

Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

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

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

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ADMINISTRATIVE CODE
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 us at (602) 364-3223.

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

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Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

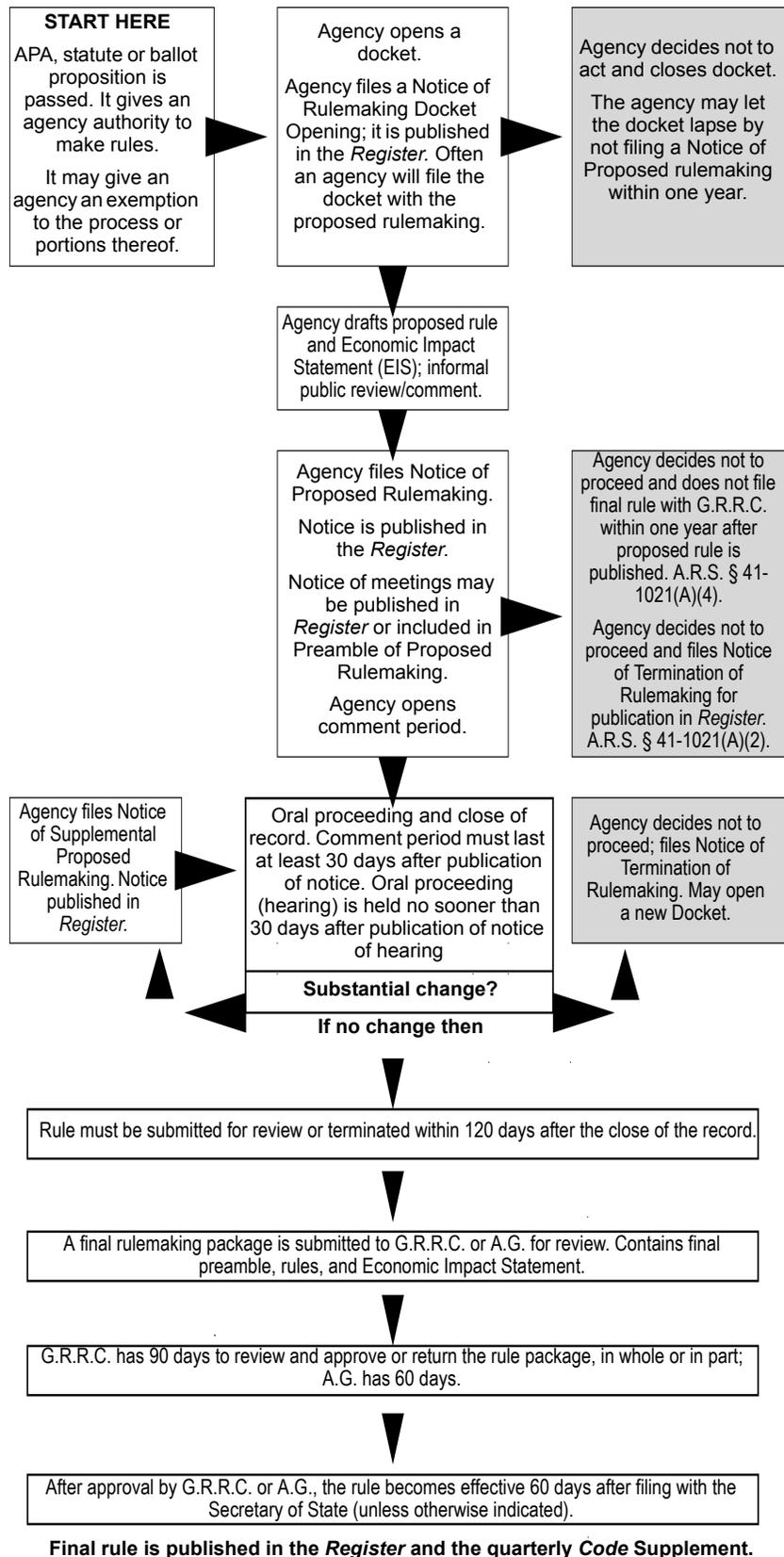
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency the promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 30. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) MEDICARE PART D PRESCRIPTION COVERAGE EXTRA HELP SUBSIDY PROGRAM

[R16-54]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R9-30-201 | Amend |
| R9-30-202 | Repeal |
| R9-30-203 | Amend |
| R9-30-204 | Repeal |
| R9-30-204 | New Section |
| R9-30-205 | Repeal |
| R9-30-206 | Repeal |
| R9-30-207 | Amend |
| R9-30-208 | Repeal |
| R9-30-209 | Amend |
| R9-30-210 | Repeal |
| R9-30-211 | Repeal |
| R9-30-212 | Amend |
| R9-30-213 | Amend |
| R9-30-214 | Amend |
| R9-30-215 | Amend |
| R9-30-216 | Amend |
| R9-30-218 | Amend |
| Article 4 | Repeal |
| R9-30-401 | Repeal |
| R9-30-402 | Repeal |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. §§ 36-2903(O) and 36-2903.01(F)
 Implementing statute: A.R.S. § 36-2907(A)(4)
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 22 A.A.R. 824, April 15, 2016 (*in this issue*).
- 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Mariaelena Ugarte
 Address: AHCCCS
 Office of Administrative Legal Services



701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034

Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

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

The proposed rulemaking will amend and clarify rules to ensure consistency with federal requirements. In part, the rules will be revised to specify that “in kind support” and “maintenance” are not counted as part of the income calculation for purposes of eligibility determination. The current rules will also be amended to state that the value of any life insurance policy is not counted as part of the resource calculation. These provisions are necessary to comply with federal eligibility requirements. Consolidation of rules containing the same subject matter for conciseness, better organization, and improved understanding will be proposed. Technical changes such as cross-reference updates and general clarifying changes will be made along with removal of antiquated language.

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

A study was not referenced or relied upon when revising these regulations.

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

Not applicable

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

The Administration anticipates no economic impact on the implementing agency, small businesses and consumers since this rulemaking is intended to provide conciseness and alignment with current federal regulations. The changes made are currently in practice.

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

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

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

Proposed rule language will be available on the AHCCCS website www.azahcccs.gov the week of April 4, 2016. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., May 23, 2016.

Date: May 23, 2016

Time: 1:30 p.m.

Location: AHCCCS
701 E. Jefferson
Phoenix, AZ 85034

Nature: Public Hearing

Date: May 23, 2016

Time: 1:30 p.m.

Location: ALTCS: Arizona Long-Term Care System
1010 N. Finance Center Dr., Suite 201
Tucson, AZ 85710

Nature: Public Hearing

Date: May 23, 2016

Time: 1:30 p.m.



Location: 2717 N. 4th St., Suite 130
 Flagstaff, AZ 86004
 Nature: Public Hearing

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

No other matters have been prescribed.

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

Not applicable

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

Not applicable

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

No analysis was submitted.

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

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 30. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
 MEDICARE PART D PRESCRIPTION COVERAGE EXTRA HELP SUBSIDY PROGRAM**

ARTICLE 2. ELIGIBILITY

Section

- R9-30-201. General requirements
- R9-30-202. Opportunity to Apply Repeal
- R9-30-203. How to File an Application
- R9-30-204. Assistance with an Application Repeal
- R9-30-204. Eligibility requirements
- R9-30-205. Social Security Number (SSN) Repeal
- R9-30-206. Residency Repeal
- R9-30-207. Income
- R9-30-208. Ineligible Person Repeal
- R9-30-209. Resources
- R9-30-210. Verification Repeal
- R9-30-211. Medicare Requirements Repeal
- R9-30-212. Eligibility Determination
- R9-30-213. Determination of Extra Help Amount
- R9-30-214. Notice of Eligibility Determination by AHCCCS
- R9-30-215. Effective Date of Eligibility
- R9-30-216. Discontinuance of Eligibility or Change in the Extra Help Amount
- R9-30-218. Reporting Changes

ARTICLE 4. GRIEVANCE SYSTEM REPEAL

Section

- R9-30-401. State Fair Hearing Request Repeal
- R9-30-402. State Fair Hearing for an Applicant or a Member Repeal

ARTICLE 2. ELIGIBILITY

R9-30-201. General requirements

- A.** In accordance with the requirements of Section 1860D-14(a)(3) of the Act (42 U.S.C. 1395w-114(a)(3)), the applicant may apply for Extra Help with the SSA Social Security Administration (SSA) or with AHCCCS. AHCCCS shall offer to help an applicant complete the SSA’s application for Extra Help. If the applicant declines to apply with SSA for the Extra Help program, AHCCCS shall determine eligibility for Extra Help under this Article.
- B.** Confidentiality. The Administration shall maintain the confidentiality of an Extra Help applicant’s or member’s records and limit the release of safeguarded information under R9-22-512.
- C. A person is automatically eligible for the Extra Help program when receiving:**
 - 1. Full Medicaid coverage.**



- 2. Supplemental Security Income (SSI).
- 3. Help from Medicaid paying the person’s Medicare premiums.

