Vol. 22, Issue 22 ~ Administrative Register Contents ~ May 27, 2016

Information .................................................................................................................................................. 1338
Rulemaking Guide ......................................................................................................................................... 1339

RULES AND RULEMAKING

Final Rulemaking, Notices of
- 2 A.A.C. 8 State Retirement System Board ............................................................. 1341
- 9 A.A.C. 10 Department of Health Services - Health Care Institutions: Licensing ......................................................... 1343

OTHER AGENCY NOTICES

Docket Opening, Notices of Rulemaking
- 17 A.A.C. 5 Department of Transportation - Commercial Programs ..................................................... 1347

Public Information, Notices of
- Department of Environmental Quality - Safe Drinking Water ................................................................. 1348
- Game and Fish Commission .................................................................................................................. 1349
- Game and Fish Commission .................................................................................................................. 1350
- Game and Fish Commission .................................................................................................................. 1351

Substantive Policy Statement, Notices of Agency
- Board of Psychologist Examiners ........................................................................................................ 1355
- Department of Environmental Quality ................................................................................................ 1356

GOVERNOR’S OFFICE

Governor’s Executive Orders
- E.O. 2016-03: Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies .................................................. 1357

Governor’s Proclamations
- Arizona Drug Court Month .............................................................................................................. 1359
- Arizona Memorial Day ........................................................................................................................ 1359
- Asian/Pacific American Heritage Month .............................................................................................. 1360
- Brain Tumor Awareness Month ........................................................................................................ 1360
- Child Support Awareness Month ....................................................................................................... 1361
- Syringomyelia Awareness Month ..................................................................................................... 1361

INDEXES

Register Index Ledger ................................................................................................................................. 1363
Rulemaking Activity, Cumulative Index for 2016 .................................................................................. 1364
Other Notices and Public Records, Cumulative Index for 2016 ............................................................ 1366

CALENDAR/DEADLINES

Rules Effective Dates Calendar ............................................................................................................. 1368
Register Publishing Deadlines ............................................................................................................... 1370

GOVERNOR’S REGULATORY REVIEW COUNCIL

Governor’s Regulatory Review Council Deadlines ............................................................................. 1371
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 Statues known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

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

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

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

ABOUT RULES

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

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

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

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

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

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

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

Write the agency

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

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

Arizona Regular Rulemaking Process

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

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

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

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

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

Agency opens comment period.

Agency decides not to proceed and does not file final rule with G.R.R.C. within one year after proposed rule is published. A.R.S. § 41-1021(A)(4).

Agency decides not to proceed and files Notice of Termination of Rulemaking for publication in Register. A.R.S. § 41-1021(A)(2).


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

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

Substantial change?
If no change then

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

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

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

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

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


**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.


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

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

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

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

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

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

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

Acronyms

A.A.C. – Arizona Administrative Code

A.A.R. – Arizona Administrative Register

APA – Administrative Procedure Act

A.R.S. – Arizona Revised Statutes

CFR – Code of Federal Regulations

EIS – Economic, Small Business, and Consumer Impact Statement

FR – Federal Register

G.R.R.C. – Governor’s Regulatory Review Council


About Preambles

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

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

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.
NOTICES OF FINAL RULEMAKING

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

The final published notice includes a preamble and text of the rules as filed by the agency. Economic Impact Statements are not published.

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

NOTICE OF FINAL RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

[R16-84]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R2-8-116 New Section

2. Citations to the agency’s statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):
   Authorizing statute: A.R.S. § 38-714(E)(4)
   Implementing statutes: A.R.S. §§ 38-711, 38-766, 38-766.01, 38-766.02

3. The effective date for the rules:
   July 4, 2016
   a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
      Not applicable
   b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):
      Not applicable

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:
   Notice of Rulemaking Docket Opening: 21 A.A.R. 2572, October 30, 2015

5. The agency's contact person who can answer questions about the rulemaking:
   Name: Jessica A. Ross, Rules 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

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:
   Currently, R2-8-116 is expired. The ASRS needs to establish R2-8-116 as a new section to clarify that pursuant to A.R.S. § 38-766.02, an ASRS employer that employs a retiree must remit contributions to the ASRS at an alternate contribution rate (ACR) for the retiree whether the retiree is directly employed by the employer, either as a direct hire employee or an independent contractor, or leased to the employer by a third party.

   The rule will reflect that employers cannot avoid paying an ACR to the ASRS merely by claiming that a worker is leased; rather, the employer must show that the entire class of positions performing substantially similar functions, to which the retiree belongs, has been properly leased as well. If the employer is unable to show that the entire class
of positions performing substantially similar functions has been properly leased, then the employer must pay an ACR to the ASRS for all retirees employed in those positions performing substantially similar functions, whether the individual retiree is leased or not. For example, an ASRS employer that directly hires employees to teach students must pay an ACR to the ASRS for any retiree it also hires to teach students, whether the retiree is leased from a third party and whether the retiree is teaching students under an arbitrary status such as “part-time” or “substitute.”

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:
   No study was reviewed.

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

9. A summary of the economic, small business, and consumer impact:
   There is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rules will have minimal economic impact, if any, because the rulemaking simply clarifies statutory requirements that already exist. If an employer chooses to hire a retired member and claim that the ACR is not owed for the retired member, then there may be some economic impact to provide the documentation necessary for the ASRS to determine whether the employer has properly leased the class of positions, such that an ACR is not owed for the retired member. Clarifying that an employer must pay the ACR for all retired members unless the entire class of positions has been properly leased, will increase understandability of the statutory requirements in A.R.S. § 38-766.02, thereby reducing the regulatory burden imposed on the public. This clarification will ensure that ASRS employers have notice about which personnel require the employer to remit an ACR to the ASRS. Thus, the economic impact is minimized.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:
    The ASRS updated the reference to R2-8-116 in subsection (E) to reflect the correct subsection, R2-8-118(B), relating to interest rates. However, this update was not a substantial substantive change from the proposed rulemaking and a supplemental notice is not necessary.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:
    The ASRS received no written comments regarding the rulemaking. No one attended the oral proceeding on March 9, 2016.

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
    None
    a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:
       The rules do not require a permit.
    b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
       Federal law applies to retirement programs. However, there is no federal law specifically applicable to this rulemaking.
    c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:
       No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:
    No materials are incorporated by reference.

