	R21-1-304.	FXN-2554
R4-6-702.	FXM-2630		FM-2528	R21-1-305.	FXN-2554
R4-6-703.	FXM-2630	R4-5-305.	PN-869;	R21-1-306.	FXN-2554
R4-6-704.	FXM-2630		FN-2528	R21-1-307.	FXN-2554
R4-6-705.	FXM-2630	R4-5-401.	PM-869;	R21-1-308.	FXN-2554
R4-6-706.	FXM-2630		FM-2528	R21-1-309.	FXN-2554
R4-6-707.	FXR-2630;	R4-5-402.	PM-869;	R21-1-310.	FXN-2554
	FXN-2630		FM-2528	R21-1-311.	FXN-2554
R4-6-801.	FXM-2630	R4-5-403.	PM-869;	R21-1-312.	FXN-2554
R4-6-802.	FXM-2630		FM-2528	R21-1-313.	FXN-2554
R4-6-803.	FXM-2630	R4-5-404.	PM-869;	R21-1-314.	FXN-2554
R4-6-804.	FXR-2630		FM-2528	R21-1-401.	FXN-2554
R4-6-901.	FXM-2630	R4-5-405.	PM-869;	R21-1-402.	FXN-2554
R4-6-902.	FXM-2630		FM-2528	R21-1-403.	FXN-2554
R4-6-1001.	FXM-2630	Exhibit 1.	PM-869	R21-1-404.	FXN-2554
R4-6-1002.	FXM-2630	Exhibit 2.	PM-869	R21-1-405.	FXN-2554
R4-6-1101.	FXM-2630	R4-5-406.	PM-869;	R21-1-406.	FXN-2554
R4-6-1102.	FXM-2630		FM-2528	R21-1-501.	FXN-2554
R4-6-1103.	FXM-2630	R4-5-407.	PM-869;	R21-1-502.	FXN-2554
R4-6-1104.	FXM-2630		FM-2528	R21-1-503.	FXN-2554
R4-6-1105.	FXM-2630	R4-5-408.	PM-869;	R21-1-504.	FXN-2554
R4-6-1106.	FXN-2630		FM-2528	R21-1-505.	FXN-2554
Barbers, Board of		R4-5-409.	PM-869;	R21-1-506.	FXN-2554
R4-5-101.	PM-869;		FM-2528	R21-1-507.	FXN-2554
	FM-2528	R4-5-410.	PR-869;	R21-1-508.	FXN-2554
R4-5-102.	PM-869;		FR-2528	Child Safety, Department of - Adoption	
	FM-2528	R4-5-411.	PM-869;	Agency Licensing	
R4-5-103.	PM-869;		FM-2528	R21-9-101.	FXN-3524
	FM-2528	R4-5-501.	PM-869;	R21-9-201.	FXN-3524
R4-5-104.	PM-869;		FM-2528	R21-9-202.	FXN-3524
	FM-2528	R4-5-502.	PM-869;	R21-9-203.	FXN-3524
R4-5-105.	PR-869;		FM-2528	R21-9-204.	FXN-3524
	FR-2528	Child Safety, Department of - Adminis-		R21-9-205.	FXN-3524
R4-5-106.	PM-869;	tration		R21-9-206.	FXN-3524
	FM-2528	R21-1-101.	FXN-2554	R21-9-207.	FXN-3524
		R21-1-102.	FXN-2554	R21-9-208.	FXN-3524

R21-9-209.	FXN-3524	R21-6-204.	FXN-3479	R21-6-410.	FXN-3479
R21-9-210.	FXN-3524	R21-6-205.	FXN-3479	R21-6-411.	FXN-3479
R21-9-211.	FXN-3524	R21-6-206.	FXN-3479	R21-6-412.	FXN-3479
R21-9-212.	FXN-3524	R21-6-207.	FXN-3479	R21-6-413.	FXN-3479
R21-9-213.	FXN-3524	R21-6-208.	FXN-3479	R21-6-414.	FXN-3479
R21-9-214.	FXN-3524	R21-6-209.	FXN-3479	R21-6-415.	FXN-3479
R21-9-215.	FXN-3524	R21-6-210.	FXN-3479	R21-6-416.	FXN-3479
R21-9-216.	FXN-3524	R21-6-211.	FXN-3479	R21-6-417.	FXN-3479
R21-9-217.	FXN-3524	R21-6-212.	FXN-3479	R21-6-418.	FXN-3479
R21-9-218.	FXN-3524	R21-6-213.	FXN-3479	R21-6-419.	FXN-3479
R21-9-219.	FXN-3524	R21-6-214.	FXN-3479		
R21-9-220.	FXN-3524	R21-6-215.	FXN-3479	Child Safety, Department of - Perma-	
R21-9-221.	FXN-3524	R21-6-216.	FXN-3479	nency and Support Services	
R21-9-222.	FXN-3524	R21-6-217.	FXN-3479	R21-5-101.	FXN-2979
R21-9-223.	FXN-3524	R21-6-218.	FXN-3479	R21-5-102.	FXN-2979
R21-9-224.	FXN-3524	R21-6-219.	FXN-3479	R21-5-103.	FXN-2979
R21-9-225.	FXN-3524	R21-6-220.	FXN-3479	R21-5-104.	FXN-2979
R21-9-226.	FXN-3524	R21-6-221.	FXN-3479	R21-5-105.	FXN-2979
R21-9-227.	FXN-3524	R21-6-222.	FXN-3479	R21-5-106.	FXN-2979
R21-9-228.	FXN-3524	R21-6-301.	FXN-3479	R21-5-107.	FXN-2979
R21-9-229.	FXN-3524	R21-6-302.	FXN-3479	R21-5-201.	FXN-3255
R21-9-230.	FXN-3524	R21-6-303.	FXN-3479	R21-5-202.	FXN-3255
R21-9-231.	FXN-3524	R21-6-304.	FXN-3479	R21-5-203.	FXN-3255
R21-9-232.	FXN-3524	R21-6-305.	FXN-3479	R21-5-204.	FXN-3255
R21-9-233.	FXN-3524	R21-6-306.	FXN-3479	R21-5-205.	FXN-3255
R21-9-234.	FXN-3524	R21-6-307.	FXN-3479	R21-5-206.	FXN-3255
R21-9-235.	FXN-3524	R21-6-308.	FXN-3479	R21-5-207.	FXN-3255
R21-9-236.	FXN-3524	R21-6-309.	FXN-3479	R21-5-208.	FXN-3255
R21-9-237.	FXN-3524	R21-6-310.	FXN-3479	R21-5-209.	FXN-3255
R21-9-238.	FXN-3524	R21-6-311.	FXN-3479	R21-5-301.	FXN-3255
R21-9-239.	FXN-3524	R21-6-312.	FXN-3479	R21-5-302.	FXN-3255
R21-9-240.	FXN-3524	R21-6-313.	FXN-3479	R21-5-303.	FXN-3255
		R21-6-314.	FXN-3479	R21-5-304.	FXN-3255
Child Safety, Department of - Central-		R21-6-315.	FXN-3479	R21-5-305.	FXN-3255
ized Intake Hotline		R21-6-316.	FXN-3479	R21-5-306.	FXN-3255
R21-3-101.	FXN-3247	R21-6-317.	FXN-3479	R21-5-307.	FXN-3255
R21-3-201.	FXN-3247	R21-6-318.	FXN-3479	R21-5-308.	FXN-3255
R21-3-202.	FXN-3247	R21-6-319.	FXN-3479	R21-5-401.	FXN-3255
R21-3-203.	FXN-3247	R21-6-320.	FXN-3479	R21-5-402.	FXN-3255
R21-3-204.	FXN-3247	R21-6-321.	FXN-3479	R21-5-403.	FXN-3255
Child Safety, Department of - Foster		R21-6-322.	FXN-3479	R21-5-404.	FXN-3255
Home and Child Welfare Agency Facil-		R21-6-323.	FXN-3479	R21-5-405.	FXN-3255
ity Safety		R21-6-324.	FXN-3479	R21-5-406.	FXN-3255
R21-8-101.	FXN-3517	R21-6-325.	FXN-3479	R21-5-407.	FXN-3255
R21-8-102.	FXN-3517	R21-6-326.	FXN-3479	R21-5-408.	FXN-3255
R21-8-103.	FXN-3517	R21-6-327.	FXN-3479	R21-5-409.	FXN-3255
R21-8-104.	FXN-3517	R21-6-328.	FXN-3479	R21-5-410.	FXN-3255
R21-8-105.	FXN-3517	R21-6-329.	FXN-3479	R21-5-411.	FXN-3255
R21-8-106.	FXN-3517	R21-6-330.	FXN-3479	R21-5-412.	FXN-3255
R21-8-107.	FXN-3517	R21-6-331.	FXN-3479	R21-5-413.	FXN-3255
R21-8-108.	FXN-3517	R21-6-332.	FXN-3479	R21-5-414.	FXN-3255
R21-8-109.	FXN-3517	R21-6-401.	FXN-3479	R21-5-415.	FXN-3255
R21-8-110.	FXN-3517	R21-6-402.	FXN-3479	R21-5-416.	FXN-3255
R21-8-111.	FXN-3517	R21-6-403.	FXN-3479	R21-5-417.	FXN-3255
R21-8-112.	FXN-3517	R21-6-404.	FXN-3479	R21-5-418.	FXN-3255
R21-8-113.	FXN-3517	R21-6-405.	FXN-3479	R21-5-419.	FXN-3255
Child Safety, Department of - Foster		R21-6-406.	FXN-3479	R21-5-420.	FXN-3255
Home Licensing		R21-6-407.	FXN-3479	R21-5-421.	FXN-3255
R21-6-101.	FXN-3479	R21-6-408.	FXN-3479	R21-5-422.	FXN-3255
R21-6-201.	FXN-3479	R21-6-409.	FXN-3479	R21-5-423.	FXN-3255
R21-6-202.	FXN-3479			R21-5-501.	FXN-3255
R21-6-203.	FXN-3479				

