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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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.
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

START HERE

APA, statute or ballot proposition is passed. It gives an agency authority to make rules.

It may give an agency an exemption to the process or portions thereof.

Agency opens a docket.

Agency files a Notice of Rulemaking Docket Opening; it is published in the Register. Often an agency will file the docket with the proposed rulemaking.

Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.

Agency files Notice of Proposed Rulemaking. Notice is published in the Register. Notice of meetings may be published in Register or included in Preamble of Proposed Rulemaking.

Agency opens comment period.

Oral proceeding and close of record. Comment period must last at least 30 days after publication of notice. Oral proceeding (hearing) is held no sooner than 30 days after publication of notice of hearing

Agency decides not to proceed; files Notice of Termination of Rulemaking. May open a new Docket.

If no change then

Rule must be submitted for review or terminated within 120 days after the close of the record

A final rulemaking package is submitted to G.R.R.C. or A.G. for review. Contains final preamble, rules, and Economic Impact Statement.

G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing with the Secretary of State (unless otherwise indicated).

Final rule is published in the Register and the quarterly Code Supplement.
Definitions


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.


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

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.
NOTICE OF FINAL EXEMPT RULEMAKING

1. Article, Part, or Section Affected (as applicable)  |  Rulemaking Action
R7-2-614  |  Amend

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
Authorizing statute: A.R.S. §§ 15-203(A)(1) and 15-203(A)(14)
Implementing statute: Not applicable

3. The effective date of the rules and the agency’s reason it selected the effective date:
January 25, 2016

4. A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:
Not applicable

5. The agency’s contact person who can answer questions about the rulemaking:
Name: Dr. Karol Schmidt, Executive Director
Address: State Board of Education
1700 W. Washington, Suite 300
Phoenix, AZ 85007
Telephone: (602) 542-5057
Fax: (602) 542-3046
E-mail: inbox@azsbe.az.gov

6. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
The rule was passed by the Board at their January 25, 2016 meeting. Board rule R7-2-614(E) outlines the Teaching Intern certificate requirements. The Teaching Intern certificate entitles the holder to enter into a teaching contract while completing the requirements for a Board authorized alternative path to certification program or a Board approved educator preparation program. During the valid period of the Teaching Intern certificate the holder may teach in a Structured English Immersion classroom or in any subject in which the holder has passed the appropriate Arizona Teacher Proficiency Assessment.

The amendment removes the SEI endorsement requirement for initial issuance of the Teaching Intern certificate, and requires SEI training for the Teaching Intern certificate holder to qualify for extension. The amendment also stipulates that Teaching Intern certificate holders who teach in a Structured English Immersion classroom shall hold a valid Provisional or full SEI endorsement, English as a Second Language endorsement, or Bilingual endorsement.

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:
Not applicable

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable
9. **The summary of the economic, small business and consumer impact, if applicable:**
The rules are not expected to have significant, if any, economic impact on small businesses.

10. **A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):**
    Not applicable

11. **A summary of the comments made regarding the rule and the agency response to them:**
    A public hearing was held regarding these proposed rules on January 14, 2016. No comment was received.

12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
    Not applicable

13. **Incorporations by reference and their location in the rules:**
    Not applicable