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:
    Not applicable

15. The full text of the rules follows:
TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

ARTICLE 1. RETIREMENT SYSTEM; DEFINED BENEFIT PLAN

Section R2-8-116. Alternate Contribution Rate

ARTICLE 1. RETIREMENT SYSTEM; DEFINED BENEFIT PLAN

R2-8-116. Alternate Contribution Rate

A. For purposes of this section, the following definitions apply:
   1. “ACR” means an alternate contribution rate pursuant to A.R.S. § 38-766.02, the resulting amount of which is not deducted from the employee’s compensation.
   2. “Class of positions” means all employment positions of the employer that perform the same, or substantially similar, function or duties, for the employer as determined by the ASRS in subsection (B).
   3. “Compensation” has the same meaning as A.R.S. § 38-711(7) and does not include ACR amounts.
   4. “Leased from a third party” means:
      a. The employee is not employed by an employer; and
      b. A co-employment relationship, as defined in A.R.S. § 23-561(4), does not exist.

B. An employer that employs a retired member shall pay an ACR to the ASRS, unless the employer provides proof that:
   1. The retired member is leased from a third party; and
   2. All employees in the entire class of positions, to which the retired member’s position belongs, have been leased from a third party; and
   3. No employee who has not been leased is performing the same, or substantially similar, function or duties, as the retired member.

C. In order to determine whether an employer satisfies the criteria in subsection (B), the employer shall submit information and documentation, pursuant to A.R.S. § 38-766.02(E), within 14 days of written request by the ASRS.

D. The employer shall directly remit payment of an ACR to the ASRS from the employer’s funds, through the employer’s secure ASRS account within 14 days of the first pay period end date after the hire of the retired member.

E. If the employer does not remit the ACR by the date it is due pursuant to subsection (D), the ASRS shall charge interest on the ACR amount from the date it was due to the date the ACR payment is remitted to the ASRS at the assumed actuarial interest rate listed in R2-8-118(B).

F. A payment of an ACR on behalf of a retired member pursuant to A.R.S. § 38-766.02, shall not entitle a retired member to a refund of an ACR payment or any additional ASRS benefit as described in A.R.S. § 38-766.01(E).

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 10. DEPARTMENT OF HEALTH SERVICES

HEALTH CARE INSTITUTIONS: LICENSING

[R16-83]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R9-10-119 New Section

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
   Authorizing statutes: A.R.S. §§ 36-132(A)(1), 36-136(F)
   Implementing statutes: A.R.S. §§ 36-132(A)(17), 36-405(A) and (B), 36-449.02(F), 36-2161

3. The effective date of the rules:
   May 5, 2016
   The Department requests an immediate effective date for these rules under A.R.S. § 41-1032(A)(1) and (4). This rule will enable the Department to continue to collect information about the final disposition of aborted fetal tissue, allow licensed health care institutions where abortions are performed to assure their patients and the general public that any transfers meet the reporting exception requirements in subsection (B) of the rule, and allow the general public to know that the disposition of aborted fetal tissue is being monitored by the Department. An immediate
effective date will ensure that there is no gap in time between the expiration of the emergency rulemaking and the effective date of this rulemaking. No penalties are assessed by the Department for a violation of the rule.

4. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
   - Notice of Rulemaking Docket Opening: 21 A.A.R. 2474, October 23, 2015

5. **The agency’s contact person who can answer questions about the rulemaking:**
   - **Name:** Colby Bower, Assistant Director
   - **Address:** Department of Health Services
     Public Health Licensing Services
     150 N. 18th Ave., Suite 510
     Phoenix, AZ 85007
   - **Telephone:** (602) 542-6383
   - **Fax:** (602) 364-4808
   - **E-mail:** Colby.Bower@azdhs.gov
     or
   - **Name:** Robert Lane, Manager
   - **Address:** Arizona Department of Health Services
     Office of Administrative Counsel and Rules
     1740 W. Adams St., Suite 203
     Phoenix, AZ 85007
   - **Telephone:** (602) 542-1020
   - **Fax:** (602) 364-1150
   - **E-mail:** Robert.Lane@azdhs.gov

6. **An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
   When the Arizona Department of Health Services (Department) became aware of the potential sale of aborted fetal tissue by Arizona health care institutions where abortions are performed, the Department initiated emergency rulemaking after receiving an exception from the Governor’s rulemaking moratorium, established by Executive Order 2015-01. Through this emergency rulemaking, the Department clarified, in the health care institution licensing rules in 9 A.A.C. 10, the abortion reporting requirements in A.R.S. § 36-2161. The Department also added a requirement for a licensed health care institution where abortions are performed to include information on the final disposition of the fetal tissue, the person or persons taking custody of the fetal tissue, the amount of any compensation received by the licensed health care institution for the fetal tissue, and whether a patient has provided informed consent for the transfer of custody of the fetal tissue, consistent with 42 U.S.C. §§ 289g-1 and 289g-2. An exception was made in the reporting rule for a transfer of custody to a funeral establishment or a crematory for final disposition. The Notice of Emergency Rulemaking was filed with the Office of the Secretary of State on August 14, 2015, and the emergency rulemaking was renewed through a Notice of Emergency Rulemaking filed with the Office of the Secretary of State on February 8, 2016. To prevent the expiration of the rule established through emergency rulemaking, the Department obtained an exception from the rulemaking moratorium established by Executive Order 2015-01 and is adopting the rule through regular rulemaking, clarifying situations where a transfer of custody would not require reporting, to further reduce the burden on health care institutions.

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

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

9. **The summary of the economic, small business, and consumer impact:**
   The Department anticipates that cost bearers may include the Department and licensed health care institutions where abortions are performed. These licensed health care institutions where abortions are performed may include hospitals, outpatient treatment centers, and abortion clinics. Beneficiaries may include the Department, health care institutions, and the general public. Annual costs/revenues changes are designated as minimal when $1,000 or less, moderate when between $1,000 and $10,000, and substantial when $10,000 or greater in additional costs or reve-
During calendar year 2015, the Department received approximately 12,650 reports under A.R.S. § 36-2161 from about 18 health care institutions where abortions are performed. Of the 4,388 reports received for abortions performed between August 14, 2015, when the initial emergency rulemaking became effective, and December 31, 2015, 58 indicated that fetal tissue had been transferred for burial/cremation, two did not indicate a disposition, and all the rest indicated that there had been no transfer of custody. Of the 2,249 reports received in 2016 through February, 10 indicated that fetal tissue had been transferred for burial/cremation, and the rest indicated no transfer.