D. A person residing in a penal institution is not eligible under this Article.

E. A member or an applicant and the Administration shall comply with 9 A.A.C. 34, when a request for a State Fair Hearing is submitted.

R9-30-202. ~~Opportunity to Apply~~ Repeal

~~The Administration shall provide the opportunity to apply without delay.~~

R9-30-203. How to File an Application

A. To apply for the Extra Help with AHCCCS, a person shall submit a written application form prescribed by AHCCCS to any AHCCCS office or outstation location.

B. The application is considered filed and complete under ~~R9-22-1501(D)~~ R9-22-302.

C. An application shall be submitted by:

- 1. The applicant, or
- 2. The applicant’s personal representative. AHCCCS shall allow a personal representative of the applicant’s choice to accompany, assist, and represent the applicant in the application process.

D. The Administration shall provide the opportunity to apply without delay.

R9-30-204. ~~Assistance with an Application~~ Repeal

~~**A.** AHCCCS shall allow a personal representative of an applicant’s choice to accompany, assist, and represent the applicant in the application process.~~

~~**B.** Assistance by AHCCCS. If requested, AHCCCS shall help a person complete an application.~~

R9-30-204. Eligibility requirements

The AHCCCS Administration shall require the following for the determination of eligibility of the Extra Help program, an applicant shall:

- 1. Furnish a SSN or apply for a SSN;
- 2. Reside in Arizona;
- 3. Provide verification, or authorize the release of verification, for all information necessary to complete the determination of eligibility; or
- 4. Be a Medicare beneficiary as defined in 20 CFR 418.3010, March 1, 2016, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

R9-30-205. ~~Social Security Number (SSN)~~ Repeal

~~To be eligible for Extra Help, a person shall furnish a SSN or apply for a SSN.~~

R9-30-206. Residency Repeal

~~To be eligible for Extra Help, a person shall reside in Arizona.~~

R9-30-207. Income

A. AHCCCS shall calculate countable income under 20 CFR 418.3301 through 418.3350, as of ~~December 30, 2005~~ March 1, 2016, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments. AHCCCS shall not count “in-kind support” and “maintenance” as part of the income calculation, specified under 20 CFR 418.3335.

B. AHCCCS shall determine income eligibility under 42 CFR 423.773 as of ~~January 28, 2005~~ March 1, 2016, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

R9-30-208. ~~Ineligible Person~~ Repeal

~~A person residing in a penal institution is not eligible under this Article.~~

R9-30-209. Resources

A. AHCCCS shall calculate countable resources under 20 CFR 418.3401 through 418.3425, as of ~~December 30, 2005~~ March 1, 2016, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments. AHCCCS shall not count the value of any life insurance policy as part of the resource calculation, as described under 20 CFR 418.3425.

B. AHCCCS shall determine resource eligibility under 42 CFR 423.773, as of ~~January 28, 2005~~ March 1, 2016, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

R9-30-210. Verification Repeal

~~To be eligible for Extra Help, a person shall provide verification, or authorize the release of verification, for all information necessary to complete the determination of eligibility.~~

**R9-30-211. Medicare Requirements Repeal**

A person is not eligible for Extra Help unless the person is a Medicare beneficiary as defined in 20 CFR 418.3010, December 30, 2005, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

R9-30-212. Eligibility Determination

Determinations of eligibility for Extra Help under this Article are made by AHCCCS within 45 days of the date of the application being filed the timeframes specified under 42 CFR 435.911, as of March, 2016, which is incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments, if the individual applies with AHCCCS.

R9-30-213. Determination of Extra Help Amount

AHCCCS shall determine the amount of an applicant or member's Extra Help under 42 CFR 423.773, 42 CFR 423.780, and 42 CFR 423.782, as of January 28, 2005 March 1, 2016, which are incorporated by reference and on file with the Administration, and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments.

R9-30-214. Notice of Eligibility Determination by AHCCCS

- A. Notice. The administration shall send an applicant written notice of the eligibility decision. The notice shall include a statement of the action and an explanation of an applicant or member's hearing rights under 9 A.A.C. 34, Article 1.
- B. Approval. If AHCCCS determines that the applicant is eligible, the notice shall contain the effective date of eligibility and the amount of the Extra Help.
- C. Denial. If AHCCCS determines that the applicant is not eligible, the notice shall contain:
1. The effective date of the decision;
 2. A statement detailing the reason for the decision, including specific financial calculations and the financial eligibility standard, if applicable; and
 3. The legal authority supporting the decision.

R9-30-215. Effective Date of Eligibility

The effective date of eligibility is the first day of the first month that the applicant is eligible for Extra Help under this Article, but no earlier than the month in which the applicant applies or January 1, 2006, whichever is later.

R9-30-216. Discontinuance of Eligibility or Change in the Extra Help Amount

- A. Discontinuance. AHCCCS shall discontinue a person's eligibility if any of the conditions of eligibility under this Article are not met.
- B. Change in the amount of subsidy. AHCCCS will adjust the amount of the Extra Help, if a change in countable income or a change in countable resources causes the subsidy amount to change.
- C. Notice.
1. AHCCCS shall follow the discontinuance notice requirements under ~~R9-22-1501(K)~~ R9-22-306(A)(19).
 2. AHCCCS will issue a notice if there is a change in the amount of the Extra Help.

R9-30-218. Reporting Changes

A member shall report any changes to AHCCCS, under ~~R9-22-1501(H)~~ R9-22-306.

ARTICLE 4. GRIEVANCE SYSTEM REPEAL**R9-30-401. State Fair Hearing Request Repeal**

A request for State Fair Hearing under this Chapter shall comply with 9 A.A.C. 34, Article 1.

R9-30-402. State Fair Hearing for an Applicant or a Member Repeal

A State Fair Hearing for a member or an applicant under this Chapter shall comply with 9 A.A.C. 34, Article 1.



NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R16-57]

PREAMBLE

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

Rulemaking Action

R12-4-701	Amend
R12-4-702	Amend
R12-4-703	Repeal
R12-4-704	Repeal
R12-4-705	Repeal
R12-4-706	Repeal
R12-4-707	Repeal
R12-4-708	Repeal

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

Authorizing statute: A.R.S. § 17-231(A)(1)
Implementing statute: A.R.S. §§ 17-297, 17-298, 17-298.01, and 35-214

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

Notice of Rulemaking Docket Opening: 22 A.A.R. 825, April 15, 2016 (in this issue).

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

Name: Marty Herrera, Heritage Fund Administrator
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (623) 236-7527
Fax: (623) 236-7110
E-mail: MHerrera@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

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

An exemption from Executive Order 2016-03 was provided for this rulemaking by Hunter Moore, Natural Resource Policy Advisor in the Governor’s office, in an e-mail dated March 28, 2016.

Heritage Fund money comes from Arizona Lottery ticket sales and was established by voter initiative in 1990. The people of Arizona believe it is in the best interest of the general economy and welfare of Arizona and its citizens to set aside adequate state funds on an annual basis to preserve, protect and enhance Arizona's natural and cultural heritage, wildlife, biological diversity, scenic wonder and environment and provide new opportunities for outdoor recreation in Arizona. The Heritage Grant Program was established by the Arizona Game and Fish Department in 1992 as part of the overall Heritage Fund program and was initially developed as a way to promote outreach, enhance important partnerships, and generate fresh approaches in support of the Department’s mission. Heritage funding goes toward conservation efforts such as protecting endangered species, educating students and the general public about wildlife and the outdoors, and creating new opportunities for outdoor recreation. From 1992 through the 2015 Heritage Grant Cycle, the Department has awarded 789 Heritage Grants. Awarded grant funds total \$15,376,996 and when combined with grantee match commitments, the total benefit to the public is \$22,775,782. In 2015 alone, a total of 25 grant projects were funded for a total of \$408,092. When combined with grantee match commitments, the total benefit to the public is \$1,040,546. Because the Department receives no state tax dollars to cover its operating budget, the Heritage Fund is critical to recovering or sustaining Arizona’s unique native wildlife and to managing more than 800 native species.