14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**
    Not applicable

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

    **TITLE 7. EDUCATION**

    **CHAPTER 2. STATE BOARD OF EDUCATION**

    **ARTICLE 6. CERTIFICATION**

    Section 7-2-614. Other Teaching Certificates

    **ARTICLE 6. CERTIFICATION**

    R7-2-614. Other Teaching Certificates

    A. No change

    B. No change

    1. No change

    2. No change

    3. No change

    4. No change

    5. No change

    C. No change

    1. No change

    2. No change

    3. No change

    4. No change

    5. No change

    a. No change

    b. No change

    c. No change

    6. No change

    a. No change

    b. No change

    c. No change

    D. No change

    1. No change

    2. No change

    3. No change

    4. No change

    5. No change

    a. No change

    b. No change

    c. No change

    d. No change
i. No change
   ii. No change

6. No change

E. No change
   1. No change
   2. No change
   3. The teaching intern certificate entitles the holder to enter into a teaching contract while completing the requirements for an Arizona provisional teaching certificate. During the valid period of the intern certificate the holder may teach in a Structured English Immersion classroom, or in any subject area in which the holder has passed the appropriate Arizona Teacher Proficiency Assessment. Teaching Intern certificate holders who teach in a Structured English Immersion classroom shall hold a valid Provisional or full Structured English Immersion Endorsement, an English as a Second Language Endorsement, or a Bilingual Endorsement. The candidate shall be enrolled in a Board authorized alternative path to certification program or a Board approved teacher educator preparation program.
   4. No change
   5. No change
      a. No change
      b. No change
      c. No change
      d. Completion of the requirements for a Provisional Structured English Immersion endorsement, as prescribed in R7-2-613(J);
      e. Verification of enrollment in a Board approved alternative path to certification program, or a Board approved teacher educator preparation program; and
e. d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
   6. No change
      a. No change
      b. Official transcripts documenting the completion of required coursework, and
      c. No change
      d. Completion of the requirements for a Provisional or full Structured English Immersion endorsement.
   7. No change
      a. Successful completion of a Board authorized alternative path to certification program or a Board approved teacher educator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program, as described pursuant to R7-2-604.04(B)(5),
      b. No change
      c. The submission of an application for the provisional teaching certificate to the Department, and
      d. No change
e. Completion of the requirements for a full Structured English Immersion endorsement.

F. No change
   1. No change
   2. No change
      a. No change
      b. No change
   3. No change
      a. No change
      b. No change
         i. No change
         ii. No change
         iii. No changes
      c. No change

G. No change
   1. No change
   2. No change
   3. No change
      a. No change
      b. No change
      c. No change

H. No change
   1. No change
   2. No change
   3. No change
NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

PREAMBLE

I. Article, Part, or Section Affected (as applicable)  Rulemaking Action
   R7-2-615  Amend

II. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
    Authorizing statute: A.R.S. §§ 15-203(A)(1) and 15-203(A)(14)
    Implementing statute: Not applicable

III. The effective date of the rules and the agency's reason it selected the effective date:
     January 25, 2016

IV. A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:
    Not applicable

V. The agency's contact person who can answer questions about the rulemaking:
   Name: Dr. Karol Schmidt, Executive Director
   Address: State Board of Education
            1700 W. Washington, Suite 300
            Phoenix, AZ 85007
   Telephone: (602) 542-5057
   Fax: (602) 542-3046
   E-mail: inbox@azsbe.az.gov
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
The rules were passed by the Board at their January 25, 2016 meeting. Board rule R7-2-615(D) outlines the requirements for special subject area endorsements. Special subject endorsements are issued in the areas of art, computer science, dance, dramatic arts, music, or physical education. When added to an Arizona teaching certificate, the endorsement allows the holder to teach the subject in grades K-12. The amended rule expands the grade range of special subject area endorsements from K-12 to PreK-12 in order to align with the PreK-12 teaching certificates.

Board rule R7-2-615(M) outlines the requirements for gifted endorsements. The gifted endorsement authorizes the holder to teach gifted students in grades K-12. The amended rule expands the grade level of the gifted endorsement from K-12 to PreK-12. The amended rule also includes a technical change to allow individuals who hold an early childhood teaching certificate to qualify for the gifted endorsement.

R7-2-615(O) outlines the requirements for the library-media specialist endorsement. The library-media specialist endorsement is optional and may be added to a teaching certificate to endorse the holder as a school librarian. The amended rule expands the grade level of the endorsement from K-12 to PreK-12. The amended rule also includes a technical change to allow individuals who hold an early childhood teaching certificate to qualify for the library-media specialist endorsement. The rules are not expected to have significant, if any, economic impact on small businesses.

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:
Not applicable

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable

9. The summary of the economic, small business and consumer impact, if applicable:
The rules are not expected to have significant, if any, economic impact on small businesses.

10. A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):
Not applicable

11. A summary of the comments made regarding the rule and the agency response to them:
A public hearing was held regarding these proposed rules on January 14, 2016. No comment was received.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable

13. Incorporations by reference and their location in the rules:
Not applicable

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:
Not applicable

15. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

R7-2-615. Endorsements

D. Special subject endorsements - grades K through 12 grades Pre-K through 12
   1. No change
2. No change
3. No change
   a. No change
   b. No change
   c. No change
      i. No change
      ii. No change
      iii. No change
E. No change
   1. No change
   2. No change
      a. No change
      b. No change
      c. No change
F. No change
   1. No change
   2. No change
      a. No change
      b. No change
      c. No change
      i. No change
      ii. No change
      iii. No change
      iv. No change
d. No change
      i. No change
      ii. No change
e. No change
      f. No change
G. No change
   1. No change
   2. No change
      a. No change
      b. No change
H. No change
   1. No change
   2. No change
      a. No change
      b. No change
      c. No change
d. No change
      i. No change
         (1) No change
         (2) No change
         (3) No change
         (4) No change
         (5) No change
         (6) No change
      ii. No change
e. No change
   3. No change
      a. No change
      b. No change
c. No change
d. No change
      i. No change
         (1) No change
         (2) No change
         (3) No change
         (4) No change
         (5) No change
(6) No change
e. No change
4. No change
  a. No change
  b. No change
c. No change
d. No change
e. No change
  i. No change
(1) No change
(2) No change
(3) No change
(4) No change
(5) No change
(6) No change
(7) No change
  ii. No change
f. No change
I. No changes
  1. No change
  2. No change
    a. No change
    b. No change
      i. No change
      ii. No change
      iii. No change
      iv. No change
      v. No change
c. No change
J. No change
  1. No change
  2. No change
    a. No change
    b. No change
      i. No change
      ii. No change
      iii. No change
      iv. No change
      v. No change
      vi. No change
      vii. No change
c. No change
d. No change
e. No change
    i. No change
    ii. No change
    iii. No change
    iv. No change
    v. No change
f. No change
K. No change
  1. No change
  2. No change
    a. No change
    b. No change
  3. No change
A. No change
B. No change
  i. No change
  ii. No change
  iii. No change
  iv. No change
  v. No change
  vi. No change
C. No change
D. No change
  i. No change
  ii. No change
  iii. No change
  iv. No change
  v. No change
  vi. No change
  vii. No change
E. No change
L. No change
  1. No change
  2. No change
    a. No change
    b. No change
  3. No change
    a. No change
      i. No change
      ii. No change
      iii. No change
  4. No change
  5. No change
  6. No change
  7. No change
M. Gifted Endorsements - grades K through 12, grades Pre-K through 12
  1. No change
  2. The provisional gifted endorsement is valid for three years and is not renewable. The requirements are an Arizona elementary, secondary, early childhood or special education certificate and one of the following:
    a. No change
    b. No change
    c. No change
  3. No change
    a. An Arizona elementary, secondary, early childhood or special education certificate;
    b. No change
    c. No change
      i. No change
      ii. No change
      iii. No change
      iv. No change
N. No change
  1. No change
  2. No change
    a. No change
    b. No change
  3. No change
    a. No change
    b. No change
      i. No change
        (1) No change
        (2) No change
        (3) No change
        (4) No change
(5) No change
(6) No change
(7) No change
(8) No change

ii. No change
(1) No Change
(2) No change

c. No change
d. No change
e. No change

4. No change
a. No change
b. No change

O. Library-Media Specialist Endorsement - grades K through 12 grades Pre-K through 12

1. No change
2. No change

a. An Arizona elementary, secondary, early childhood or special education certificate;
b. No change
c. No change

P. No change

1. No change
2. No change

a. No change
b. No change
i. No change
ii. No change
iii. No change

c. No change

Q. No change

1. No change
2. No change

a. No change
b. No change
c. No change
i. No change
ii. No change
iii. No change
d. No change

d. No change

R. No change

1. No change
2. No change

a. No change
b. No change
EXECUTIVE ORDER 2016-03

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, 2016, as a notice to the public regarding state agencies’ rulemaking activities.

WHEREAS, Arizona is poised to lead the nation in job growth;
WHEREAS, burdensome regulations inhibit job growth and economic development;
WHEREAS, small businesses and startups are especially hurt by regulations;
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 comply with a state statutory requirement.
   g. 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.
   h. 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.
   i. 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.
   j. To eliminates rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. For the purposes of this Order, the term “State agencies,” includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded...
from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.

4. 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.

5. This Executive Order expires on December 31, 2016.

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 Eighth day of February in the Year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:
Michele Reagan
Secretary of State
ADULT LEARN TO SWIM MONTH

WHEREAS, the State of Arizona has twenty-four rivers, one hundred and sixty-two lakes, twenty-two reservoirs, nine canals and more than fifty-four public pools; and
WHEREAS, The Centers for Disease Control recognizes that exercising in water offers many physical and mental health benefits; and
WHEREAS, The Centers for Disease Control estimates that thirty-seven percent of adults cannot swim; and
WHEREAS, every day, about ten people die from unintentional drowning; of these, two are children aged 14 or younger; and
WHEREAS, drowning ranks fifth among the leading causes of unintentional injury death in the United States and ranks sixth among the leading cause in Arizona; and
WHEREAS, April is the ideal month for this designation as pools and other bodies of water open for the spring and summer seasons; and
WHEREAS, nationally, April is being recognized as Adult Learn to Swim Month, and with the help of state governments throughout our great nation highlighting this lifesaving effort, the commendable goal of making water available for fun, fitness and health to our fellow non-swimming neighbors can be attained.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2016 as ADULT LEARN TO SWIM 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 sixteenth day of March in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