Based on these data, the Department anticipates that the review of the additional information required in the rule will impose at most a minimal cost on the Department and may provide a significant benefit to the Department from having accurate information about the final disposition of fetal tissue. Licensed health care institutions where abortions are performed may incur a minimal cost from the added time to comply with the requirement for reporting the final disposition of the fetal tissue. The Department anticipates that, if a licensed health care institution where abortions are performed transfers custody of fetal tissue to a person other than a funeral establishment, a crematory, or according to the requirements in A.A.C. R18-13-1406, A.A.C. R18-13-1407, and A.A.C. R18-13-1408 or does not comply with the requirements in A.A.C. R18-13-1405, the licensed health care institution where abortions are performed may incur a minimal-to-moderate cost from the added time to compile the additional information on the name and address of the person or persons accepting custody of the fetal tissue, the amount of any compensation received by the licensed health care institution for the transferred fetal tissue, and whether a patient provided informed consent for the transfer of custody of the fetal tissue. A licensed health care institution where abortions are performed that meets the reporting exception requirements in subsection (B) of the rule may receive a significant benefit from assuring the general public that such transfers are not occurring at the health care institution. The general public may receive a significant benefit from the assurance that transfers of fetal tissue to a person other than a funeral establishment or crematory are being monitored by the Department.

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

   No changes were made by the Department between the proposed rulemaking and the final rulemaking.

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

   The Department received no written comments. The Department held an oral proceeding for the proposed rule on March 23, 2016, at which there were no attendees.

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
   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 does not require a permit.
   b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
      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 business competitiveness analysis was received by the Department.

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

   Not applicable

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

   As stated in paragraph 4:
   No changes were made to the text of the rule between the renewal of the emergency rulemaking published at 22 A.A.R. 420 and the final rulemaking package.

15. The full text of the rules follows:
R9-10-119. **Reserved Abortion Reporting**

A. A licensed health care institution where abortions are performed shall submit to the Department, in a Department-provided format and according to A.R.S. § 36-2161(B) and (C), a report that contains the information required in A.R.S. § 36-2161(A) and the following:
   1. The final disposition of the fetal tissue from the abortion; and
   2. Except as provided in subsection (B), if custody of the fetal tissue is transferred to another person or persons:
      a. The name and address of the person or persons accepting custody of the fetal tissue,
      b. The amount of any compensation received by the licensed health care institution for the transferred fetal tissue,
      and
      c. Whether a patient provided informed consent for the transfer of custody of the fetal tissue.

B. A licensed health care institution where abortions are performed is not required to include the information specified in subsections (A)(2)(a) through (c) in the report required in subsection (A) if the licensed health care institution where abortions are performed:
   1. Transfers custody of the fetal tissue:
      a. To a funeral establishment, as defined in A.R.S. § 32-1301;
      b. To a crematory, as defined in A.R.S. § 32-1301; or
      c. According to requirements in A.A.C. R18-13-1406, A.A.C. R18-13-1407, and A.A.C. R18-13-1408; or

C. For purposes of this Section, the following definition applies:
   “Fetal tissue” means cells, or groups of cells with a specific function, obtained from an aborted human embryo or fetus.
NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notices of Rulemaking Docket Opening. A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules. When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking. The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

[R16-85]

1. Title and its heading: 17, Transportation
   Chapter and its heading: 5, Department of Transportation – Commercial Programs
   Article and its heading: 4, Dealers
   Section numbers: R17-5-401 through R17-5-408 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:
The Department is initiating this rulemaking on motor vehicle dealers to update the rules to be consistent with other Department rules and statutes. The rulemaking is also in response to a five-year review report to the Governor’s Regulatory Review Council. Rule changes may include necessary revisions to comply with the format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify the rule Sections as needed to make these changes.

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 rules:
   Name: Jane McVay
   Address: Arizona Department of Transportation
            206 S. 17th Ave., MD 140A
            Phoenix, AZ 85007
   Telephone: (602) 712-4279
   Fax: (602) 712-3232
   E-mail: jmcvay@azdot.gov
   Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at http://www.azdot.gov/docs/default-source/libraries/current-rulemaking-activity.pdf?sfvrsn=10.

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
   Written comments may be submitted at any time prior to the close of the public record, which has not yet been established. Oral comments may be made during regular business hours. All comments should be directed to the agency representative listed under item 4. The Department has not scheduled an oral proceeding at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:
   To be determined
NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Name of the Agency: Department of Environmental Quality
   Title and its heading: 18, Environmental Quality
   Chapter and its heading: 4, Department of Environmental Quality – Safe Drinking Water
   Article and its heading: 8, Technical Assistance
   Section and its heading: R18-4-803, Master Priority List

2. The public information relating to the listed statute:
   Pursuant to A.R.S. § 49-358, the Arizona Department of Environmental Quality (Department) has developed a water system compliance assistance program to assist public water systems in complying with state and federal laws, rules and regulations regarding safe drinking water. Currently there are 1,533 PWSs in operation in Arizona. Of this universe of water systems, 959 are classified as “community” or “non-transient, non-community” with 93% of those serving 10,000 or fewer persons. Historically, these small-and medium-sized public water systems have accrued the vast majority of Arizona’s reported drinking water violations (e.g., contaminant exceedance violations, no certified operator, missed monitoring). The compliance assistance program works to ensure that public water systems possess the technical, managerial and financial capabilities to operate in accordance with all the drinking water rules and regulation and identifies smaller public water systems needing technical assistance which is provided by the Department or by a third party consultants.

3. Draft Master Priority List
   Public water systems are identified for technical assistance on the basis of the Master Priority List (MPL) which is updated annually in March. The criteria used to determine the need for assistance include the criteria used in determining the technical, managerial and financial (TMF) capacity of existing PWSs. Additional criteria include the water systems score on the U.S. Environmental Protection Agency’s (EPA) Enforcement Targeting Tool, system classification type, population served, and violation history. Technical assistance contracts are typically awarded to conduct a TMF capacity assessment of the water system and/or an evaluation of compliance options. As funding allows, the Department will award technical assistance to the PWSs with the highest MPL ranking. The Water Infrastructure Financing Authority (WIFA) also uses the MPL to identify possible candidates for additional technical assistance and/or financial assistance (e.g., low interest loans, planning grants) through that program.