The Arizona Game and Fish Commission proposes to amend its Article 7 rules, governing heritage grants, to enact amendments developed during the preceding Five-year Review.

For R12-4-701. Heritage Grant Definitions, the objective of the rule is to establish definitions that assist the regu-



lated community and members of the public in understanding the unique terms that are used throughout 12 A.A.C. Chapter 4, Article 7. The rule was adopted to facilitate consistent interpretation and to prevent the regulated community from misinterpreting the intent of Commission rules. The Commission proposes to amend the rule to add non-governmental organizations (NGOs) to the definition of “eligible applicant” to expand opportunities for Heritage Grant funds to additional applicants. The Commission proposes to amend the rule to remove the stipulation that an eligible applicant cannot have a Heritage grant in extension as this language is more regulatory than descriptive, does not belong in the definition of “eligible applicant” and is addressed under R12-4-702. The Commission proposes to amend the rule to remove the stipulation that an eligible applicant who is a nonprofit organization must be sponsored by a public agency to reduce the costs and burdens on nonprofits and state agency sponsors. The Commission believes this amendment will make the application and grant process more efficient by removing administrative levels. The Commission also proposes to amend the rule to include “administrative sub-unit” in the definition of “public agency” to increase consistency between Article 7 rules. In addition, the Commission proposes to amend the rule to repeal the definition of “sensitive elements” as the rule that referenced the term is recommended for repeal and the term will no longer be referenced in the amended rules.

For R12-4-702. General Provisions, the objective of the rule is to establish the general provisions that apply to all grant fund applicants. The rule was adopted to provide grant applicants with the information necessary to successfully apply for a grant and ensure efficient administration of the application and monitoring processes. The Commission proposes to amend the rule to clarify potential grant recipients must have a project that is either located in Arizona or benefits Arizona wildlife or its habitat to ensure the citizens of Arizona benefit from the use of Heritage Grant funds. The Commission proposes to amend the rule to allow a participant to deposit Heritage Grant funds in an interest bearing account, provided the earned interest is either used to further the project or returned to the Department upon completion of the project, to reduce the burden on the regulated community. The Commission proposes to amend the rule to prohibit a participant from comingling grant funds with any other funds to protect Heritage Grant funds money from potential misuse. The Commission also proposes to streamline and restructure the rule to incorporate the requirements established under R12-4-704, R12-4-705, R12-4-706, R12-4-707, and R12-4-708 to provide those requirements in chronological order for ease of understanding and to make the rule more concise. As a result of this amendment, R12-4-704, R12-4-705, R12-4-706, R12-4-707, and R12-4-708 will be repealed. In addition, the Commission proposes to amend the rule to allow the Department to extend the project period to complete the final closure documents to reduce the costs and burdens to persons regulated by the rule and the Department.

For R12-4-703. Heritage Grant Program Funds, the objective of the rule is to establish the specific requirements that a project proposal must meet in order to be considered for the various Heritage Grant Program funds. The rule was adopted to provide grant applicants with specific guidance for goals and objectives listed within each grant sub-category. The Commission proposes to repeal the rule to provide the Department with greater flexibility in granting heritage funds in compliance with the manner prescribed under A.R.S. § 17-298.

For R12-4-704. Grant Application, the rule establishes the application process, criteria, and information that an applicant is required to include with a completed application. The rule was adopted to provide applicants with guidance on applying for Heritage grants. The Commission proposes to repeal this rule and incorporate its requirements into R12-4-702 to provide Heritage Grant requirements in chronological order for ease of understanding. As a result of the five-year review, the Commission does not intend to incorporate the requirement that a nonprofit provide proof of their tax exempt status. The Department determined this requirement is unnecessary because an applicant is not required to have tax exempt status in order to qualify for a Heritage grant.

For R12-4-705. Review of Proposals, the objective of the rule is to establish the Department’s guidelines for the review of proposals. The rule was adopted to notify the regulated community that grant awards are made available through a competitive application process due to Heritage fund availability. Applications are not evaluated, compared, or scored against each other, but are reviewed and judged on the basis of their compatibility with the goals, needs, and priorities of the Arizona Game and Fish Department, project feasibility, merit, and usefulness of results consistent with the conservation and management of wildlife and their habitats. The Commission proposes to repeal this rule and incorporate its requirements into R12-4-702 to provide Heritage Grant requirements in chronological order for ease of understanding.

For R12-4-706. State Historic Preservation Office Review, the objective of the rule is to notify applicants that Heritage Grant funds shall not be released until after the Department has consulted with the State Historic Preservation Office and it is determined the project proposal will not have a negative impact on the State’s prehistorical, historical, architectural or culturally significant values. The rule was adopted to ensure compliance with established State Historic Preservation Act statutes, (*A.R.S.* §§ 41-861 through 865) and the Arizona Antiquities Act (*A.R.S.* §§ 41-841 through 844). These statutes require that specific steps be taken to protect and preserve such properties and or discoveries and are a condition and precedent to the award of any grant funds. The Commission proposes to repeal this rule and incorporate its requirements into R12-4-702 to provide Heritage Grant requirements in chronological order for ease of understanding.

For R12-4-707. Grant Agreement, the objective of the rule is to establish the minimum terms and conditions



that a grant participant must comply with. The rule was adopted to provide applicants notice of the basic terms and conditions that must be met when awarded a Heritage grant. This allows the person to decide whether they can comply with the minimum requirements before applying for a Heritage grant. The term “default” is somewhat ambiguous; the Department proposes to amend the rule to replace the term “default” with “not in compliance.” In addition, the rule states the Department has the “sole discretion” to amend a Grant Agreement, which implies the participant is not allowed to provide any input in amending an agreement. This is not an accurate portrayal of the process as the participant may also make recommendations when amending an agreement and both parties are required to sign the amendment. The Department proposes to amend the rule to clarify the grant amendment process requires consensus between both parties. The Commission proposes to repeal this rule and incorporate its requirements into R12-4-702 to provide Heritage Grant requirements in chronological order for ease of understanding.

For R12-4-708. Reporting and Recordkeeping Requirements, the objective of the rule is to establish the reporting and record keeping requirements that a participant must comply with. The rule was adopted to provide applicants notice of the basic recordkeeping and reporting requirements that must be met to ensure compliance with the agreement. The Commission proposes to repeal this rule and incorporate its requirements into R12-4-702 to provide Heritage Grant requirements in chronological order for ease of understanding.

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

The agency did not rely on any study in its evaluation of or justification for the rules.

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

Not applicable

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

The Commission’s intent in proposing the amendments indicated in this rulemaking is to benefit the regulated community, members of the public, and the Department by streamlining and restructuring the rule. The rulemaking will benefit the Department and those governmental entities applying for Heritage Grants by improving the accuracy, clarity, and understandability of the rules. The Commission proposes additional amendments designed to reduce the burden to persons regulated by the rule where practical. The Commission anticipates the rulemaking will result in an overall benefit to the regulated community, members of the public, and the Department. The Commission anticipates the rulemaking will have little or no impact on political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions, or state revenues. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Therefore, the Commission has determined the benefits of the rulemaking outweigh any costs.

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

Name: Marty Herrera, Heritage Fund Administrator
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (623) 236-7527
Fax: (623) 236-7110
E-mail: MHerrera@azgfd.gov

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

Date: June 10, 2016
Time: 8:00 a.m. to 5:00 p.m.
Location: Highway 87, Mile Marker 251
Payson, AZ 85541
Close of record: June 10, 2016

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

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

The rules do not require a general permit.

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



Federal law is not directly applicable to the subject of the rule. The rule is based on state 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:

The Department did not receive any analyses.

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

Not applicable

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 7. HERITAGE GRANTS

Section

R12-4-701.	Heritage Grant Definitions
R12-4-702.	General Provisions: <u>Heritage Grant Fund Requirements</u>
R12-4-703.	<u>Heritage Grant Program Funds Repeal</u>
R12-4-704.	<u>Grant Application Repeal</u>
R12-4-705.	<u>Review of Proposals Repeal</u>
R12-4-706.	<u>State Historic Preservation Office Review Repeal</u>
R12-4-707.	<u>Grant Agreement Repeal</u>
R12-4-708.	<u>Reporting and Recordkeeping Requirements Repeal</u>

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 7. HERITAGE GRANTS

R12-4-701. Heritage Grant Definitions

In addition to the definitions provided under A.R.S. §§ 17-101 and 17-296, the following definitions apply to this Article:

“Administrative subunit” means a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant. For example, an individual:

- a. School, but not an entire school district;
- b. Field office or project office, but not an entire agency; or
- e. Administrative department, but not an entire city government.