R21-5-502.	FXN-3255	R2-14-109.	FN-233	R6-13-305.	EXP-157
R21-5-503.	FXN-3255	Contractors, Registrar of		R6-13-306.	EXP-157
R21-5-504.	FXN-3255	R4-9-102.	PM-2507	R6-13-308.	EXP-157
R21-5-505.	FXN-3255	Corporation Commission - Fixed Utili-		R6-13-309.	EXP-157
R21-5-506.	FXN-3255	ties		R6-13-310.	EXP-157
R21-5-507.	FXN-3255	R14-2-1805.	FM-379	R6-13-311.	EXP-157
R21-5-508.	FXN-3255	R14-2-1812.	FM-379	R6-13-312.	EXP-157
R21-5-509.	FXN-3255	Corporation Commission - Transporta-		R6-13-313.	EXP-157
R21-5-510.	FXN-3255	tion		R6-13-314.	EXP-157
R21-5-511.	FXN-3255	R14-5-202.	PM-674;	R6-13-314.01.	EXP-157
R21-5-512.	FXN-3255		SPM-3158	R6-13-317.	EXP-157
R21-5-513.	FXN-3255	R14-5-203.	PM-674;	R6-13-318.	EXP-157
R21-5-514.	FXN-3255		SPM-3158	R6-13-319.	EXP-157
Child Safety, Department of - Response		R14-5-204.	PM-674;	R6-13-320.	EXP-157
to Reports			SPM-3158	R6-13-321.	EXP-157
R21-4-101.	FXN-3252	R14-5-205.	PM-674;	R6-13-1201.	EXP-157
R21-4-102.	FXN-3252		SPM-3158	R6-13-1202.	EXP-157
R21-4-103.	FXN-3252	R14-5-207.	PM-674;	R6-13-1203.	EXP-157
R21-4-104.	FXN-3252		SPM-3158	R6-13-1204.	EXP-157
R21-4-105.	FXN-3252	Cosmetology, Board of		R6-13-1206.	EXP-157
R21-4-106.	FXN-3252	R4-10-102.	PM-1765;	R6-13-1209.	EXP-157
R21-4-107.	FXN-3252		FM-3441	R6-13-1210.	EXP-157
R21-4-108.	FXN-3252	R4-10-107.	PM-1765;	R6-13-1211.	EXP-157
Clean Elections Commission, Citizens			FM-3441	R6-13-1212.	EXP-157
R2-20-107.	PXM-779;	R4-10-110.	PM-1765;	Education, State Board of	
	FXM-1627		FM-3441	R7-2-205.	FXM-1775
R2-20-109.	PXM-781;	Dental Examiners, State Board of		R7-2-301.	FXM-1778
	PXM-1977;	R4-11-201.	PM-1887	R7-2-302.	FXM-1778
	PXM-2043	R4-11-202.	PM-1887	R7-2-307.	FXM-1781
R2-20-110.	PXM-785;	R4-11-203.	PM-1887	R7-2-308.	FXM-1781
	FXM-1629	R4-11-204.	PM-1887	R7-2-604.	FXM-2047
R2-20-111.	PXM-787;	R4-11-205.	PM-1887	R7-2-604.01.	FXM-2047
	FXM-1631	R4-11-301.	PM-1887	R7-2-604.02.	FXM-2047
R2-20-113.	PXM-789;	R4-11-302.	PR-1887	R7-2-604.03.	FXM-2047
	FXM-1633	R4-11-303.	PM-1887	R7-2-604.04.	FXM-2047
R2-20-204.	PXM-790;	R4-11-304.	PM-1887	R7-2-607.	FXM-2054
	FXM-1634	R4-11-305.	PM-1887	R7-2-610.	FXM-2054
R2-20-205.	PXM-831;	R4-11-1202.	FM-921	R7-2-611.	FXM-2056
	FXM-1636	R4-11-1701.	PM-671;	R7-2-612.	FXM-2063
R2-20-206.	PXM-792;		FM-2971	R7-2-613.	FXM-2073
	FXM-1638;	Economic Security, Department of -		R7-2-614.	FXM-2073
	PXM-1981	State Assistance Programs		R7-2-617.	FXM-2077
R2-20-208.	PXM-1772;	R6-13-201.	EXP-157	R7-2-701.	FXM-1775
	PXM-1822;	R6-13-202.	EXP-157	R7-2-703.	FXM-1775
	PXM-1983	R6-13-203.	EXP-157	R7-2-809.	FXN-1784
R2-20-223.	FXM-2921	R6-13-204.	EXP-157	R7-2-1001.	FXM-1525
R2-20-402.01.	PXM-833;	R6-13-205.	EXP-157	R7-2-1002.	FXM-1491;
	FXM-1640	R6-13-206.	EXP-157		FXM-1525
R2-20-703.	PXM-834;	R6-13-207.	EXP-157	R7-2-1003.	FXM-1525
	FXM-1641	R6-13-208.	EXP-157	R7-2-1004.	FXM-1525
R2-20-704.	PXM-836;	R6-13-209.	EXP-157	R7-2-1005.	FXM-1525
	FXM-1643	R6-13-210.	EXP-157	R7-2-1006.	FXM-1525
Collateral Pool, Statewide		R6-13-211.	EXP-157	R7-2-1007.	FXM-1525
R2-14-101.	FN-233	R6-13-212.	EXP-157	R7-2-1008.	FXR-1525;
R2-14-102.	FN-233	R6-13-213.	EXP-157		FXN-1525
R2-14-103.	FN-233	R6-13-214.	EXP-157	R7-2-1009.	FXR-1525
R2-14-104.	FN-233	R6-13-215.	EXP-157	R7-2-1010.	FXM-1525
R2-14-105.	FN-233	R6-13-216.	EXP-157	R7-2-1011.	FXN-1525
R2-14-106.	FN-233	R6-13-302.	EXP-157	R7-2-1012.	FXN-1525
R2-14-107.	FN-233	R6-13-303.	EXP-157	R7-2-1013.	FXN-1525
R2-14-108.	FN-233	R6-13-304.	EXP-157		