   Pursuant to A.A.C. R18-4-803(D), the Department is publishing the draft 2016 Master Priority List and will hold a public meeting to provide the public with an opportunity to comment on the Master Priority List. With this publication, a 30-day public review and written comment period begins. The draft MPL can be viewed at: http://www.azdeq.gov/environ/water/dw/index.html#capdev

   After completion of the 30-day review and comment period, the Department will formulate a response to submitted comments and consider modifications to the MPL in response to the comments. If no comments are received, the draft MPL becomes final. If comments are received, the revised MPL will then be re-published in the Arizona Administrative Register, including a summary of comments received and the Department’s response to the comments. The final 2016 MPL will be posted on the agency’s website at: http://www.azdeq.gov/environ/water/dw/index.html#capdev

4. The name and address of agency personnel with whom persons may communicate:
   Name: Linda Taunt, Capacity Development Coordinator
Effective May 1, 2016, the Arizona Game and Fish Department, under the authority of A.R.S. § 17-255.01(B), establishes this updated list of aquatic invasive species for the State of Arizona:

<table>
<thead>
<tr>
<th>Aquatic Invasive Species</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>zebra mussel <em>(Dreissena polymorpha)</em></td>
<td>Not yet detected in Arizona, but poses an imminent threat. Zebra mussels are nearly indistinguishable in appearance from the quagga mussel.</td>
</tr>
<tr>
<td>rusty crayfish <em>(Orectonectus rusticus)</em></td>
<td>Not yet detected in Arizona, but constitutes an imminent threat. No positive identification noted among current Arizona crayfish populations.</td>
</tr>
<tr>
<td>red claw crayfish <em>(Cherax quadricarinatus)</em></td>
<td>Not yet detected in Arizona, but constitutes an imminent threat. No positive identification noted among current Arizona crayfish populations.</td>
</tr>
<tr>
<td>New Zealand mudsnail <em>(Potamopyrgus antipodarum)</em></td>
<td>Detected in Arizona – confirmed in 2002: lower Colorado River (Lees Ferry, Lake Mead).</td>
</tr>
<tr>
<td>didymo, a.k.a. rock snot <em>(Didymosphenia geminata)</em></td>
<td>Detected in Arizona (blooms) – confirmed in July 2009: below Davis Dam, Lake Havasu on the lower Colorado River.</td>
</tr>
<tr>
<td>Asian carp</td>
<td>Not yet detected in Arizona, but poses an imminent threat from illegal stocking. Another species of Asian carp, triploid grass carp/white amur <em>(Ctenopharyngodon idella)</em>, is present and regulated through permits in Arizona.</td>
</tr>
<tr>
<td>silver <em>(Hypophthalmichthys molitrix)</em></td>
<td></td>
</tr>
<tr>
<td>bighead <em>(Aristichthys nobilis)</em></td>
<td></td>
</tr>
<tr>
<td>black <em>(Mylopharyngodon piceus)</em></td>
<td></td>
</tr>
<tr>
<td>apple snail <em>(Genus: Pomacea)</em></td>
<td>Detected in Arizona – confirmed in August 2011: lower Verde River to confluence with the lower Salt River down to Granite Reef Dam Area, Maricopa County; also detected in the lower Colorado River at Yuma.</td>
</tr>
<tr>
<td>All snakehead spp <em>(Family: Channidae)</em></td>
<td>Not yet detected in Arizona, but poses an imminent threat from illegal stocking.</td>
</tr>
<tr>
<td><em>(Genus: Channa; Parachanna)</em></td>
<td></td>
</tr>
<tr>
<td>whirling disease <em>(Myxobolus cerebralis)</em></td>
<td>Detected in Arizona – confirmed positive in 2007, re-confirmed in 2011 and 2012; Lees Ferry area of the lower Colorado River (Glen Canyon NRA).</td>
</tr>
<tr>
<td>largemouth bass virus (LMBV) <em>(Family: Iridoviridae)</em></td>
<td>Detected in Arizona – confirmed positive in 2010 at Saguaro Lake; in 2011 at Bartlett Lake and Roosevelt Lake and; in 2012 at Lake Pleasant.</td>
</tr>
<tr>
<td><em>(Genus: Iridovirus; Chloriridovirus; Ranavirus; Lymphocystisvirus)</em></td>
<td></td>
</tr>
</tbody>
</table>

The name and address of agency personnel with whom persons may communicate regarding this Order:

Name: Tom McMahon, Aquatic Invasive Species Program Coordinator
Address: Arizona Game and Fish Department, WMAQ
Effective May 1, 2016, the Arizona Game and Fish Department, under the authority of A.R.S. § 17-255.01(B), establishes this updated list of waters or locations where listed aquatic invasive species are suspected or known to be present. The listing of aquatic invasive species in Arizona is established under the Arizona Game and Fish Department – Director’s Order 1 – R05/16, 22 A.A.R. 1349, May 27, 2016 (in this issue).

### Waters in Arizona where quagga mussel (*Dreissena bugensis*) are documented and present:

- **Lower Colorado River** from Pierce Ferry Rapid (RM277 on Lake Mead) through the southerly international boundary with Mexico including:
  - Lake Mead (Mohave County);
  - Lake Mohave (Mohave County);
  - Topock Marsh (Mohave County);
  - Lake Havasu (Mohave County);
  - Martinez Lake (Yuma County);
  - Imperial Reservoir (Yuma County); and
  - Mittry Lake (Yuma County)
- Lake Pleasant (Maricopa County)
- Lake Powell (Coconino County)
- Apache Lake (Maricopa County)
- Canyon Lake (Maricopa County)
- Saguaro Lake and Lower Salt River directly below Saguaro Lake to Granite Reef Dam (Maricopa County)

### Water delivery systems in Arizona where quagga mussel (*Dreissena bugensis*) are documented and present:

- **Central Arizona Project (CAP)** aqueduct from Lake Havasu (Mark Wilmer Pumping plant to CAP canal mile 200 in Apache Junction, AZ) and all endpoint waters (e.g. Red Mountain Park Lake, Mesa)
- **Salt River Project (SRP) Canal System** commencing at the CAP Interconnect below Granite Reef Dam (Maricopa County)