“Eligible applicant” means any public agency, non-governmental organization, or non-profit nonprofit organization sponsored by a public agency that meets the applicable requirements of this Article ~~and does not have a Heritage Fund Grant in extension as authorized under R12-4-707(B).~~

“Facilities” means any structure or site improvements.

“Fund” means the Arizona Game and Fish Commission Heritage Fund, established under A.R.S. § 17-297.

“Grant agreement” means a document that details the terms and conditions of a grant project.

“Grant effective date” means the date the Department Director signs the Grant Agreement.

“In-kind” means contributions other than cash, which include individual and material resources that the applicant makes available to the project, e.g. a ~~permanent~~ public employee's salary, volunteer time, materials, supplies, space, or other donated goods and services.

“Participant” means an eligible applicant who has been awarded a grant from the Heritage Fund.

“Project” means an activity, or series of related activities, or services described in the specific project scope of work and results in specific end products.

“Project period” means the time during which a participant shall complete all approved work and related expenditures associated with an approved project.

“Public agency” means the federal government or any federal department or agency, an Indian tribe, this state, all state departments, agencies, boards, and commissions, counties, school districts, public charter schools, cities, towns, all municipal corporations, administrative subunits, and any other political subdivision.



“Publicly held lands” means federal, public, and reserved land, State Trust Land, and other lands within Arizona that are owned, controlled, or managed by the federal government, a state agency, or political subdivision.

“Sensitive elements” means the specific areas within the geographical area, historically or currently occupied by a species or community of species, which comprise those physical or biological features essential to the establishment or continued existence of the species. These sensitive elements may require special management, conservation or protection considerations.

“Term of public use” means the time period during which the project or facility is expected to be maintained for public use.

R12-4-702. General Provisions; Heritage Grant Fund Requirements

- ~~A.~~ The Department, in its sole discretion, may make Heritage Fund Grants available for projects that:
 - 1. Are located in Arizona or benefit Arizona wildlife or its habitat; and
 - 2. Meet the criteria established in the Heritage Grant application materials.
- ~~B.~~ An applicant shall submit to the Department a Heritage Fund Grant application according to a schedule of due dates determined by the Director. In compliance with A.R.S. § 41-2702, the Department shall may:
 - 1. Provide public notice of the time, location, and due date for application submission; and
 - 2. Furnish materials necessary to complete the application.
- ~~B.~~ An eligible applicant, seeking Heritage Grant funding shall submit a Heritage Grant Application as established under this Article and in compliance with the Heritage Grant application materials.
- ~~C.~~ An applicant seeking Heritage Grant funding shall submit to the Department a Heritage Fund Grant application according to a schedule of due dates determined by the Director. An applicant shall provide the following information on the Heritage Grant application form:
 - 1. The name of the applicant;
 - 2. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
 - 3. The name, title, mailing address, e-mail address, and telephone number of the individual responsible for the day-to-day management of the proposed project;
 - 4. Identification of the application criterion established in the Heritage Grant application materials;
 - 5. A descriptive project title;
 - 6. The name of the site, primary location, and any other locations of the project;
 - 7. Description of the:
 - a. Scope of work and the objective of the proposed project,
 - b. Methods for achieving the objective, and
 - c. Desired result of the project;
 - 8. The beginning and ending dates for the project;
 - 9. The resources needed to accomplish the project, including grant monies requested, and, if applicable, evidence of secured matching funds or contributions; and
 - 10. Any additional supporting information required by the Department.
 - 11. Signature and date. The person signing the grant application form shall have the authority to enter into agreements, accept funding, and fulfill the terms of the Grant Agreement on behalf of the applicant.
- ~~D.~~ A person applying for multiple projects shall submit a separate application for each project.
- ~~C.E.~~ An applicant shall demonstrate ownership or control of the project. Ownership or control may be demonstrated through fee title, lease, easement, or agreement. For all other project types related to sites not controlled by an applicant, an applicant shall provide written permission from the property owner authorizing the project activities and access. The applicant’s proof of ownership or control or written permission shall demonstrate:
 - 1. Permission for access is not revocable at will by the property owner, and
 - 2. Public access will be granted to the project site for the life of the project, unless the purpose of the project proposal is to limit access.
- ~~F.~~ Heritage Grant proposals are competitive and the Department shall make awards based on a proposed project’s compatibility with the priorities of the Department, as approved by the Commission.
- ~~G.~~ The Department may require an applicant to modify the application prior to awarding a Heritage Grant, if the Department determines that the modification is necessary for the successful completion of the project.
- ~~H.~~ When applicable, the Department shall not release Heritage Grant funds until after the Department has consulted with the State Historic Preservation Office regarding the proposed project’s potential impact on historic and archaeological properties and resources.
- ~~D.I.~~ The Department shall notify an applicant in writing of the results of the applicant’s submission and announce Heritage Grant awards at a regularly scheduled open meeting of the Commission.
- ~~E.~~ A participant shall not begin a project described in an application until after the grant effective date.
- ~~J.~~ A participant shall:
 - 1. Sign the Grant Agreement before the Department transfers any grant funds.
 - 2. Deposit transferred Heritage Grant funds in a dedicated account carrying the name and number of the project. In the event the funds are deposited in an interest-bearing account, any interest earned shall be:
 - a. Used for the purpose of furthering the project, with prior approval from the Department; or



- b. Remitted to the Department upon completion of the project.
- ~~F.3.~~ A participant shall complete the project as specified under the terms and conditions of the Grant Agreement.
4. Use awarded Heritage Grant funds solely for the project described in the application and as approved by the Department.
5. Bear full responsibility for performance of its subcontractors to ensure compliance with the Grant Agreement.
6. Pay all costs associated with the operation and maintenance of properties, facilities, equipment, services, publications, and other media funded by a Heritage Grant for the term of public use as specified in the Grant Agreement.
7. Submit records that substantiate the expenditure of Heritage Grant funds. In addition, each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, reports, files, and any other records relating to the acquisition and performance of the contract for a period of five years from the end date of the project period. The Department may inspect and audit participant and subcontractor records as prescribed under A.R.S. § 35-214. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records.
8. Allow Department employees or agents to conduct inspections and reviews:
- a. To ensure compliance with all terms and conditions established under the Grant Agreement.
- b. Before release of the final payment.
9. Give public acknowledgment of Heritage Fund grant assistance for the term of public use of a project. If a project involves acquisition of property, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources. The participant may include the cost of this signage as part of the original project. The participant is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include Heritage Fund grant funding acknowledgment on any publicly available or accessible products resulting from the project.
- ~~G.~~ A participant shall deposit transferred Heritage Grant Funds in a dedicated non-interest bearing account carrying the name and number of the project.
- ~~H.~~ A participant shall use awarded Heritage Grant Funds solely for eligible purposes of the funding program as defined by law and as approved by the Department.
- ~~K.~~ A participant shall not:
1. Begin a project described in the application until after the grant effective date.
- ~~I.2.~~ A participant shall not use Use Heritage Grant Funds funds for the purpose of producing income unless authorized by the Department. A participant shall use all income generated to further the purpose of the approved project or surrender the income to the original funding source.
3. Comingle Heritage Grant funds with any other funds.
4. Use Heritage Grant funds to pay the salary of any public agency employee. A participant may use a public agency's employee's time as in-kind match for the project specified in the Grant Agreement.
- ~~L.~~ The parties may amend the terms of the Grant Agreement by mutual written consent. The Department shall prepare any approved amendment in writing, and both the Department and the Grantee shall sign the amendment.
- ~~M.~~ The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the Grant Agreement shall submit a written request that includes justification to amend the Grant Agreement. The Department shall prepare any approved amendment in writing and both the Department and the participant shall sign the amendment.
- ~~N.~~ A participant shall submit project status reports, as required in the Grant Agreement. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports. The project status report shall include the following information, as applicable:
1. Progress in completing approved work;
2. Itemized, cumulative project expenditures;
3. A financial accounting of:
- a. Heritage Grant Funds,
- b. Matching funds,
- c. Donations, and
- d. Income derived from project funds;
4. Any delays or problems that may prevent the on-time completion of the project; and
5. Any other information required by the Department.
- ~~O.~~ At the end of the project period and for each year until the end of the term of public use, a participant shall:
1. Certify compliance with the Grant Agreement, and
2. Complete a post-completion report form furnished by the Department.
- ~~J.P.~~ If Upon completion of approved project elements, if a balance of awarded Heritage Grant funds remain remains upon completion of approved project elements, the participant may, with Department approval, use those:
1. Use the unexpended funds for an additional project consistent with the original scope of work, when approved by the Department; or surrender those
2. Surrender the unexpended funds to the Department.
- ~~O.~~ Upon completion of the project a participant shall:
1. Surrender equipment with an acquisition cost of more than \$500 to the Department upon completion, or