R7-2-1014.	FXN-1525	R7-2-1100.	FXN-1525	R7-2-1195.	FXM-1525
R7-2-1015.	FXN-1525	R7-2-1101.	FXM-1525	R7-2-1196.	FXN-1525
R7-2-1016.	FXN-1525	R7-2-1102.	FXM-1525	Emergency and Military Affairs, Department of - Division of Emergency Management	
R7-2-1018.	FXN-1525	R7-2-1103.	FXM-1525	R8-2-101.	PM-1151; FM-3021
R7-2-1021.	FXM-1525	R7-2-1104.	FXM-1525	R8-2-102.	PM-1151; FM-3021
R7-2-1022.	FXM-1525	R7-2-1105.	FXM-1525	R8-2-103.	PM-1151; FM-3021
R7-2-1023.	FXM-1525	R7-2-1106.	FXN-1525	R8-2-104.	PM-1151; FM-3021
R7-2-1024.	FXM-1525	R7-2-1107.	FXN-1525	R8-2-105.	PM-1151; FM-3021
R7-2-1025.	FXM-1525	R7-2-1108.	FXN-1525	Environmental Quality, Department of - Air Pollution Control	
R7-2-1026.	FXM-1525	R7-2-1109.	FXM-1525	R18-2-210.	FXM-1156
R7-2-1027.	FXM-1525	R7-2-1110.	FXM-1525	R18-2-333.	FEM-2747
R7-2-1028.	FXM-1525	R7-2-1111.	FXM-1525	R18-2-610.	FXM-1156
R7-2-1029.	FXM-1525	R7-2-1112.	FXM-1525	R18-2-610.01.	FXM-1156
R7-2-1030.	FXM-1525	R7-2-1113.	FXM-1525	R18-2-610.02.	FXN-1156
R7-2-1031.	FXM-1525	R7-2-1114.	FXM-1525	R18-2-610.03.	FXN-1156
R7-2-1032.	FXM-1525	R7-2-1115.	FXM-1525	R18-2-611.	FXM-1156
R7-2-1033.	FXM-1525	R7-2-1116.	FXR-1525	R18-2-611.01.	FXM-1156
R7-2-1035.	FXM-1525	R7-2-1117.	FXM-1525	R18-2-611.02.	FXN-1156
R7-2-1036.	FXM-1525	R7-2-1118.	FXM-1525	R18-2-611.03.	FXN-1156
R7-2-1037.	FXM-1525	R7-2-1119.	FXR-1525; FXN-1525	R18-2-612.	FXR-1156; FXN-1156
R7-2-1041.	FXM-1525	R7-2-1120.	FXM-1525	R18-2-612.01	FXN-1156
R7-2-1042.	FXM-1525	R7-2-1121.	FXM-1525	R18-2-613.	FXR-1156; FXN-1156
R7-2-1044.	FXM-1525	R7-2-1122.	FXM-1525	R18-2-613.01.	FXN-1156
R7-2-1045.	FXM-1525	R7-2-1123.	FXM-1525	Appendix 2.	FXM-1156
R7-2-1046.	FXM-1525	R7-2-1125.	FXM-1525	R18-2-701.	FM-711
R7-2-1047.	FXM-1525	R7-2-1131.	FXM-1525	R18-2-733.	FR-711
R7-2-1048.	FXM-1525	R7-2-1141.	FXM-1525	R18-2-733.01.	FR-711
R7-2-1049.	FXM-1525	R7-2-1142.	FXM-1525	R18-2-734.	FM-711
R7-2-1050.	FXM-1525	R7-2-1144.	FXM-1525	R18-2-901.	FEM-2747
R7-2-1053.	FXM-1525	R7-2-1145.	FXM-1525	R18-2-1101.	FEM-2747
R7-2-1055.	FXM-1525	R7-2-1146.	FXM-1525	Appendix 2.	FEM-2747
R7-2-1056.	FXM-1525	R7-2-1147.	FXM-1525	Environmental Quality, Department of - Hazardous Waste Management	
R7-2-1057.	FXM-1525	R7-2-1148.	FXM-1525	R18-8-260.	FM-1246
R7-2-1058.	FXM-1525	R7-2-1149.	FXM-1525	R18-8-261.	FM-1246
R7-2-1061.	FXM-1525	R7-2-1150.	FXM-1525	R18-8-262.	FM-1246
R7-2-1062.	FXM-1525	R7-2-1151.	FXM-1525	R18-8-263.	FM-1246
R7-2-1063.	FXM-1525	R7-2-1152.	FXM-1525	R18-8-264.	FM-1246
R7-2-1066.	FXM-1525	R7-2-1153.	FXM-1525	R18-8-265.	FM-1246
R7-2-1067.	FXR-1525; FXN-1525	R7-2-1155.	FXM-1525	R18-8-266.	FM-1246
R7-2-1068.	FXM-1525	R7-2-1157.	FXM-1525	R18-8-268.	FM-1246
R7-2-1069.	FXN-1525	R7-2-1158.	FXM-1525	R18-8-270.	FM-1246
R7-2-1070.	FXN-1525	R7-2-1159.	FXM-1525	R18-8-271.	FM-1246
R7-2-1073.	FXM-1525	R7-2-1161.	FXM-1525	R18-8-273.	FM-1246
R7-2-1074.	FXM-1525	R7-2-1164.	FXM-1525	Environmental Quality, Department of - Permit and Compliance Fees	
R7-2-1075.	FXM-1525	R7-2-1165.	FXM-1525	R18-14-301.	FN-2597
R7-2-1076.	FXM-1525	R7-2-1167.	FXM-1525	R18-14-302.	FN-2597
R7-2-1078.	FXM-1525	R7-2-1168.	FXM-1525	R18-14-303.	FN-2597
R7-2-1079.	FXM-1525	R7-2-1169.	FXM-1525	Environmental Quality, Department of - Safe Drinking Water	
R7-2-1080.	FXM-1525	R7-2-1170.	FXM-1525		
R7-2-1081.	FXM-1525	R7-2-1181.	FXM-1525		
R7-2-1083.	FXM-1525	R7-2-1182.	FXM-1525		
R7-2-1084.	FXM-1525	R7-2-1183.	FXM-1525		
R7-2-1085.	FXM-1525	R7-2-1184.	FXM-1525		
R7-2-1086.	FXM-1525	R7-2-1185.	FXM-1525		
R7-2-1087.	FXN-1525	R7-2-1191.	FXM-1525		
R7-2-1091.	FXR-1525	R7-2-1192.	FXM-1525		
R7-2-1092.	FXR-1525; FXN-1525	R7-2-1194.	FXM-1525		
R7-2-1093.	FXM-1525				