### Water delivery systems in Arizona where quagga mussel (*Dreissena bugensis*) are suspected:

- **Central Arizona Project (CAP)** aqueduct from CAP canal mile 200 in Apache Junction to terminus at canal mile 337 south of Tucson, AZ

### U.S. States or Provinces of the Dominion of Canada where quagga mussel (*Dreissena bugensis*) or zebra mussel (*Dreissena polymorpha*) are documented and present:

- Alabama, Arkansas, California, Colorado, Connecticut, Iowa, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, Nevada, New York, Ohio, Oklahoma, Pennsylvania, Texas, Utah, Virginia, Vermont, Wisconsin, West Virginia; and the Provinces of Ontario and Quebec

### Waters in Arizona where New Zealand mudsnail (*Potamopyrgus antipodarum*) are documented:

- **Lower Colorado River** below the Glen Canyon Dam to Lees Ferry and at Lake Mohave Willow Beach area

### Waters in Arizona where didymo, a.k.a. rock snot (*Didymosphenia geminata*) are documented (bloom):

- **Lower Colorado River** immediately downstream of Davis Dam (Lake Havasu)

### Waters in Arizona where giant salvinia (*Salvinia molesta*) are documented:

- **Lower Colorado River** from Blythe, California (I-10 Bridge over Colorado River) through the southerly international boundary with Mexico (Morales Dam)

### Waters in Arizona where apple snail (*Pomacea*) are documented:
NOTICE OF PUBLIC INFORMATION

GAME AND FISH DEPARTMENT

DIRECTOR’S ORDER 3 – RO5/16 – AQUATIC INVASIVE SPECIES

MANDATORY CONDITIONS ON THE MOVEMENT OF WATERCRAFT, VEHICLES, CONVEYANCES, OR OTHER EQUIPMENT FROM LISTED WATERS WHERE AQUATIC INVASIVE SPECIES ARE PRESENT

EFFECTIVE – MAY 1, 2016

Effective May 1, 2016, the Arizona Game and Fish Department, under the authority of A.R.S. § 17-255.01(B), establishes these updated mandatory conditions for movement of watercraft, vehicles, conveyances, or other equipment necessary to abate, eradicate, or prevent the spread of listed aquatic invasive species (AIS) within or from those waters or locations listed in Arizona Game and Fish Department - Director’s Order 2 – RO5/16, 22 A.A.R. 1350, May 27, 2016 (in this issue).

Mandatory Conditions and Protocols for Movement from AIS Listed Waters/Locations

<table>
<thead>
<tr>
<th>Day Use</th>
<th>Boater</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following protocols shall be taken for watercraft, vehicles, conveyances, or other equipment (e.g., fishing gear, anchor, etc.) that have been in or on an AIS listed water/locations for 5 days or less:</td>
<td></td>
</tr>
<tr>
<td>Upon removing a watercraft from any listed waters in Arizona and prior to transport:</td>
<td></td>
</tr>
<tr>
<td>Remove any clinging material such as plants, algae, animals, and mud from anchor, boat, motor, trailer, and all other equipment.</td>
<td></td>
</tr>
<tr>
<td>Remove all drainage plug(s) (when so equipped) and drain the water from the bilge, live-well and any other compartments that may hold water.</td>
<td></td>
</tr>
<tr>
<td>Drain water from engine, engine compartments, and engine cooling systems.</td>
<td></td>
</tr>
<tr>
<td>Dry completely - Allow watercraft, vehicles, conveyances, or other equipment to dry completely.</td>
<td></td>
</tr>
<tr>
<td>Recommended precautionary protocol: If using watercraft again in less than five days at any other Arizona waters, pour vinegar into all bilges and other water retention areas that cannot be completely drained and dried to kill any residual small, young AIS (e.g., quagga veligers).</td>
<td></td>
</tr>
</tbody>
</table>

Lower Colorado River near Yuma (Yuma County); lower Verde River to the confluence with the lower Salt River Granite Reef Dam Area (Maricopa County)
Red Mountain Park Lake Mesa (Maricopa County)
Lower portions of Indian Bend Wash Scottsdale (Maricopa County)

Waters in Arizona where whirling disease (*Myxobolus cerebralis*) are documented:
- Lower Colorado River below Glen Canyon Dam Lees Ferry area near Page, AZ

Waters in Arizona where largemouth bass virus (LMBV – Family: Iridoviridae) are documented:
- Salt/Verde River: Roosevelt Lake; Saguaro Lake; Bartlett Lake Tonto National Forest, AZ
- Lake Pleasant – Lake Pleasant Regional Park, Peoria, AZ (Maricopa County)
The following protocols shall be taken for any watercraft, vehicles, conveyances, or other equipment that have been in or on an AIS listed water for more than 5 days and prior to transport from that AIS listed water (unless otherwise authorized by the State):

- **Remove any clinging material** such as plants, algae, animals, and mud from anchor, boat, motor, trailer, and all other equipment.
- **Remove all drainage plug(s)** (when so equipped) and drain the water from the bilge, live-well, and any other compartments that may hold water.
- **Drain water** from engine, engine compartments, and engine cooling systems.
- **Remove all attached invasive species** (e.g., adult quagga mussels, New Zealand mudsnails) from boat surfaces, motors, impellers, outdrives, rudders, anchor(s), and through hull fittings.
- **Dry completely**, keep the watercraft, vehicles, conveyances, or other equipment out of water and completely dry, including bilge, through hull fittings and engine for a minimum of:
  - Eighteen (18) consecutive days during the months of November through April, and
  - Seven (7) consecutive days during the months of May through October.

Where watercraft decontamination facilities exist (private or government), flush the engine, cooling systems, and any other through hull fittings for ten to thirty seconds with hot water exiting those areas at 140°F to kill any hidden invasive species (e.g., adult quagga mussels, New Zealand mudsnails).

**OWNER, OPERATOR, AND/OR TRANSPORTER OF LONG TERM USE BOAT:**

**PRIOR TO TRANSPORT** of watercraft to any other Arizona waters or out of state, the owner, operator, and/or transporter **SHALL:**

- **Complete and sign** an Aquatic Invasive Species Boat Inspection Report - AISBIR (AGFD Form 2137); and
- **Fax or email** the completed form to the Arizona Game and Fish Department’s Aquatic Invasive Species Program at (623) 236-7265 or AIScomments@azgfd.gov.