- 2. Use equipment purchased with Heritage Grant funds in a manner consistent with the purposes of the Grant Agreement.
- ~~K.~~ A participant shall use equipment purchased with Heritage Grant funds in a manner consistent with the purposes of the Grant Agreement, and surrender the equipment to the Department upon completion of the project, if the equipment has an acquisition cost of more than \$500.
- ~~L.~~ A participant shall not use Heritage Grant funds to pay the salary of any permanent employee. A participant may use a permanent employee's time as in-kind match for the project specified in the Grant Agreement.
- ~~M.~~ A participant shall allow Department employees or agents to conduct inspections and reviews:
 - 1. To ensure compliance with all terms and conditions established under the Grant Agreement.
 - 2. Before release of the final payment.
- ~~N.~~ A participant shall submit records that substantiate the expenditure of Heritage Grant funds.
- ~~O.~~ A participant shall bear full responsibility for performance by subcontractors to ensure compliance with the Grant Agreement.
- ~~P.~~ A participant shall pay all costs associated with the operation and maintenance of properties, facilities, equipment, services, publications, and other media funded by a Heritage Grant for the term of public use as specified in the Grant Agreement.
- ~~Q.~~ A participant shall give public acknowledgment of Heritage Fund grant assistance for the term of public use of a project. If a project involves acquisition of property, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources. The participant may include the cost of this signage as part of the original project. The participant is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include Heritage Fund grant funding acknowledgment on any publicly available or accessible products resulting from the project.
- ~~R.~~ A participant may request an extension beyond the approved project period by writing to the Department.
 - 1. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period.
 - 2. If approved, an extension shall be signed by both the participant and the Department.
- ~~S.~~ A participant that has a Heritage Grant funded project in extension shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit's project under extension is completed.
- ~~T.~~ In addition, the Department may administratively extend the project period for good cause such as, but not limited to, inclement weather, internal personnel changes, or to complete the final closure documents.
- ~~R.U.~~ An administrative subunit A participant that failed to comply with the terms and conditions of a Grant Agreement shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit's participant's project is brought into compliance.
- ~~S.~~ An administrative subunit that has a Heritage Grant funded project in extension shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit's project under extension is completed.
- ~~V.~~ If a participant is not in compliance with the Grant Agreement, the Department may:
 - 1. Terminate the Grant Agreement.
 - 2. Seek recovery of grant monies awarded, and
 - 3. Classify the participant as ineligible for Heritage Fund Grants for a period of up to five years.

R12-4-703. ~~Heritage Grant Program Funds Repeal~~

- ~~A.~~ Environmental Education Grant: An eligible applicant shall ensure a proposed project is designed to:
 - 1. Develop awareness, appreciation, and understanding of Arizona's wildlife and its environment and increase responsible actions toward wildlife;
 - 2. Use Arizona wildlife as its focus and present wildlife issues in a balanced and fair manner; and
 - 3. Benefit Arizona public schools, public charter schools, and students.
- ~~B.~~ HAPM Grant: Identification, Inventory, Acquisition, Protection, and Management of Sensitive Elements: An eligible applicant shall ensure a proposed project is designed to:
 - 1. Preserve and enhance Arizona's natural biological diversity; and
 - 2. Incorporate identification, inventory, acquisition, protection, or management of sensitive elements.
- ~~C.~~ Outdoor Education Grant: An eligible applicant shall ensure a proposed project is designed to:
 - 1. Provide a meaningful outdoor educational experience;
 - 2. Develop awareness, appreciation, and stewardship of Arizona's wildlife and wildlife habitats; and
 - 3. Benefit Arizona public schools, public charter schools, and students.
- ~~D.~~ Public Access Grant: An eligible applicant shall ensure a proposed project:
 - 1. Is designed to increase or maintain public access for recreational use related to wildlife;
 - 2. Is in cooperation with federal land managers, local and state governments, private landowners, or public users, as applicable; and
 - 3. Is designed to inform and educate the public about recreational use of publicly held lands and public access to those lands.
- ~~E.~~ Schoolyard Habitat Grant: An eligible applicant shall ensure a proposed project is designed to:
 - 1. Develop awareness, appreciation, and understanding of Arizona's wildlife and its environment;
 - 2. Encourage wildlife educational activities on Arizona school sites or adjacent areas;
 - 3. Encourage native wildlife species, utilize native plant materials, and demonstrate water conservation techniques;



4. Allow Arizona students to actively participate in the planning, development, and construction process;
 5. Be integrated into the school curriculum; and
 6. Benefit Arizona public schools, public charter schools, and students.
- F.** Urban Wildlife and Urban Wildlife Habitat Grant. An eligible applicant shall ensure a proposed project:
1. Is designed to conserve, enhance, and establish wildlife habitats and populations consistent with urban environments, and increase public awareness and support for urban wildlife resources; and
 2. Meets one of the following criteria:
 - a. Is within the incorporated limits of a city or town;
 - b. Is within five miles, in straight distance, of the boundary of an incorporated area; or
 - c. Is an area that receives significant impact from residential development, as determined by the Department.

R12-4-704. Grant Application Repeal

- A.** To be considered for a Heritage Grant, an eligible applicant shall submit a grant application as established under this Article and in compliance with the Heritage Grant Application materials.
- B.** An applicant who is applying for multiple projects, shall submit a separate application for each project.
- C.** An applicant shall provide the following information on the Heritage Grant application form:
1. The name of the applicant;
 2. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
 3. The name, title, mailing address, e-mail address, and telephone number of the individual responsible for the day-to-day management of the proposed project;
 4. Identification of the specific Heritage Grant program fund;
 5. A descriptive project title;
 6. The name of the site, primary location, and any other locations of the project;
 7. Description of the:
 - a. Scope of work and the objective of the proposed project;
 - b. Methods for achieving the objective; and
 - c. Desired result of the project;
 8. The beginning and ending dates for the project;
 9. The resources needed to accomplish the project, including grant monies requested, and, if applicable, evidence of secured matching funds or contributions;
 10. If the eligible applicant is a non-profit organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, documentation or other evidence of the exemption; and
 11. Any additional supporting information required by the Department.
- D.** The person signing the grant application form shall have the authority to enter into agreements, accept funding, and fulfill the terms of the Grant Agreement on behalf of the applicant.

R12-4-705. Review of Proposals Repeal

- A.** Heritage Grant proposals are competitive and the Department shall make awards based on a proposed project's compatibility with the priorities of the Department, as approved by the Commission.
- B.** The Department may require an applicant to modify the application prior to awarding a Heritage Grant, if the Department determines that the modification is necessary for the successful completion of the project.

R12-4-706. State Historic Preservation Office Review Repeal

When applicable, the Department shall not release Heritage Grant Funds until after the Department has consulted with the State Historic Preservation Office regarding the proposed project's potential impact on historic and archaeological properties and resources.

R12-4-707. Grant Agreement Repeal

- A.** Before the Department transfers any grant funds, the applicant shall sign the Grant Agreement.
- B.** A participant may request an extension beyond the approved project period by writing to the Department. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period. If approved, an extension shall be signed by both the participant and the Department.
- C.** Notwithstanding subsection (B), the Department may extend the project period for good cause such as, but not limited to, inclement weather or internal personnel changes.
- D.** The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the Grant Agreement shall submit a written request that includes justification to amend the Grant Agreement. The Department shall prepare any approved amendment in writing and both the Department and the participant shall sign the amendment.
- E.** If a participant is in default of the Grant Agreement, the Department may:
1. Terminate the Grant Agreement;
 2. Seek recovery of grant monies awarded; and
 3. Classify the participant as ineligible for Heritage Fund Grants for a period of up to five years.
- F.** The Department, at its sole discretion, has the authority to include additional conditions in the Grant Agreement prior to signing the Agreement and through Amendment.