R18-4-102.	PM-2286	R4-46-402.	FN-1675	R12-4-108.	PM-1001; FM-3025
R18-4-103.	PM-2286	R4-46-403.	FN-1675	R12-4-110.	PM-1001; FM-3025
R18-4-105.	PM-2286	R4-46-404.	FN-1675	R12-4-111.	PM-1001; FM-3025
R18-4-121.	PM-2286	R4-46-405.	FN-1675	R12-4-112.	PM-1001; FM-3025
R18-4-126.	PN-2286	R4-46-406.	FN-1675	R12-4-113.	PM-1001; FM-3025
R18-4-210.	PM-2286	R4-46-407.	FN-1675	R12-4-114.	PM-1001; FM-3025
Environmental Quality, Department of - Water Pollution Control		R4-46-408.	FN-1675	R12-4-115.	PM-1001; FM-3025
R18-9-704.	PM-3017	R4-46-501.	FM-1675	R12-4-116.	PM-1001; FM-3025
R18-9-1002.	FM-751	R4-46-502.	FN-1675	R12-4-117.	PM-1001; FM-3025
R18-9-1015.	FM-751	R4-46-503.	FR-1675; FN-1675	R12-4-118.	PN-1001; FN-3025
Environmental Quality, Department of - Water Quality Standards		R4-46-504.	FN-1675	R12-4-119.	PM-1001; FM-3025
R18-11-106.	PM-1895; TM-1986	R4-46-505.	FN-1675	R12-4-120.	PM-1001; FM-3025
R18-11-109.	PM-1895; TM-1986	R4-46-506.	FN-1675	R12-4-121.	PM-1001; FM-3025
R18-11-110.	PM-1895; TM-1986	R4-46-507.	FN-1675	R12-4-124.	PN-1001; FN-3025
R18-11-112.	PM-1895; TM-1986	R4-46-508.	FN-1675	R12-4-125.	P#-1001; PM-1001; F#-3025; FM-3025
R18-11-115.	PM-1895; TM-1986	R4-46-509.	FN-1675	R12-4-202.	PM-747; FM-2550
R18-11-121.	PM-1895; TM-1986	R4-46-510.	FN-1675	R12-4-302.	PM-1001; FM-3025
Appendix A.	PM-1895; TM-1986	R4-46-511.	FN-1675	R12-4-401.	FM-2813
Appendix B.	PM-1895; TM-1986	R4-46-601.	FM-1675	R12-4-402.	FM-2813
Appendix C.	PM-1895; TM-1986	R4-46-602.	FR-1675	R12-4-403.	FM-2813
<i>Editor's Note: The terminated rulemaking action (TM) notated in the above sections is in reference to the Notice of Proposed Rulemaking published at 20 A.A.R. 3590, December 26, 2014.</i>		Fingerprinting, Board of		R12-4-404.	FM-2813
Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of		R13-11-101.	EXP-465	R12-4-405.	FM-2813
R4-33-101.	FM-543	Fire, Building and Life Safety, Department of		R12-4-406.	FM-2813
R4-33-108.	FM-543	R4-36-201.	PM-1077; FM-2973	R12-4-407.	FM-2813
R4-33-203.	FM-543	R4-36-301.	PM-1077; FM-2973	R12-4-408.	FM-2813
R4-33-208.	FM-543	R4-36-302.	PM-1077; FM-2973	R12-4-409.	FM-2813
R4-33-212.	FN-543	R4-36-303.	PM-1077; FM-2973	R12-4-410.	FM-2813
R4-33-302.	FM-543	R4-36-304.	PM-1077; FM-2973	R12-4-411.	FM-2813
R4-33-401.	FM-543	R4-36-305.	PM-1077; FM-2973	R12-4-412.	FM-2813
R4-33-402.	FM-543	R4-36-307.	PM-1077; FM-2973	R12-4-413.	FM-2813
R4-33-407.	FM-543	R4-36-308.	PM-1077; FM-2973	R12-4-414.	FM-2813
R4-33-408.	FM-543	R4-36-309.	PM-1077; FM-2973	R12-4-415.	FR-2813
R4-33-411.	FN-543	R4-36-310.	PM-1077; FM-2973	R12-4-416.	FR-2813
Financial Institutions, Department of		R4-36-311.	PR-1077; FR-2973	R12-4-417.	FM-2813
R20-4-707.	EXP-411	R4-36-401.	FM-571	R12-4-418.	FM-2813
Financial Institutions, Department of - Real Estate Appraisal Division		Game and Fish Commission		R12-4-419.	FR-2813
R4-46-101.	FM-1675	R12-4-101.	PM-1001; FM-3025	R12-4-420.	FM-2813
R4-46-102.	FM-1675	R12-4-103.	PM-1001; FM-3025	R12-4-421.	FM-2813
R4-46-103.	FM-1675	R12-4-104.	PM-1001; FM-3025	R12-4-422.	FM-2813
R4-46-106.	FM-1675	R12-4-105.	PM-1001; FM-3025	R12-4-423.	FM-2813
R4-46-107.	FN-1675	R12-4-106.	PM-1001; FM-3025	R12-4-424.	FM-2813
R4-46-401.	FR-1675; FN-1675	R12-4-107.	PM-1001; FM-3025		