**Note:** The AISBIR form is located on the Department’s website (azgfd.gov/ais)

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**Mandatory Conditions and Protocols for Movement from the lower Colorado River, below the Glen Canyon Dam to Lees Ferry and at Lake Mohave - Willow Beach area.**

**The following protocols shall be taken for the prevention/control of New Zealand mudsnail** (**Potamopyrgus antipodarum**):

- **Dry completely** all equipment (including, but not limited to, felt-soled waders, boots, nets, tackle) which has been in contact with the listed water.
- **Before using equipment** in any other waters in Arizona, treat all fishing equipment with a minimum 10-minute exposure to a 5% solution of quaternary ammonia (e.g., Quat128®, Formula 409®, Sparquat®).

**Mandatory Conditions and Protocols for Movement from the lower Colorado River, immediately downstream of Davis Dam (Lake Havasu)**
The following protocols shall be taken for the prevention/control of didymo, a.k.a. rock snot (*Didymosphenia geminata*):

- **Dry completely** all equipment (including, but not limited to, felt-soled waders, boots, nets, tackle) which has been in contact with the listed water.
- **Before using equipment** in any other waters in Arizona, treat all fishing equipment with a minimum 10-minute exposure bleach or 5% solution of quaternary ammonia (e.g., Quat128®, Formula 409®, Sparquat®).

**Mandatory Conditions and Protocols for Movement from the lower Colorado River, Yuma County and the lower Verde River to the confluence with the lower Salt River – Granite Reef Area, Maricopa County**

The following protocols shall be taken for the prevention/control of apple snail (Genus: *Pomacea*):

- **Dry completely** all equipment which has been in contact with the listed water.
- **Remove and properly discard** any adult snails or egg masses; do not re-inoculate water.

**Mandatory Conditions and Protocols for Movement from the lower Colorado River, below the Glen Canyon Dam at Lees Ferry area near Page, Arizona**

The following protocols shall be taken for the prevention/control of whirling disease (*Myxobolus cerebralis*):

- **Do not transport** live fish from one water to another.
- **Do not transport** fish body parts (fish head, skeleton, entrails) to any other water.
- **Dry completely**, all equipment which has been in contact with the listed water.
- **Before using** in any other waters in Arizona, treat all fishing equipment (including, but not limited to, felt-soled waders, boots, nets, tackle) with a minimum 10-minute exposure to a 5% solution of quaternary ammonia {e.g., Quat128®, Formula 409®, Sparquat®} or a 50% bleach solution.

**Mandatory Conditions and Protocols for Movement from Roosevelt Lake (Tonto National Forest {TNF}-Gila County, AZ); Saguaro Lake (TNF-Maricopa County, AZ); Bartlett Lake (TNF-Maricopa County, AZ).**

Before leaving the vicinity of these above-listed waters in Arizona (Roosevelt; Saguaro; Bartlett), the following protocols shall be taken for the prevention/control of largemouth bass virus (LMBV – Family: *Iridoviridae*):

- **Clean the watercraft/equipment** by removing any clinging material.
- **Remove all drainage plug(s) (when so equipped) and drain the water** from the bilge, live-well and any other compartments that may hold water.
- **Drain water** from engine, engine compartments, and engine cooling systems.
- **Dry completely**, all watercraft, vehicles, conveyances, or other equipment before using in any other waters in Arizona.

A.R.S. § 17-255.01(C)(1); Watercraft, vehicles, conveyances, or other equipment are subject to inspection upon entry into this state, during overland transport within this state, or upon departure from any water or location listed in Arizona Game and Fish Department- Director’s Order 2 – Effective May 1, 2016, 22 A.A.R. 1350, May 27, 2016 (in this issue).

A.R.S. § 17-255.01(C)(3); A person departing from any water or location listed in Director’s Order 2 – Effective May 1, 2016, may be required to decontaminate watercraft, vehicles, conveyances, or other equipment in the manner required by Order.
A.R.S. § 17-255.02 (1); A person shall not possess, import, ship, or transport into or within the State of Arizona Aquatic Invasive Species listed under Arizona Game and Fish Department – Director’s Order 1 – Effective May 1, 2016, 22 A.A.R. 1349, May 27, 2016 (in this issue).

A.R.S. § 17-255.02 (2); A person shall not release, place or plant an aquatic invasive species identified in Arizona Game and Fish Department – Director’s Order 1 – Effective May 1, 2016, into waters of this state or into any water treatment facility, water supply or water transportation facility, device or mechanism.

A.R.S. § 17-255.02 (3); A person shall not place in any waters of this state any equipment, watercraft, vessel, vehicle or conveyance that has been in any water or location listed in Arizona Game and Fish Department- Director’s Order 2 – Effective May 1, 2016, without being first decontaminated in the manner required by this Order.

A.R.S. § 17-255.02(4); A person shall not sell, purchase, barter or exchange an aquatic invasive species identified in Arizona Game and Fish Department – Director’s Order 1 – Effective May 1, 2016.

The name and address of agency personnel with whom persons may communicate regarding this Order:

Name: Tom McMahon, Aquatic Invasive Species Program Coordinator
Address: Arizona Game and Fish Department, WMAQ
5000 W. Carefree Highway, Phoenix, AZ 85086-5000
Telephone: (623) 236-7271
Fax: (623) 236-7265
Email: tmcmahon@azgfd.gov
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

BOARD OF PSYCHOLOGIST EXAMINERS

[16-123]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:
   Interpretation of A.A.C. R4-26-207(K) Pertaining to Carry Over of Continuing Education Credits.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:
   Issued: The Board adopted this Substantive Policy Statement on April 29, 2016.
   Effective Date: May 2, 2016

3. Summary of the contents of the substantive policy statement:
   The Board has issued a substantive policy statement to set forth the Board’s interpretation of the psychology rule A.A.C. R4-26-207(K) regarding carry over of continuing education credits.
   • Pursuant to A.R.S. § 32-2074 (Version 2, effective May 1, 2017), all licensees will move to individual license expiration dates.
   • This substantive policy statement applies only to the transition to new license expiration dates for the period beginning May 1, 2017, and ending April 30, 2019.
   • Licensing fees and continuing education requirements will be prorated for this period only in order for psychologists to transition to their new license expiration dates.
   • Because individual transition periods will vary for psychologists from one month to twenty-four months and psychologists must completed a prorated amount of continuing education during that transition period, the Board will permit psychologists to carry over up to 10 continuing education credits earned above and beyond the required 40 CE credits for the current license period (May 1, 2015, through April 30, 2017).