R12-4-708. Reporting and Recordkeeping Requirements Repeal

- ~~**A.** A participant shall submit project status reports to the Department as specified in the Grant Agreement. The project status report shall include the following information, as applicable:
 - 1. Progress in completing approved work;
 - 2. Itemized, cumulative project expenditures;
 - 3. A financial accounting of:
 - a. Heritage Grant Funds;
 - b. Matching funds;
 - c. Donations; and
 - d. Income derived from project funds;
 - 4. Any delays or problems that may prevent the on-time completion of the project; and
 - 5. Any other information required by the Department.~~
- ~~**B.** At the end of the project period and for each year until the end of the term of public use, a participant shall:
 - 1. Certify compliance with the Grant Agreement; and
 - 2. Complete a post-completion report form furnished by the Department.~~
- ~~**C.** A participant shall submit project status reports, as required in the grant materials. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports.~~
- ~~**D.** Each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, reports, files, and any other records relating to the acquisition and performance of the contract for a period of five years from the end date of the project period. The Department may inspect and audit participant and subcontractor records as prescribed under A.R.S. § 35-214. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records.~~



NOTICES OF FINAL EXEMPT RULEMAKING

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

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

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

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

[R16-52]

PREAMBLE

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

The U.S. Department of Homeland Security (DHS) has granted Arizona an extension until October 10, 2016, allowing Arizona licensees to use their current Arizona driver licenses or nonoperating identification licenses at air-



port security and restricted federal facilities. DHS has also indicated that once Arizona is deemed fully compliant with the REAL ID Act of 2005, current Arizona credentials will continue to be accepted at airport security and restricted federal facilities until October 1, 2020.

Pursuant to Laws 2015, Ch. 294, § 5, the Department engages in this exempt rulemaking to set the requirements and fee for applying for a federally recognized travel-compliant credential. In addition, a change was made to R17-4-409 to indicate that the Section does not apply to individuals applying for the federally recognized travel-compliant nonoperating identification license. A change was also made to replace the term “Division” to “Department” to reflect organizational changes made by the Department.

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

The Department did not review or rely on any study relevant to the rules.

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

Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:

Laws 2015, Ch. 294, § 5, authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6, thus this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required.

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking and the final rulemaking package (if applicable):

There are no substantial changes in the final rules from the proposed rules. Changes were made to add clarity.

In R17-4-407, added definitions for “travel-compliant driver license” and “travel-compliant nonoperating identification license” to provide clarity since the term “travel-compliant” is not used in the relevant statute.

In R17-4-407(F)(1) and R17-4-407(G), revised the wording regarding lawful presence at the end of the sentences to make the sentence more clear and less awkward.

11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

The Department received no public or stakeholder comments regarding this rulemaking.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

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

The rule contains provisions for the issuance of a federally recognized travel compliant credential to individuals. These credentials do fall under the definition of general permits since the activities and practices allowed are substantially similar in nature for all credential holders.

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, R17-4-407, is not more stringent than any applicable federal law and requires applicants to meet and comply with the requirements of 6 CFR 37. There are no applicable federal laws that pertain to R17-4-409.

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

No analysis was submitted to the Department.

13. A list of any incorporated by reference material and its location in the rule:

This rulemaking incorporates no materials by reference.

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

Not applicable

15. The full text of the rules follows:



TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

ARTICLE 4. DRIVER LICENSES

Section

- R17-4-407. ~~Repealed~~ Application for Travel-Compliant Driver License or Nonoperating Identification License; Fee
- R17-4-409. ~~Application for Nonoperating Identification License; Fees~~ Fee

ARTICLE 4. DRIVER LICENSES

R17-4-407. ~~Repealed~~ Application for Travel-Compliant Driver License or Nonoperating Identification License; Fee

- A.** For the purposes of this Section:
 1. “Travel-compliant driver license” means a federally compliant driver license issued pursuant to A.R.S. § 28-3175.
 2. “Travel-compliant nonoperating identification license” means a federally compliant nonoperating identification license issued pursuant to A.R.S. § 28-3175.
- B.** An applicant shall apply to the Department, on a form provided by the Department, for a travel-compliant driver license or a travel-compliant nonoperating identification license.
- C.** An applicant must meet and comply with all lawful requirements for an Arizona driver license or nonoperating identification license.
- D.** An applicant shall meet and comply with all application and documentation requirements in the most current edition of 6 CFR 37, including satisfactory proof of identity, date of birth, social security number, principle residency, and evidence of lawful status in the United States. Documents and information must be verified by the Department. An applicant may obtain a listing of acceptable documentation from the Department’s website at www.azdot.gov.
- E.** An applicant shall pay a \$25 fee for any class of a travel-compliant driver license or travel-compliant nonoperating identification license.
- F.** A travel-compliant driver license is valid for a period of eight years after issuance and is renewable for successive periods of eight years up to but not exceed the year of the licensee’s 65th birthday, except for when:
 1. The applicant is authorized for a shorter period of time as provided under A.R.S. § 13-3821, 28-3171(B), or 28-3223, or federal law authorizes the applicant’s presence for a shorter period of time.
 2. The applicant is 60 years of age or older and the travel-compliant driver license is valid for a period of five years after issuance and renewable for successive periods of five years.
- G.** A travel-compliant nonoperating identification license is valid for a period of eight years after issuance and is renewable for successive periods of eight years, except for when the applicant is authorized for a shorter period of time as provided under A.R.S. § 13-3821, 28-3171(B), or 28-3223, or federal law authorizes the applicant’s presence for a shorter period of time.

R17-4-409. Application for Nonoperating Identification License; Fees ~~Fee~~

- A.** This Section does not apply to applicants for a travel-compliant nonoperating identification license. Except as provided under R17-4-407, this Section applies to applicants for a nonoperating identification license.
- ~~**A.B.**~~ An applicant shall apply to the ~~Division~~ Department, on a form provided by the ~~Division~~ Department, for a nonoperating identification license, and shall comply with the requirements under A.R.S. § 28-3165.
- B.** Satisfactory proof of an applicant’s name and date of birth may be established by any of the following:
 1. ~~Birth certificate,~~
 2. ~~Citizenship papers,~~
 3. ~~Passport,~~
 4. ~~School identification,~~
 5. ~~Military discharge papers, or~~
 6. ~~Military I.D. card.~~
- C.** An applicant may obtain a listing of satisfactory proof of an applicant’s name and date of birth from the Department’s website at www.azdot.gov.
- ~~**C.D.**~~ Except as provided under A.R.S. § 28-3165, an applicant shall pay a \$12 fee for a nonoperating identification license.

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

STATE RETIREMENT SYSTEM

[R16-61]

- 1. Title and its heading:** 2, Administration

Chapter and its heading: 8, State Retirement System Board

Article and its heading: 2, Health Insurance Premium Benefit

Section number: R2-8-201, R2-8-202, R2-8-203, R2-8-204, R2-8-205, and R2-8-206
(Sections may be added, deleted, or further modified as necessary.)
- 2. The subject matter of the proposed rule:**

The ASRS needs to adopt approximately six rules to clarify various aspects of the health insurance premium benefit, including the following:

 - Definitions relating to the health insurance premium benefit;
 - Eligibility for the health insurance premium benefit;
 - Calculation and supporting documentation for the health insurance premium benefit;
 - Payment of the health insurance premium benefit;
 - The 6-Month Reimbursement Program for the health insurance premium benefit; and
 - The optional health insurance premium benefit

In addition to other processes, the ASRS needs to clarify in rule who is eligible for the health insurance premium benefit and how the benefit is calculated in specific situations. This rulemaking will clarify how the ASRS remits the health insurance premium benefit, including the Six-Month reimbursement program. Also, this rulemaking will explain the optional health insurance premium benefit, including how a retiree may elect the optional health insurance premium benefit and name a beneficiary for that election. These new rules will ensure that members and their survivors are aware of how their costs for health insurance may be affected upon retirement based on the health insurance premium benefit and optional health insurance premium benefit; the rules will reflect the types and amounts of health insurance premium benefits that the ASRS will pay on behalf of a retired member who meets certain criteria.
- 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 rulemaking:**

Name: Jessica A. Ross, Rule Writer
Address: Arizona State Retirement System
3300 N. Central Ave., Suite 1400
Phoenix, AZ 85012-0250
Telephone: (602) 240-2039
E-Mail: JessicaR@azasrs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined.



NOTICE OF RULEMAKING DOCKET OPENING

STATE RETIREMENT SYSTEM

[R16-62]

- 1. **Title and its heading:** 2, Administration
Chapter and its heading: 8, State Retirement System Board
Article and its heading: 3, Long-Term Disability
Section number: R2-8-301, R2-8-302, R2-8-303, R2-8-304, and R2-8-305
(Sections may be added, deleted, or further modified as necessary.)