R12-4-425.	FM-2813	R20-6-1407.	FXM-54	R4-16-203.	FXM-2678	
R12-4-426.	FM-2813	R20-6-1408.	FXR-54;	R4-16-204.	FXR-2678	
R12-4-427.	FM-2813		FXN-54	R4-16-205.	FXM-2678	
R12-4-428.	FM-2813	R20-6-1409.	FXN-54	R4-16-205.1.	FXN-2678	
R12-4-430.	FM-2813	R20-6-1410.	FXN-54	R4-16-206.	FXM-2678	
R12-4-504.	FXM-1046	Appendix A.	FXM-54	R4-16-207.	FXR-2678	
R12-4-611.	PM-1001;	Appendix B.	FXM-54	Table 1.	FXM-2678	
	FM-3025	Appendix C.	FXM-54	Peace Officer Standards Training,		
R12-4-804.	P#-1001;	Appendix D.	FXM-54	Board, Arizona		
	F#-3025	Appendix E.	FX#-54;	R13-4-101.	PM-2711	
R12-4-901.	EXP-757		FXM-54;	R13-4-102.	PM-2711	
R12-4-902.	EXP-757		FXN-54	R13-4-103.	PM-2711	
R12-4-903.	EXP-757	Appendix F.	FXN-54	R13-4-104.	PM-2711	
R12-4-904.	EXP-757	Appendix G.	FX#-54;	R13-4-105.	PM-2711	
R12-4-905.	EXP-757		FXM-54;	R13-4-106.	PM-2711	
R12-4-906.	EXP-757		FXN-54	R13-4-107.	PM-2711	
Health Services, Department of Health -		R20-6-1601.	FXM-2448	R13-4-108.	PM-2711	
Emergency Medical Services		R20-6-1602.	FX#-2448;	R13-4-109.	PM-2711	
Table 5.1.	FXM-3241		FXN-2448	R13-4-109.01.	PM-2711	
Table 5.2.	FXM-3241	R20-6-1603.	FX#-2448;	R13-4-110.	PM-2711	
Health Services, Department of Health -			FXN-2448	R13-4-111.	PM-2711	
Laboratories		R20-6-1604.	FX#-2448;	R13-4-112.	PM-2711	
R9-14-101.	FXM-3237		FXN-2448	R13-4-114.	PM-2711	
R9-14-102.	FXR-3237;	R20-6-1605.	FX#-2448;	R13-4-116.	PM-2711	
	FX#-3237;		FXN-2448	R13-4-117.	PM-2711	
	FXM-3237	R20-6-1606.	FX#-2448;	R13-4-118.	PM-2711	
R9-14-103.	FX#-3237		FXN-2448	R13-4-201.	PM-2711	
Health Services, Department of - Health		R20-6-1607.	FX#-2448;	R13-4-202.	PM-2711	
Care Institutions: Licensing			FXM-2448	R13-4-203.	PM-2711	
R9-10-119.	EN-1787	R20-6-1608.	FX#-2448;	R13-4-204.	PM-2711	
Health Services, Department of - Health			FXM-2448	R13-4-205.	PM-2711	
Programs Services		R20-6-1609.	FX#-2448;	R13-4-206.	PM-2711	
R9-13-201.	FXM-1083		FXM-2448	R13-4-208.	PM-2711	
R9-13-202.	FXM-1083	R20-6-1610.	FX#-2448	Pest Management, Office of		
R9-13-203.	FXM-1083	R20-6-1611.	FX#-2448;	R4-29-102.	FM-451	
R9-13-207.	FXM-1083		FXM-2448	R4-29-103.	FM-451	
Industrial Commission of Arizona		R20-6-1612.	FX#-2448;	R4-29-202.	FM-451	
R20-5-601.	PM-2445;		FXM-2448	R4-29-203.	FM-451	
	PM-2736	Exhibit A.	FXM-2448	R4-29-204.	FM-451	
R20-5-602.	PM-2445	Exhibit B.	FXR-2448;	R4-29-207.	FM-451	
R20-5-629.	PM-2512		FXN-2448	R4-29-208.	FM-451	
R20-5-1301.	PN-2739	Exhibit C.	FXN-2448	R4-29-304.	FM-451	
R20-5-1302.	PN-2739	Exhibit D.	FXN-2448	R4-29-307.	FM-451	
R20-5-1303.	PN-2739	Lottery Commission, Arizona State			R4-29-308.	FM-451
R20-5-1304.	PN-2739	R19-3-201.	PM-3146	R4-29-501.	FM-451	
R20-5-1305.	PN-2739	R19-3-202.	PM-3146	R4-29-503.	FM-451	
R20-5-1306.	PN-2739	R19-3-202.01.	PM-3146	Physical Therapy, Board of		
R20-5-1307.	PN-2739	R19-3-202.03.	PM-3146	R4-24-208.	FXM-924	
R20-5-1308.	PN-2739	R19-3-202.04.	PM-3146	R4-24-313.	FXN-924	
R20-5-1309.	PN-2739	R19-3-204.	PM-3146	Physicians Medical Board, Naturo-		
R20-5-1310.	PN-2739	R19-3-204.02.	PM-3146	pathic		
R20-5-1311.	PN-2739	R19-3-205.	PM-3146	R4-18-101.	PM-201;	
R20-5-1312.	PN-2739	R19-3-210.	PM-3146		FM-2009	
Insurance, Department of		R19-3-211.	PM-3146	R4-18-107.	PM-201;	
R20-6-1101.	PM-2401	R19-3-214.	PM-3146		FM-2009	
R20-6-1401.	FXM-54	R19-3-217.	PM-3146	R4-18-202.	PM-201;	
R20-6-1402.	FXM-54	Medical Board, Arizona				FM-2009
R20-6-1403.	FXM-54	R4-16-201.	FXM-2678	R4-18-203.	PM-201;	
R20-6-1404.	FXM-54	R4-16-201.1.	FXN-2678		FM-2009	
R20-6-1405.	FXM-54	R4-16-202.	FXM-2678	R4-18-204.	PM-201;	
R20-6-1406.	FXM-54				FM-2009	