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

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

6. The agency contact person who can answer questions about the substantive policy statement:
   Name: Cindy Olvey, Psy.D.
   Address: Board of Psychologist Examiners
   1400 W. Washington St., Suite #240
   Phoenix, AZ 85007
   Telephone: (602) 542-3018
   Fax: (602) 542-8279
   E-mail: Cindy.Olvey@psychboard.az.gov
   Website: https://psychboard.az.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:
   Substantive policy statements are available at no charge at https://psychboard.az.gov/statutes-rules or are available from the Arizona Board of Psychologist Examiners at a cost of $.25 per page.
NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
   Metallurgical Operations that are Exempt from Pollution Prevention Plans

2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
   Issued: May 4, 2016
   Effective: May 27, 2016

3. **Summary of the contents of the substantive policy statement:**
   This policy statement explains ADEQ’s current interpretation of “metallurgical operation” for purposes of determining whether toxic substances used or produced in connection with such an operation would meet the Pollution Prevention (P2) program thresholds and require a facility to prepare and implement a pollution prevention plan.

4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
   A.R.S. § 49-963(A)

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

6. **The agency contact person who can answer questions about the substantive policy statement:**
   Name: Linda Mariner
   Address: ADEQ
   1110 W. Washington St.
   Phoenix, AZ 85007
   Telephone: (602) 771-4294
   Fax: (602) 771-4290
   E-mail: lph@azdeq.gov

7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
   This policy is available on the Department’s website: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4380. Cost is $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.

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
ARIZONA DRUG COURT MONTH

WHEREAS, drug courts and other treatment courts have served over 1.4 million individuals; and
WHEREAS, drug courts are now recognized as the most successful criminal justice intervention in our nation’s history; and
WHEREAS, drug courts save up to $27 for every $1 invested; and
WHEREAS, seventy-five percent of treatment court graduates will never see another pair of handcuffs; and
WHEREAS, treatment courts significantly improve substance-abuse treatment outcomes, substantially reduce substance abuse and crime, and do so at less expense than any other justice strategy; and
WHEREAS, treatment courts facilitate community-wide partnerships, bringing together public safety and public health professionals in the fight against substance abuse and criminality; and
WHEREAS, there are now 2,966 drug courts and other treatment courts nationwide; and
WHEREAS, drug courts and other treatment courts are the cornerstone of criminal justice reform; and
WHEREAS, treatment courts demonstrate that when one person rises out of substance use and crime, we all rise; and
WHEREAS, the time has come to put a treatment court within reach of every eligible person in need.

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

ARIZONA DRUG COURT 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 sixth day of May in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
 Michele Reagan
 SECRETARY OF STATE

ARIZONA MEMORIAL DAY

WHEREAS, Memorial Day was officially proclaimed in 1868 by General John Logan, national commander of the Grand Army of the Republic, and was first observed on May 30, 1868 when flowers were placed on the graves of Union and Confederate soldiers at Arlington National Cemetery; and
WHEREAS, on this Memorial Day we remember and honor all those courageous men and women of our armed forces who have risked and lost their lives to protect America’s interests, to defend our freedom, to preserve our values, and to advance the ideals of democracy; and
WHEREAS, American troops continue to put themselves in harm’s way to preserve the freedoms we all enjoy; and
WHEREAS, we express our profound sympathy and gratitude to the families who have lost loved ones in service to America, and we acknowledge the debt we owe to those men and women who, because they so cherished peace, died in the defense of it; and
WHEREAS, it is a privilege to express our gratitude to those whose sacrifices serve as constant reminders of the high price of liberty; and
WHEREAS, in respect and recognition of these courageous men and women, all veterans of the U.S. Military Services, state and local government officials, educators, students, historians, and all patriotic citizens of this great State and Nation are encouraged to observe Memorial Day with appropriate ceremonies.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 30, 2016 as

ARIZONA MEMORIAL DAY

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

 Douglas A. Ducey
 GOVERNOR
WHEREAS, Americans of Asian and Pacific Islander ancestry have made many contributions to the success and advancement of our Nation, adding to the diversity and enrichment of America; and
WHEREAS, many immigrants of Asian/Pacific Islander heritage came to the United States in the nineteenth century to work in the agricultural and transportation industries, and constructing the western half of the first transcontinental railroad linking the East and West Coasts, thus vastly expanding economic growth and development across the country; and
WHEREAS, over time, other immigrants journeyed to America from East Asia, Southeast Asia, the Asian Subcontinent and Pacific Islands; today, Asian/Pacific Americans are one of the fastest growing segments of our population; and
WHEREAS, Asian/Pacific Americans add to the cultural richness of our society representing many languages, ethnicities and religions; and
WHEREAS, many Asian/Pacific Americans are serving the cause of freedom and peace around the world, and have served in the United States military in wars and conflicts since WWI; and
WHEREAS, to honor the achievements of Asian/Pacific Americans, the Congress, by Public Law 102-450, as amended, has designated the month of May each year as “Asian/Pacific American Heritage Month”; and
WHEREAS, the State of Arizona recognizes and honors the significant contributions made by Asian/Pacific Americans in our state and across our nation in numerous areas including entrepreneurship and innovation in business, science, technology, medicine and agriculture, as well as in education, the arts, public service and the professions.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2016 as ASIAN/PACIFIC AMERICAN HERITAGE 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 twenty-ninth day of April 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

BRAIN TUMOR AWARENESS MONTH

WHEREAS, brain and central nervous system (CNS) tumors, both primary (originating in brain tissue) and secondary (originating in other parts of the body that metastasize to the brain) are diagnosed in more than 220,000 Americans of all ages, races, socio-economic status and gender each year and continue to rise annually; and
WHEREAS, malignant brain and CNS tumors are among the deadliest forms of cancer with just a 34% five-year relative survival rate and are the second leading cause of cancer-related deaths in children age 14 years and under; and
WHEREAS, nearly 1,300 people in Arizona will be diagnosed with a brain and CNS tumor and 339 will die from a brain tumor in 2016; and
WHEREAS, Arizona is home to major facilities, such as Barrow Neurological Institute at St. Joseph’s Hospital and Medical Center, Mayo Clinic, Barrow Neurological Institute at Phoenix Children’s Hospital, Translational Genomics Institute, Banner University Medical Center, Tucson, and others that focus on research to find better treatments, a cure for brain and CNS tumors and a higher quality of life for brain and CNS tumor patients; and
WHEREAS, increased public awareness of brain and CNS tumors through advocacy and support for targeted research, as well as education about the impact brain and CNS tumors have on patients’ and their families’ lives are critical to support and action for a cure.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2016 as BRAIN TUMOR 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 sixth day of May in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