- 2. **The subject matter of the proposed rule:**
 The ASRS needs to adopt approximately five rules to clarify various aspects of the Long-Term Disability (LTD) program, including the following:
 - Definitions relating to the LTD program;
 - The LTD benefit calculation and applicable reductions;
 - The appeal of a social security disability application that has been denied or terminated;
 - Calculating and collecting the estimated Social Security disability repayment; and
 - Revising and refunding the estimated Social Security disability repayment

In addition to other processes, the ASRS needs to clarify in rule how the ASRS will provide for LTD benefit adjustments in specific situations, such as when survivor benefits are involved. This rulemaking will clarify how the ASRS calculates LTD benefits, including statutory reductions, and Social Security disability repayments to the ASRS. Also, it will explain how a member or survivor may request a revised Social Security disability amount if the member or survivor believes an error has occurred. These new rules will ensure that members and their survivors are aware of how their benefits may be affected, including how the ASRS may reduce or retain their retirement or survivor benefit disbursements based on the estimated Social Security disability amount that the ASRS paid to the member as an LTD benefit; the rules will reflect that a member or survivor cannot avoid ASRS collection of the estimated Social Security disability repayment amount.

- 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 rulemaking:**
 Name: Jessica A. Ross, Rule Writer
 Address: Arizona State Retirement System
 3300 N. Central Ave., Suite 1400
 Phoenix, AZ 85012-0250
 Telephone: (602) 240-2039
 E-Mail: JessicaR@azasrs.gov

- 5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

- 6. **A timetable for agency decisions or other action on the proceeding, if known:**
 To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

STATE BOARD FOR CHARTER SCHOOLS

[R16-53]

- 1. **Title and its heading:** 7, Education
Chapter and its heading: 5, State Board for Charter Schools
Article and its heading: 1, General Provisions
 2, New Charters
 3, Charter Oversight



4, Amendment to a Charter
5, Audits and Audit Contracts

Section numbers:

R7-5-101, R7-5-201 through R7-5-207, R7-5-301 through R7-5-304, R7-5-401, and R7-5-501 through R7-5-504 (*Additional Sections may be made, amended, or repealed as needed.*)

2. The subject matter of the proposed rule:

The Board is amending its rules to make them consistent with legislative changes made in 2012 and 2013, and to make changes identified as needed in recent five-year-review reports. Additionally, the Board intends to place in rule Board guidance regarding performance, financial, and operational standards, measures of sufficient progress, and Board monitoring and oversight of charter holders. An exemption to Executive Order 2015-01 was provided by Dawn Wallace, Education Policy Advisor in the Office of the Arizona Governor, in an e-mail dated January 6, 2016.

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

None

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

Name: Whitney Chapa, Executive Director
Address: 1616 W. Adams St., Suite 170
Phoenix, AZ 85007
Telephone: (602) 364-3080
Fax number: (602) 364-3089
E-mail: Whitney.chapa@asbcs.az.gov
Web site: www.asbcs.az.gov

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

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

[R16-56]

1. Title and its heading:

9, Health Services

Chapter and its heading:

30, Arizona Health Care Cost Containment System - Medicare Part D Prescription Coverage Extra Help Subsidy Program

Article and its heading:

2, Eligibility
4, Grievance System

Section numbers:

R9-30-201, R9-30-202, R9-30-203, R9-30-204, R9-30-205, R9-30-206, R9-30-207, R9-30-208, R9-30-209, R9-30-210, R9-30-211, R9-30-212, R9-30-213, R9-30-214, R9-30-215, R9-30-216, R9-30-218, Article 4, R9-30-401, R9-30-402
(*As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.*)

2. The subject matter of the proposed rule:

The proposed rulemaking will amend and clarify rules to ensure consistency with federal requirements. In part, the rules will be revised to specify that “in kind support” and “maintenance” are not counted as part of the income calculation for purposes of eligibility determination. The current rules will also be amended to state that the value of any life insurance policy is not counted as part of the resource calculation. These provisions are necessary to comply with federal eligibility requirements. Consolidation of rules containing the same subject matter for conciseness, better organization, and improved understanding will be proposed. Technical changes such as cross-reference updates and general clarifying changes will be made along with removal of antiquated language.

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

Notice of Proposed Rulemaking: 22 A.A.R. 805, April 15, 2016 (*in this issue*).

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

Name: Mariaelena Ugarte



Address: AHCCCS
 Office of Administrative Legal Services
 701 E. Jefferson, Mail Drop 6200
 Phoenix, AZ 85034
 Telephone: (602) 417-4693
 Fax: (602) 253-9115
 E-mail: AHCCCSrules@azahcccs.gov

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

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

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

The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.

NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

[R16-63]

- 1. Title and its heading:** 12, Natural Resources
- Chapter and its heading:** 4, Game and Fish Commission
- Article and its heading:** 7, Heritage Grants
- Section numbers:** R12-4-701, R12-4-702, R12-4-703, R12-4-704, R12-4-705, R12-4-706, R12-4-707, and R12-4-708 *(As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary)*

- 2. The subject matter of the proposed rule:**
 An exemption from Executive Order 2016-03 was provided for this rulemaking by Hunter Moore, Natural Resource Policy Advisor in the Governor’s office, in an e-mail dated March 28, 2016.
 The Commission proposes to amend Article 7 rules to implement recommendations identified in the Article 7 Five-year Review Report. Amendments are proposed to reduce the burden and costs to persons regulated by the rule and incorporate the requirements established under R12-4-702, R12-4-703, R12-4-704, R12-4-705, R12-4-706, and R12-4-707 into one over-arching rule to streamline the rule and provide those requirements in chronological order for ease of understanding.

- 3. A citation to all published notices relating to the proceeding:**
 Notice of Proposed Rulemaking: 22 A.A.R. 810 April 15, 2016 *(in this issue)*.

- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
 Name: Marty Herrera, Heritage Fund Administrator
 Address: Arizona Game and Fish Department
 5000 W. Carefree Highway
 Phoenix, AZ 85086
 Telephone: (623) 236-7527
 Fax: (623) 236-7110
 E-mail: MHerrera@azgfd.gov
 Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 The Commission will accept comments Monday through Friday from 8:00 a.m. until 5:00 p.m. at the address listed under item #4. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking.

- 6. A timetable for agency decisions or other action on the proceeding, if known:**
 To be determined.



NOTICES OF PROPOSED DELEGATION AGREEMENTS

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

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

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

NOTICE OF PROPOSED DELEGATION AGREEMENT

[M16-61]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

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

Central Arizona Fire and Medical Authority (CAFMA)

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

Name: Balaji Vaidyanathan
Manager, Air Quality Permits Section
Address: Department of Environmental Quality, Air Quality Division
1110 W. Washington St.
Phoenix, AZ 85007
Phone: (602) 771-4527
E-mail: bv1@azdeq.gov

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

Pursuant to A.R.S. §§ 49-107 & 49-501(D), the Arizona Department of Environmental Quality proposes to delegate authority beginning July 1, 2016 to the Central Arizona Fire and Medical Authority [CAFMA], the Local Agency ("LA"), the program elements listed below, subject to certain conditions and limitations described in the delegation agreement. Delegation agreements with the Central Yavapai Fire District and the Chino Valley Fire District will remain in effect through June 30, 2016. The proposed delegated program elements include:

The Functions and Duties delegated to the LA by this Agreement are identified by A.R.S. § 49-501 and A.A.C. R18-2-602 pertaining to issuing permits for open burning.

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

A copy of the proposed Agreements may be obtained by request to the ADEQ Central Office for public records pertaining to the delegation of the issuance of open burn permits.

Or contact: Sherri L. Zendri, Administrative Counsel
Arizona Department of Environmental Quality
Address: Office of Administrative Counsel
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: slz@azdeq.gov

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

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

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



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

To request an auxiliary aid or service for accessible communication, please contact Adriana Colon at (602) 771-4791 or Colon.Adriana@azdeq.gov or dial 7-1-1 for TTY/TTD Services.

NOTICE OF PROPOSED DELEGATION AGREEMENT

[M16-78]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

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

Greer Fire District

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

Name: Balaji Vaidyanathan
Manager, Air Quality Permits Section
Address: Department of Environmental Quality, Air Quality Division
1110 W. Washington St.
Phoenix, AZ 85007
Phone: (602) 771-4527
E-mail: bv1@azdeq.gov

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

Pursuant to A.R.S. §§ 49-107 & 49-501(D), the Arizona Department of Environmental Quality proposes to delegate authority to the Greer Fire District, the Local Agency ("LA"), the program elements listed below, subject to certain conditions and limitations described in the delegation agreement. The proposed delegated program elements include:

The Functions and Duties delegated to the LA by this Agreement are identified by A.R.S. § 49-501 and A.A.C. R18-2-602 pertaining to issuing permits for open burning.