ARIZONA BOYS AND GIRLS CLUB DAY

WHEREAS, Arizona Boys and Girls Clubs operate 62 neighborhood clubhouses in 34 cities, 13 counties, 10 Native American communities, and all five military bases throughout Arizona; and
WHEREAS, Arizona Boys and Girls Clubs provide year-round programs in five Core Service Areas: Education & Career Development; Character & Leadership Development; Health & Life Skills; The Arts; and Sports, Fitness & Recreation; and
WHEREAS, Boys and Girls Clubs in Arizona serve 114,250 Arizona children annually; and
WHEREAS, Boys and Girls Clubs exemplify the spirit of Arizona’s volunteerism through a diverse network of local, state, and national volunteers committed to improving the lives of over 3 million young people in America; and
WHEREAS, Boys and Girls Clubs have been investing in Youth Development generally at the local level for the past 60 years in Arizona, setting a shining example of what strong private and public partnerships can accomplish when Arizona communities step up to its responsibilities.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 12, 2016 as ARIZONA BOYS AND GIRLS CLUB DAY

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 March in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE
WHEREAS, more than 20 million Americans are victims of crime each year and each crime affects many more, including families, friends, and communities; and
WHEREAS, crime exacts an emotional, physical, psychological, and financial toll on victims as they have lost loved ones, lifesavings, physical and mental health, and often their sense of security that has the potential to irrevocably change the course of their lives; and
WHEREAS, Arizona has been a national leader in establishing constitutional rights for crime victims, including the Arizona Crime Victims’ Bill of Rights; and
WHEREAS, the Arizona Constitution preserves and protects crime victims’ rights, and yet we know these rights are still too often denied to victims; and
WHEREAS, we applaud the progress that our Nation and Arizona have made in recognizing crime’s impact on victims and we also recognize that involving survivors helps victims service providers and criminal justice professionals understand the culture, values, and expectations of all victims, but especially under- and unserved victims who seek assistance and justice; and
WHEREAS, many victims face challenges in finding appropriate services, and the entire community has a role to play in ensuring that all survivors feel empowered to face their grief, loss, fear, anger, and shame, without fear of judgment and will feel understood and worthy of support; and
WHEREAS, serving victims and rebuilding their trust restores hope to victims and survivors, as well as their communities; and
WHEREAS, honoring the rights of victims, including the right to be heard and to be treated with fairness, dignity, and respect, and working to meet their needs rebuilds their trust in the criminal justice and social service systems; and
WHEREAS, we recognize that much work remains if we are to achieve the protections that the Arizona Constitution guarantees to crime victims; and
WHEREAS, the State of Arizona is hereby dedicated to building partnerships with trusted sources of support, including community leaders, religious groups, schools, and other agencies to better reach and serve all victims of crime, no matter their community; and
WHEREAS, the State of Arizona is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout Arizona and America to raise awareness of victims’ rights and observe National Crime Victims’ Rights Week, and National Crime Victims’ Rights Week is an opportune time to commit to ensuring that all victims of crime – even those who are challenging to reach or serve – are offered accessible and appropriate services in the aftermath of crime.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 10 - 16, 2016 as ARIZONA CRIME VICTIMS’ RIGHTS 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 fifteenth day of March in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:

Michele Reagan
SECRETARY OF STATE

ARIZONA FAIR HOUSING MONTH

WHEREAS, the right to fair housing is an important element of the American way of life and is a principle supported by the Civil Rights Act of 1968 and the Fair Housing Amendments Act of 1988; and
WHEREAS, fair housing laws guarantee the right to a housing market free from discrimination based on national origin, race, color, religion, sex, disability and familial status; and
WHEREAS, the State of Arizona recognizes and values the efforts of those who seek to reduce barriers to full and fair housing opportunities; and
WHEREAS, we also salute the organizations with a statewide focus in promoting fair housing opportunities for all Arizonans and who consider fair and affordable housing an important element of our society.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2016 as ARIZONA FAIR HOUSING MONTH
and I further recognize the Arizona Fair Housing Partnership which promotes fair housing communities across our state and urge all Arizonans to be good neighbors by honoring fair housing as a positive force.