R4-18-206.	PM-201; FM-2009	R4-39-302.	PM-3117	R13-9-309.	EXP-795
R4-18-207.	PN-201; FN-2009	R4-39-303.	PM-3117	R13-9-310.	EXP-795
R4-18-208.	PN-201; FN-2009	R4-39-304.	PM-3117	Public Safety, Department of - School Buses	
R4-18-209.	PN-201; FN-2009	R4-39-305.	PM-3117	R13-13-105.	PM-1461; FM-3211
R4-18-501.	PM-201; FM-2009	R4-39-306.	PM-3117	R13-13-106.	PM-1461; FM-3211
R4-18-502.	PM-201; FM-2009	R4-39-307.	PM-3117	R13-13-107.	PM-1461; FM-3211
R4-18-904.	EM-51; EM-928; FM-2009	R4-39-308.	PM-3117	R13-13-108.	PM-1461; FM-3211
Power Authority, Arizona		R4-39-401.	PM-3117	Racing Commission, Arizona	
R12-14-602.	FR-297	R4-39-402.	PM-3117	R19-2-205.	FXM-640
R12-14-603.	FN-297	R4-39-403.	PM-3117	R19-2-401.	FXM-643
R12-14-604.	FN-297	R4-39-404.	PM-3117	Radiation Regulatory Agency	
R12-14-605.	FN-297	R4-39-405.	PR-3117	R12-1-102.	PM-2357
R12-14-606.	FN-297	R4-39-406.	PM-3117	R12-1-303.	PM-2357
R12-14-607.	FN-297	R4-39-407.	PN-3117	R12-1-306.	PM-2357
R12-14-608.	FN-297	R4-39-408.	PN-3117	R12-1-308.	PM-2357
R12-14-609.	FN-297	R4-39-501.	PM-3117	R12-1-311.	PM-2357
R12-14-610.	FN-297	R4-39-502.	PM-3117	R12-1-313.	PM-2357
R12-14-611.	FN-297	R4-39-503.	PM-3117	R12-1-320.	PM-2357
R12-14-612.	FN-297	R4-39-504.	PN-3117	R12-1-323.	PM-2357
R12-14-613.	FN-297	R4-39-601.	PM-3117	R12-1-418.	PM-2357
R12-14-614.	FN-297	R4-39-602.	PM-3117	R12-1-452.	PM-2357
R12-14-615.	FN-297	R4-39-603.	PM-3117	R12-1-503.	PM-2357
R12-14-616.	FN-297	Psychologist Examiners, Board of		R12-1-703.	PM-2357
R12-14-617.	FN-297	R4-26-101.	FM-3444	R12-1-1215.	FM-289
R12-14-618.	FN-297	R4-26-102.	FM-3444	Table A.	FM-289
R12-14-619.	FN-297	R4-26-103.	FR-3444	R12-1-1302.	FM-289; PM-2357
R12-14-620.	FN-297	R4-26-104.	FM-3444	R12-1-1306.	FM-289
R12-14-621.	FN-297	R4-26-105.	FM-3444	R12-1-1512.	PM-2357
R12-14-622.	FN-297	R4-26-106.	FM-3444	R12-1-1901.	PN-2357
R12-14-623.	FN-297	R4-26-107.	FM-3444	R12-1-1903.	PN-2357
R12-14-624.	FN-297	R4-26-108.	FM-3444	R12-1-1905.	PN-2357
R12-14-625.	FN-297	R4-26-201.	FM-3444	R12-1-1907.	PN-2357
R12-14-626.	FN-297	R4-26-202.	FM-3444	R12-1-1909.	PN-2357
R12-14-627.	FN-297	R4-26-203.	FM-3444	R12-1-1911.	PN-2357
R12-14-628.	FN-297	R4-26-203.01.	FM-3444	R12-1-1921.	PN-2357
R12-14-629.	FN-297	R4-26-203.02.	FN-3444	R12-1-1923.	PN-2357
R12-14-630.	FN-297	R4-26-203.03.	FN-3444	R12-1-1925.	PN-2357
R12-14-631.	FN-297	R4-26-204.	FM-3444	R12-1-1927.	PN-2357
R12-14-632.	FN-297	R4-26-205.	FM-3444	R12-1-1929.	PN-2357
Private Postsecondary Education, Board for		R4-26-206.	FM-3444	R12-1-1931.	PN-2357
R4-39-101.	PM-3117	R4-26-207.	FM-3444	R12-1-1933.	PN-2357
R4-39-102.	PM-3117	R4-26-208.	FM-3444	R12-1-1941.	PN-2357
R4-39-103.	PM-3117	Table 1.	FM-3444	R12-1-1943.	PN-2357
R4-39-104.	PM-3117	R4-26-209.	FM-3444	R12-1-1945.	PN-2357
R4-39-105.	PM-3117	R4-26-210.	FM-3444	R12-1-1947.	PN-2357
R4-39-106.	PM-3117	R4-26-211.	FM-3444	R12-1-1949.	PN-2357
R4-39-107.	PM-3117	R4-26-301.	FM-3444	R12-1-1951.	PN-2357
R4-39-108.	PM-3117	R4-26-302.	FM-3444	R12-1-1953.	PN-2357
R4-39-109.	PM-3117	R4-26-303.	FM-3444	R12-1-1955.	PN-2357
R4-39-201.	PM-3117	R4-26-304.	FM-3444	R12-1-1957.	PN-2357
R4-39-301.	PM-3117	R4-26-305.	FM-3444	R12-1-1971.	PN-2357
		R4-26-308.	FM-3444	R12-1-1973.	PN-2357
		R4-26-309.	FN-3444	R12-1-1975.	PN-2357
		R4-26-310.	FN-3444	R12-1-1977.	PN-2357
		Public Safety, Department of - Concealed Weapons Permits		R12-1-1979.	PN-2357
		R13-9-302.	EXP-795		
		R13-9-305.	EXP-795		
		R13-9-307.	EXP-795		
		R13-9-308.	EXP-795		