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

A copy of the proposed Agreements may be obtained by request to the ADEQ Central Office for public records pertaining to the delegation of the issuance of open burn permits.

Or contact: Sherri L. Zendri, Administrative Counsel
Arizona Department of Environmental Quality
Address: Office of Administrative Counsel
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: slz@azdeq.gov

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

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

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

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



written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

To request an auxiliary aid or service for accessible communication, please contact Adriana Colon at (602) 771-4791 or Colon.Adriana@azdeq.gov or dial 7-1-1 for TTY/TTD Services.



NOTICES OF SUBSTANTIVE POLICY STATEMENT

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

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

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

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

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

NOTICE OF SUBSTANTIVE POLICY STATEMENT

REAL ESTATE DEPARTMENT

[M16-80]

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

Acceptable Forms of Payment: No. 2016.01

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

Effective: June 18, 1999; renumbered May 28, 2004; Revised & renumbered April 1, 2005; Revised & renumbered March 29, 2016.

3. Summary if the contents of the substantive policy statement:

This policy statement clarifies the Department's policy for accepting payment for fees and for any other purpose. Authority is found in A.R.S. §§ 32-2125.01, 32-2129, 32-2130, 32-2186, 32-2194.02, 32-2195.02, 32-2196, 32-2197.05, 32-2198.09 and 35-315.

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

This is a revision to an existing policy statement, previously no. 2005.01.

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

Name: Louis Dettorre
Address: Real Estate Department
2910 N. 44th St., Suite 100
Phoenix, AZ 85018
Telephone: (602) 771-7760
Fax: (602) 468-0562
E-mail: ldettorre@azre.gov

6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this policy statement may be obtained at no cost via e-mail to the person listed above or on the Department web site: www.azre.gov. Hard copies may be obtained by contacting the person listed above for \$0.25 per page.



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 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.

[M16-29]

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



GOVERNOR PROCLAMATIONS

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

ARIZONA PEACE OFFICERS MEMORIAL WEEK

and

ARIZONA PEACE OFFICERS MEMORIAL DAY

[M16-65]

WHEREAS, the peace officers of the State of Arizona are known for their devotion and dedication to the pursuit of preserving the peace and safety of every man, woman, and child in this State; and

WHEREAS, the peace officers of the State of Arizona are engaged in a difficult and sometimes dangerous profession, which at times can lead to injury or even the death of these officers; and

WHEREAS, each day, the peace officers of the State of Arizona endeavor to reduce crime on our streets, dangers on our highways and roadways, and injury and death of our citizens, as well as protect us from all other types of crimes; and

WHEREAS, the peace officers of the State of Arizona also engage in crime prevention programs designed to further enhance the peace and safety of all citizens.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 1 – 7, 2016 as

ARIZONA PEACE OFFICERS MEMORIAL WEEK

and May 2, 2016 as

ARIZONA PEACE OFFICERS MEMORIAL DAY

and I further urge all citizens of the State to recognize and remember the sacrifices that these officers and their families have made and the legacy they have entrusted to all of us.

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 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

CHILDHELP NATIONAL DAY OF HOPE

[M16-83]

WHEREAS, Congress established the Childhelp National Day of Hope as the first Wednesday of April of each year; and

WHEREAS, the month of April is National Child Abuse Prevention Month; and

WHEREAS, Childhelp, Inc. is a national non-profit organization, headquartered in Arizona, that since 1959 has been working to prevent child abuse, and provide intervention and treatment to children who are victims of abuse; and

WHEREAS, the care and safety of our children is one of the most important responsibilities of our community; and

WHEREAS, across this country each day nearly five children lose their lives as a result of child abuse or neglect; and

WHEREAS, the needs of vulnerable children in the State of Arizona are very great-there are currently over 18,000 children in the care of the state; and

WHEREAS, much more can and must be done to prevent child abuse in Arizona and meet the needs of children who are victims of abuse.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 6, 2016 as

CHILDHELP NATIONAL DAY OF HOPE



and urge citizens to take bold action individually, and joined together as a community, to prevent child abuse and make a difference in the lives of children in Arizona who are victims of abuse.

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 thirtieth 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

CORRECTIONAL OFFICERS WEEK

[M16-74]

WHEREAS, Arizona's correctional officers contribute to public safety through responsible, professional and effective corrections every hour of every day of the year; and

WHEREAS, Arizona's correctional officers are exceptional educators, motivators, and communicators who routinely avert negative occurrences and successfully intervene in challenging circumstances; and

WHEREAS, Arizona's correctional officers demonstrate strong leadership ability in encouraging adult inmates and juvenile offenders to be accountable for their conduct and responsible for their decisions preparing them to rejoin society successfully; and

WHEREAS, correctional officers are husbands, wives, parents, and family members. They share many roles and provide many services but it is their dedication to service and bravery that sets them apart; and

WHEREAS, the State of Arizona is pleased to join with officials and citizens in recognizing the achievements of these officers, and are indebted to them for their continuing service and dedication.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 1 – 7, 2016 as

CORRECTIONAL OFFICERS 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 twenty-fourth 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

FABRY DISEASE AWARENESS MONTH

[M16-84]

WHEREAS, fabry disease is a progressive, destructive, inherited disorder causing children and adults to suffer many symptoms that diminish their quality of life and may lead to premature death in adults due to heart attacks, strokes and kidney failure; and

WHEREAS, fabry disease is caused by deficient activity of the lysosomal enzyme alpha-galactosidase A, that results in harmful buildup of lipids in the body and cellular dysfunction; and

WHEREAS, there is an approved treatment available, but the disease is severely under-diagnosed or is often not diagnosed until after irreversible organ damage occurs; and

WHEREAS, fabry disease is inherited in an X-linked manner and has been estimated to occur in about 1 in 40,000 to 60,000 males. As many as twice this number of females may be affected but with more varied symptoms than males; and

WHEREAS, newborn screening programs are revealing that many more babies are likely being born with classic and non-classic fabry disease than historical estimates indicate; and

WHEREAS, health care providers and families should be aware of fabry disease symptoms and if suspected, obtain a GLS gene test to detect this treatable disorder.

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



FABRY DISEASE 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 thirtieth 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

MAKE A SPLASH WATER SAFETY DAY

[M16-86]

WHEREAS, as the philanthropic arm of USA Swimming, The USA Swimming Foundation works to strengthen the sport from grassroots to gold medals by raising funds to support programs that save lives and build champions-in the pool and in life; and

WHEREAS, The USA Swimming Foundation’s Make a Splash Program is a national child-focused water safety campaign, which aims to provide the opportunity for every child in America to learn to swim; and

WHEREAS, through Make a Splash, The USA Swimming Foundation partners with water safety advocates across the country to provide swimming lessons and education on the importance of learning how to swim and being safer around the water; and

WHEREAS, The USA Swimming Foundation has invested millions of dollars to provide grants to qualified Local Partner learn-to-swim programs, to spread national awareness, and to bring together strategic partners to end drowning; and

WHEREAS, to date, more than 4 million children have received the lifesaving gift of swim lessons through The USA Swimming Foundation’s Make a Splash Local Partner network, comprised of over 750 qualified lesson providers across the nation.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 8, 2016 as

MAKE A SPLASH WATER SAFETY DAY

throughout Arizona and encourage all of our citizens to recognize The USA Swimming Foundation and The Make a Splash Program for the significant impact that they have made and continue to make to significantly reduce the risk of childhood drowning.

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 thirtieth 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

WEEK OF THE YOUNG CHILD

[M16-87]

WHEREAS, the Arizona Association for the Education of Young Children (AzAEYC), an affiliate of the National Association for the Education of Young Children (NAEYC) along with Central, Southern, Mohave, Northern, Valley of the Sun, and Yuma County affiliates, affiliate chapters and communities throughout Arizona are celebrating the Week of the Young Child; and

WHEREAS, these organizations and communities are working to improve early learning opportunities, including early literacy programs that can provide a solid foundation of learning for all children in Arizona; and

WHEREAS, teachers and others who make a difference in the lives of young children in Arizona deserve thanks and recognition; and

WHEREAS, creating a family-centered, comprehensive, collaborative and high-quality early childhood system that supports the development, health and early education of all of Arizona's young children is crucial to Arizona’s future.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 10 – 16, 2016 as

WEEK OF THE YOUNG CHILD



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 thirtieth 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
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

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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.

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 January 22, 2016 to August 5, 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 5, 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.