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 March in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

ARIZONA NON-PROFIT LEADER DAY

WHEREAS, non-profit organizations help sustain healthy communities and improve the quality of life for Arizonans and others throughout the country and world-wide; and
WHEREAS, the thousands of Arizona based non-profit organizations significantly contribute to Arizona’s critical economy, both by providing jobs and services, and by purchasing goods and services, through expenditures of more than $16 billion annually; and
WHEREAS, Arizona’s non-profit organizations act as responsible stewards of charitable resources, providing important outlets through which our residents can positively impact their community through their time, talent and monetary donations; and
WHEREAS, non-profit leaders of Arizona are mission-driven, caring entrepreneurs creating new solutions to problems, while filling unmet needs in the areas of health, housing and shelter, food, employment, education and youth development, research, arts, public safety, disaster preparedness, legal, recreation, sports and more; and
WHEREAS, ONE, the Organization for Nonprofit Executives, for the 14th year, celebrates the impact and tenacity of Arizona’s non-profit leaders through its annual Non-Profit Leader Day and Director of the Year Awards.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 29, 2016 as

ARIZONA NON-PROFIT LEADER DAY

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 March in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

ARIZONA SAFE DIGGING MONTH

WHEREAS, each year, the nation’s underground utility infrastructure is jeopardized by unintentional damage by those who fail to call 811 and have underground lines located prior to digging; and
WHEREAS, undesired consequences such as serious and fatal injuries, interruption of vital services and damage to the environment are the potential results; and
WHEREAS, the Common Ground Alliance and its 1500 members, including Arizona 811, promote the National Call-before-you-dig-number, 811, in an effort to reduce these damages; and
WHEREAS, 811 provides potential excavators and homeowners a simple number to reach their local one call center to request utility line locations at the intended dig site; and
WHEREAS, through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 before any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and digging with care around the marks; and
WHEREAS, all parties agree that safe digging is no accident and protecting the public and preventing damage to underground utilities is a shared responsibility.

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


ARIZONA SAFE DIGGING MONTH

and I further encourage excavators and homeowners throughout Arizona to always call 811 before digging.

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 March in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:

Michele Reagan

SECRETARY OF STATE

CHILD ABUSE PREVENTION MONTH

WHEREAS, in Fiscal Year 2015, Arizona’s Department of Child Safety received over 51,767 reports involving alleged maltreatment; and

WHEREAS, child abuse and neglect is an important societal concern that may affect the long-term health and well-being of not only the children, but also the adults they become; and

WHEREAS, placing a high priority on safety, permanency and well-being of children resulted in 6,330 children reunified with their parents and 3,240 children received a forever family through finalized adoptions; and

WHEREAS, safe, stable and nurturing relationships and communities can break the cycle of abuse and maltreatment; and

WHEREAS, child abuse prevention requires a coordinated and comprehensive response by all systems touching children and youth (e.g., schools, law enforcement, health systems, faith-based organizations, families and community programs); and

WHEREAS, child abuse and neglect are preventable. State and local governments, community organizations, and private citizens take action every day to protect children; and

WHEREAS, prevention works! Arizona celebrates 25 years of Regional Child Abuse Prevention Councils and Healthy Families Arizona; and

WHEREAS, if you suspect child abuse or neglect is happening, call Arizona’s Statewide Child Abuse Hotline or law enforcement immediately.

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

CHILD ABUSE PREVENTION MONTH

and I further call upon the communities and individual citizens of Arizona to participate in efforts to strengthen families, protect children, and prevent child abuse and neglect.

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 March in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:

Michele Reagan

SECRETARY OF STATE

LYNCH SYNDROME HEREDITARY CANCER AWARENESS DAY

WHEREAS, Lynch syndrome, a part of hereditary nonpolyposis colorectal cancer (HNPCC), is a hereditary condition that causes greater risk of developing colorectal, endometrial, ovarian, stomach, hepatobiliary tract and other types of cancers; and

WHEREAS, Lynch syndrome creates a hereditary predisposition to a litany of cancers at a high lifetime risk and often at an early onset age – the risk includes up to 80% for colorectal cancer, 20-60% risk for endometrial cancer, 9-12% for ovarian cancer, 11-19% for gastric cancer, and 4-5% for urinary tract; and