R12-1-1981.	PN-2357	R2-8-115.	PM-959; PM-2281;	mercial Programs	R17-5-301.	FXM-1096
R12-1-19101.	PN-2357		FM-2515		R17-5-302.	FXM-1096
R12-1-19103.	PN-2357	R2-8-118.	PM-959; PM-2281;		R17-5-303.	FXN-1096
R12-1-19105.	PN-2357		FM-2515		R17-5-304.	FXN-1096
R12-1-19107.	PN-2357	R2-8-120.	PM-959;		R17-5-305.	FXN-1096
R12-1-19109.	PN-2357		FM-2515		R17-5-306.	FXN-1096
Appendix A.	PN-2357	R2-8-122.	PM-2281		R17-5-307.	FXN-1096
Radiation Regulatory Agency - Medical Radiologic Technology Board of Examiners		R2-8-123.	PM-959;		R17-5-308.	FXN-1096
R12-2-101.	FM-573		FM-2515		R17-5-309.	FXN-1096
R12-2-102.	FM-573	R2-8-126.	PM-959; PM-2281;		R17-5-310.	FXN-1096
R12-2-104.	FR-573;		FM-2515		R17-5-311.	FXN-1096
	FN-573	R2-8-401.	PM-959;		R17-5-312.	FXN-1096
R12-2-201.	FR-573;		FM-2515		R17-5-313.	FXN-1096
	FN-573	R2-8-501.	PM-959;		R17-5-314.	FXN-1096
R12-2-202.	FR-573;		FM-2515		R17-5-315.	FXN-1096
	FN-573	R2-8-601.	PM-959;		R17-5-316.	FXN-1096
R12-2-203.	FR-573;		FM-2515		R17-5-317.	FXN-1096
	FN-573	R2-8-701.	PM-959;		R17-5-318.	FXN-1096
R12-2-204.	FR-573;		FM-2515		R17-5-319.	FXN-1096
	FN-573				R17-5-320.	FXN-1096
R12-2-205.	FR-573;	Revenue, Department of - General Administration			R17-5-321.	FXN-1096
	FN-573	R15-10-108.	EXP-1197		R17-5-901.	FXN-1825
R12-2-206.	FR-573;	R15-10-109.	EXP-1197		R17-5-902.	FXN-1825
	FN-573	R15-10-118.	EXP-1197		R17-5-903.	FXN-1825
R12-2-207.	FR-573;	R15-10-202.	EXP-1197		R17-5-904.	FXN-1825
	FN-573	R15-10-702.	EN-1830		R17-5-905.	FXN-1825
R12-2-208.	FN-573	R15-10-703.	EN-1830		R17-5-906.	FXN-1825
R12-2-301.	FR-573;	R15-10-704.	EN-1830		Transportation, Department of - Title, Registration, and Driver Licenses	
	FN-573	R15-10-706.	EN-1830		R17-4-401.	FXM-1092
R12-2-302.	FN-573				R17-4-404.	FXM-1092
R12-2-303.	FN-573	Revenue, Department of - Income and Withholding Tax Section			Weights and Measures, Department of	
R12-2-304.	FN-573	R15-2C-202.	EXP-465		R20-2-101.	PM-437;
R12-2-305.	FN-573	R15-2C-204.	EXP-465			FM-1693
R12-2-401.	FR-573;	Secretary of State, Office of			R20-2-901.	PM-437;
	FN-573	R1-1-101.	FM-117			FM-1693
R12-2-402.	FR-573;	R1-1-103.	FM-117		R20-2-902.	PM-437;
	FN-573	R1-1-104.	FM-117			FM-1693
R12-2-403.	FR-573;	R1-1-105.	FM-117		R20-2-903.	PM-437;
	FN-573	R1-1-106.	FM-117			FM-1693
R12-2-404.	FR-573;	R1-1-107.	FM-117		R20-2-904.	PM-437;
	FN-573	R1-1-109.	FM-117			FM-1693
R12-2-405.	FR-573;	R1-1-110.	FM-117		R20-2-906.	PM-437;
	FN-573	R1-1-114.	FM-117			FM-1693
R12-2-406.	FR-573;	R1-1-202.	FM-117		R20-2-907.	PM-437;
	FN-573	R1-1-205.	FM-117			FM-1693
R12-2-501.	FR-573	R1-1-211.	FM-117		R20-2-908.	PM-437
R12-2-502.	FR-573	R1-1-302.	FM-117		R20-2-909.	PM-437;
R12-2-503.	FR-573	R1-1-401.	FM-117			FM-1693
R12-2-504.	FR-573	R1-1-414.	FM-117		R20-2-910.	PM-437;
R12-2-505.	FR-573	R1-1-502.	FM-117			FM-1693
R12-2-506.	FR-573	R1-1-801.	FR-117;		R20-2-913.	FN-437;
R12-2-601.	FR-573		FN-117			FM-1693
R12-2-602.	FR-573	R1-1-802.	FN-117		R20-2-1001.	PN-437;
R12-2-603.	FR-573	R1-1-803.	FN-117			FN-1693
R12-2-604.	FR-573	R1-1-1001.	FM-117		R20-2-1002.	PN-437;
R12-2-605.	FR-573	State Real Estate Department				FN-1693
Retirement System Board, State		R4-28-405.	EXP-757		R20-2-1003.	PN-437;
R2-8-104.	PM-959;					FN-1693
	FM-2515	Transportation, Department of - Com-				

R20-2-1004.	PN-437; FN-1693	R20-2-1010.	PN-437; FN-1693
R20-2-1005.	PN-437; FN-1693	R20-2-1011.	PN-437; FN-1693
R20-2-1006.	PN-437; FN-1693	R20-2-1012.	PN-437; FN-1693
R20-2-1007.	PN-437; FN-1693	R20-2-1013.	PN-437; FN-1693
R20-2-1008.	PN-437; FN-1693	Table 1.	PN-437; FN-1693
R20-2-1009.	PN-437; FN-1693		

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 52 OF VOLUME 21.

Agency Guidance Documents, Notices of

Health Services, Department of; pp. 22-23, 325-326, 647, 1495, 2417-2420, 2786

Revenue, Department of; pp. 890-893, 2111, 2688

Agency Ombudsman, Notices of

Arizona Lottery; pp. 526, 2987

Child Safety, Department of; pp. 466, 1054

Early Childhood Development and Health Board; p. 25

Game and Fish Commission; p. 142

Health Services, Department of; p. 498

Psychologist Examiners, Board of; p. 25

Public Safety, Department of; p. 1502

Registrar of Contractors; p. 729

Water Resources, Department of; 3542

County Notices Pursuant to A.R.S. § 49-112

Maricopa County; p. 984, 1273-1302, 1302-1445, 2124-2261, 3285-3419

Pima County; pp. 469-471, 852-853

Pinal County; pp. 422, 501-506, 802-808, 902-906, 1715-1745, 2083-2087, 2925, 2937

Governor's Office

Executive Order: pp. 26-27, 102-103, 143-144 (E.O. #2012-03); 163-164 (E.O. #2015-01); 216 (E.O. #2015-02); 552-553 (E.O. #2015-03); 760-761 (E.O. #2015-04); 975 (E.O. #2015-05); 2988 (E.O. #2015-07); 2989 (E.O. #2015-08); 2990 (E.O. #2015-10)

Proclamations: pp. 615-621; 652-654; 693-696; 798-801; 847-851; 899-901; 976-983; 1059-1060; 1130-1134; 1203-1207; 1505-1507; 1653-1657; 1709-1714; 1794-1796; 2113; 2115-2123, 2320-2326, 2479-2487, 2792, 2993-2994, 3092-3096, 3185-3190

Governor's Regulatory Review Council

Notices of Action Taken: pp. 193, 317, 479-480, 563-564, 771, 951, 1217, 1757-1758, 2100, 2588, 3009

Oral Proceeding on Proposed Rulemaking, Notices of

Child Safety, Department of; 1055, 1269, 1649, 1650, 1866

Optometry, Board of; p. 9, 1648

Psychologist Examiners, Board of; p. 1199

Proposed Delegation Agreement, Notices of

Environmental Quality, Department of; p. 267-269, 496, 894-895, 1124, 1496-1497, 1836, 2787, 2984

Public Information, Notices of

Agriculture, Department of - Livestock & Crop Conservation Grant Program; p. 896

Arizona Health Care Cost Containment System; p. 727, 840, 1051, 2789, 3087, 3281

Child Safety, Arizona Department of; p. 1051, 1267, 1646, 1838

Emergency and Military Affairs, Department of - Division of Military Affairs; p. 159, 1267

Environmental Quality, Department of; pp. 11-20, 77-87

Environmental Quality, Department of - Pesticides and Water Pollution Control; p. 687-689

Environmental Quality, Department of - Water Pollution Control; pp. 1126, 3088

Environmental Quality, Department of - Water Quality Control; pp. 327-360, 840-842, 1838-1865, 2297-2317

Environmental Quality, Department of - Water Quality Standards; p. 160

Health Services, Department of; pp. 21, 177-179, 241, 361-362, 413, 2421

Health Services, Department of - Emergency Medical Services; p. 2422

Health Services, Department of - Health Programs Services; p. 611

Health Services, Department of - Laboratories; p. 2422

Optometry, Board of; p. 11

Secretary of State, Office of the; p. 160-161



The Deaf and the Hard of Hearing;
p. 1498

Rulemaking Docket Opening, Notices of

Agriculture, Department of - Environmental Services Division; p. 2415

Arizona Health Care Cost Containment System - Administration; p. 839, 1791, 1835

Arizona Health Care Cost Containment System - Arizona Long-term Care System; p. 495

Barbers, Board of; p. 889

Board of Dental Examiners, State; p. 524, 1988-1989

Contractors, Registrar of; p. 2473

Corporation Commission, Arizona - Transportation; p. 685

Cosmetology, Board of; p. 1122, 1790

Emergency and Military Affairs, Department of - Division of Emergency Management; p. 1198

Environmental Quality, Department of - Air Pollution Control; p. 3173

Environmental Quality, Department of - Safe Drinking Water; p. 2296

Environmental Quality, Department of - Water Pollution Control; p. 3086

Environmental Quality, Department of - Water Quality Standards; p. 1989

Fire, Building and Life Safety, Department of; p. 1123

Game and Fish Commission; p. 759, 1049

Health Services, Department of - Health Care Institutions: Licensing; p. 2474

Industrial Commission of Arizona; p. 2475, 2573, 2785

Insurance, Department of; p. 1494

Lottery Commission, Arizona State; pp. 972, 973

Peace Officer Standards and Training Board, Arizona; p. 2784

Physicians Medical Board, Naturopathic; p. 215

Private Postsecondary Education, Board for; p. 2983

Public Safety, Department of - School Buses; p. 646

Radiation Regulatory Agency; p. 2295

Respiratory Care Examiners, Board of; p. 3085

Retirement System Board, State; p. 726, 931, 1834, 1987, 2109, 2572

The Deaf and the Hard of Hearing, Commission for; p. 1493

Weights and Measures, Department of; p. 412

Substantive Policy Statement, Notices of

Agriculture, Department of; p. 2424

Behavioral Health Examiners, Board of; p. 3175-3182

Environmental Quality, Department of; pp. 88-101, 137-139, 162, 307, 591, 612, 690

Financial Institutions, Department of; p. 1499

Game and Fish Commission; p. 141

Greater Arizona Development Authority; pp. 391-392

Health Services, Department of; pp. 140, 180-182, 242-249, 270-272, 416-419, 648, 843-844

Insurance, Department of; p. 591-593, 1500, 2986

Nursing, Board of; p. 136

Psychologist Examiners, Board of; p. 24

Revenue, Department of; p. 932-939

State Real Estate, Department of; p. 551, 1501

Technical Registration, Board of; pp. 414-415

Water Infrastructure Finance Authority; pp. 393-395

Water Resources, Department of; p. 183



2016 RULE EFFECTIVE DATES CALENDAR

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	3/1	2/1	4/1	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/2	2/2	4/2	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/3	2/3	4/3	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/4	2/4	4/4	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/5	2/5	4/5	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/6	2/6	4/6	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/7	2/7	4/7	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/8	2/8	4/8	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/9	2/9	4/9	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/10	2/10	4/10	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/11	2/11	4/11	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/12	2/12	4/12	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/13	2/13	4/13	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/14	2/14	4/14	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/15	2/15	4/15	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/16	2/16	4/16	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/17	2/17	4/17	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/18	2/18	4/18	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/19	2/19	4/19	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/20	2/20	4/20	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/21	2/21	4/21	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/22	2/22	4/22	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/23	2/23	4/23	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/24	2/24	4/24	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/25	2/25	4/25	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/26	2/26	4/26	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/27	2/27	4/27	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/28	2/28	4/28	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/29	2/29	4/29	3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/30			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	3/31			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	1/30/13
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1/13	12/2	1/31/13
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2/13	12/3	2/1/13
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3/13	12/4	2/2/13
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4/13	12/5	2/3/13
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5/13	12/6	2/4/13
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6/13	12/7	2/5/13
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7/13	12/8	2/6/13
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8/13	12/9	2/7/13
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9/13	12/10	2/8/13
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10/13	12/11	2/9/13
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11/13	12/12	2/10/13
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12/13	12/13	2/11/13
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13/13	12/14	2/12/13
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14/13	12/15	2/13/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15/13	12/16	2/14/13
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16/13	12/17	2/15/13
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17/13	12/18	2/16/13
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18/13	12/19	2/17/13
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19/13	12/20	2/18/13
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20/13	12/21	2/19/13
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21/13	12/22	2/20/13
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22/13	12/23	2/21/13
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23/13	12/24	2/22/13
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24/13	12/25	2/23/13
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25/13	12/26	2/24/13
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26/13	12/27	2/25/13
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27/13	12/28	2/26/13
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28/13	12/29	2/27/13
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29/13	12/30	2/28/13
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1/13



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.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from September 4, 2015 to March 18, 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 noon 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.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2015	December 18, 2015	December 29, 2015	January 5, 2016
December 21, 2015	January 15, 2016	January 26, 2016	February 2, 2016
January 19, 2016 (Tuesday)	February 12, 2016	February 23, 2016	March 1, 2016
February 16, 2016 (Tuesday)	March 18, 2016	March 29, 2016	April 5, 2016
March 21, 2016	April 15, 2016	April 26, 2016	May 3, 2016
April 18, 2016	May 20, 2016	June 1, 2016 (Wednesday)	June 7, 2016
May 23, 2016	June 17, 2016	June 28, 2016	July 6, 2016 (Wednesday)
June 20, 2016	July 15, 2016	July 26, 2016	August 2, 2016
July 18, 2016	August 19, 2016	August 30, 2016	September 7, 2016 (Wednesday)
August 22, 2016	September 16, 2016	September 27, 2016	October 4, 2016
September 19, 2016	October 14, 2016	October 25, 2016	November 1, 2016
October 17, 2016	November 18, 2016	November 29, 2016	December 6, 2016
November 21, 2016	December 16, 2016	December 28, 2016 (Wednesday)	January 4, 2017 (Wednesday)

*Materials must be submitted by **noon** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.