WHEREAS, geneticists have projected that 600,000 to 1,000,000 persons throughout the U.S. alone have Lynch syndrome, including one in every 440 persons, and studies show that only 5-10% have been diagnosed with Lynch syndrome; and
WHEREAS, every person should know their family history and share it with their physician to determine if their family may be at high risk for hereditary cancers and prompt genetic testing; and
WHEREAS, every person newly diagnosed with colorectal cancer or endometrial cancer should be screened for Lynch syndrome characteristics to prompt risk assessment and genetic testing; and
WHEREAS, a positive genetic test will determine if these cancers are hereditary or familial, qualify affected individuals for regular cancer screening tests and growths, polyps, and tumors may be detected early and treated or removed before becoming life threatening; and
WHEREAS, having knowledge of a Lynch syndrome diagnosis can increase cancer prevention through regular screening measures, and lead to earlier cancer detection and treatment; and
WHEREAS, on this day, we join together to raise awareness of Lynch syndrome and encourage all residents to learn more about this hereditary condition, to collect their family history information, and to share it with their healthcare provider in order to assess individual risk and take steps toward prevention and detection.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 22, 2016 as
LYNCH SYNDROME HEREDITARY CANCER AWARENESS DAY

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 March in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.
ATTEST:
Michele Reagan
SECRETARY OF STATE

POW REMEMBRANCE DAY

WHEREAS, during the first year of World War II, Japanese forces invaded the Philippines and on April 9, 1942, tens of thousands of American and Filipino forces were forced to march from the southern end of the Bataan Peninsula. This resulted in the loss of an estimated 7,000 to 10,000 prisoners who suffered unspeakable atrocities endured along this journey that has become known as the Bataan Death March, and those who survived the March faced the hardships of a prisoner of war camp; and
WHEREAS, throughout American history, members of our country’s armed forces have made uncommon sacrifices as Prisoners of War, serving their country under conditions of extreme hardship, while remaining steadfast even when their treatment violated fundamental standards of morality and international codes of conduct; and
WHEREAS, Americans held as POWs have earned our respect for their courage and devotion to duty and therefore it is appropriate that we salute our POWs who, in the act of serving our Nation, relinquished their freedom to protect the liberty we enjoy; and
WHEREAS, each year, the State of Arizona observes April 9th as POW Remembrance Day to honor the men and women who have served their country so faithfully.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 9, 2016 as
POW REMEMBRANCE DAY
in honor of the American heroes who have been taken as POWs and to remember their legacy of bravery and selflessness as Prisoners of War. Further, I call upon teachers and students to observe this day with appropriate ceremonies and activities and urge all Arizonans to contemplate the plight of Americans who have been held captive of an enemy nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona
Douglas A. Ducey
GOVERNOR
DONE at the Capitol in Phoenix on this fifteenth day of March in the year Two Thousand and Sixteen 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
- **P#** = Proposed Exempt renumbered Section

**SUPPLEMENTAL EXEMPT PROPOSED**

- **SPXN** = Supplemental Proposed Exempt new Section
- **SPXR** = Supplemental Proposed Exempt repealed 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
- **F#** = 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
### 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.

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| Agriculture, Department of - Environmental Services Division | R3-208. | FM-367 | R3-209. | FM-367 | R3-210. | FM-367 | R3-211. | FM-367 | R3-212. | FM-367 | R3-213. | FM-367 |
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| Health Services, Department of - Health Care Institutions: Licensing | R9-10-119. | PN-139; EM-420 | R9-10-120. | PN-139; EM-420 | R9-10-121. | PN-139; EM-420 | R9-10-122. | PN-139; EM-420 | R9-10-123. | PN-139; EM-420 | R9-10-124. | PN-139; EM-420 |
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**Volume 22 Page Guide**

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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 12 OF VOLUME 22.

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Game and Fish Commission; pp. 62-63

Health Services, Department of; p. 353

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County Notices Pursuant to A.R.S. § 49-112
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# 2016 Rules 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.

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### Calendar/Deadlines

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**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>
<thead>
<tr>
<th>Deadline Date (paper only)</th>
<th>Register Publication Date</th>
<th>Oral Proceeding may be scheduled on or after</th>
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# 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

<table>
<thead>
<tr>
<th>Deadline to Be Placed on Council Agenda</th>
<th>Final Materials Due from Agencies</th>
<th>Date of Council Study Session</th>
<th>Date of Council Meeting</th>
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<tbody>
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<td>July 6, 2016 (Wednesday)</td>
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<td>December 28, 2016 (Wednesday)</td>
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*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.*