CHILD SUPPORT AWARENESS MONTH

WHEREAS, the State of Arizona joins the Nation in recognizing August as Child Support Awareness Month, and reaffirms its commitment to strengthening Arizona’s families by providing child support services to improve the economic stability and well-being of children; and
WHEREAS, there is a continued, compelling, public interest in fostering responsible parenthood, to include early intervention, outreach activities, legal remedies, service referrals and community involvement in successful inmate reentry; and
WHEREAS, the Department of Economic Security Division of Child Support Services Colleagues are committed to a holistic approach across all counties and tribal lands to serving Arizona’s families to ensure Arizona’s children are a priority; and
WHEREAS, the Department of Economic Security Division of Child Support Services works with key community partners to serve children and families through targeted resources, to provide parents and caregivers with opportunities to not only become self-reliant, but to also have the means to successfully support their children; and effectively fulfill their parental responsibilities; and
WHEREAS, a child who receives emotional and financial support is more likely to feel safe and secure and are better equipped with the courage to be their very best in life; and
WHEREAS, child support awareness month salutes the diligent working parents who spend time with their child and who make regular child support payments, to safeguard their children’s future; and
WHEREAS, the Department of Economic Security Division of Child Support Services, is robustly committed to putting Arizona’s children first and to humbly serving Arizonans with excellence, respect, integrity and kindness, as well as being an overall champion for economic growth and opportunity.

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

CHILD SUPPORT 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 twenty-first day of April 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

SYRINGOMYELIA AWARENESS MONTH

WHEREAS, syringomyelia, often referred to as SM, is a chronic disorder involving the spinal cord; and
WHEREAS, the condition occurs when cerebrospinal fluid, normally found outside of the spinal cord and brain, enters the interior of the spinal cord, forming a cavity known as syrinx; and
WHEREAS, many individuals suffer from chronic pain and some will develop neuropathic pain syndromes and possible paralysis; and
WHEREAS, this pain is difficult to treat and a large percentage of people have headaches which can be severe; and
WHEREAS, the need for widespread awareness and understanding for syringomyelia is critical for meaningful research to continue so that the quality of lives is improved and a cure can be found, but unfortunately at this time a cure is unknown; and
WHEREAS, the American Syringomyelia & Chiari Alliance Project, Inc. (ASAP), is the oldest non-profit organization for chiari and syringomyelia, will annually celebrate May as the official month for Syringomyelia Awareness; and
WHEREAS, ASAP will continue to provide support, fund research, and educate the public, to bring hope to those affected with syringomyelia.

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

SYRINGOMYELIA AWARENESS MONTH
SYRINGOMYELIA 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 eighteenth day of April 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
- SPXM = Supplemental Proposed Exempt amended Section
- SPXR = Supplemental Proposed Exempt repealed Section
- SPX# = Supplemental Proposed Exempt renumbered Section

**FINAL EXEMPT RULMAKING**
- FXN = Final Exempt new Section
- FXM = Final Exempt amended Section
- FXR = Final Exempt repealed Section
- FX# = Final Exempt renumbered Section

**EMERGENCY RULEMAKING**
- EN = Emergency new Section
- EM = Emergency amended Section
- ER = Emergency repealed Section
- E# = Emergency renumbered Section
- EEXP = Emergency expired

**RECODIFICATION OF RULES**
- RC = Recodified

**REJECTION OF RULES**
- RJ = Rejected by the Attorney General

**TERMINATION OF RULES**
- TN = Terminated proposed new Sections
- TM = Terminated proposed amended Section
- TR = Terminated proposed repealed Section
- T# = Terminated proposed renumbered Section

**RULE EXPIRATIONS**
- EXP = Rules have expired
  See also “emergency expired” under emergency rulemaking

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

This index includes rulemaking activity through Issue 21 of Volume 22.
<table>
<thead>
<tr>
<th>Indexes</th>
<th>Arizona Administrative Register</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-11-204. FM-371</td>
<td></td>
</tr>
<tr>
<td>R4-11-301. FM-371</td>
<td></td>
</tr>
<tr>
<td>R4-11-302. FR-371</td>
<td></td>
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<tr>
<td>R4-11-303. FM-371</td>
<td></td>
</tr>
<tr>
<td>R4-11-304. FM-371</td>
<td></td>
</tr>
<tr>
<td>R4-11-305. FM-371</td>
<td></td>
</tr>
<tr>
<td>Economic Security, Department of - Developmental Disabilities</td>
<td></td>
</tr>
<tr>
<td>R6-6-1401. EXP-14</td>
<td></td>
</tr>
<tr>
<td>Economic Security, Department of - Social Services</td>
<td></td>
</tr>
<tr>
<td>R6-6-5201. PM-1029</td>
<td></td>
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<tr>
<td>R6-6-5202. PM-1029</td>
<td></td>
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<tr>
<td>R6-6-5207. PM-1029</td>
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<tr>
<td>R6-6-5217. PM-1029</td>
<td></td>
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<tr>
<td>R6-6-5218. PM-1029</td>
<td></td>
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<tr>
<td>R6-6-5219. PM-1029</td>
<td></td>
</tr>
<tr>
<td>Education, State Board of</td>
<td></td>
</tr>
<tr>
<td>R7-2-300. FXN-143</td>
<td></td>
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<tr>
<td>R7-2-301. FXM-143</td>
<td></td>
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<tr>
<td>R7-2-302. FXM-143</td>
<td></td>
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<tr>
<td>R7-2-302.01. FXR-143</td>
<td></td>
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<tr>
<td>R7-2-302.02. FXR-143</td>
<td></td>
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<tr>
<td>R7-2-302.04. FXR-143</td>
<td></td>
</tr>
<tr>
<td>R7-2-302.05. FXI-111; FXN-111; FXM-111; FM-197</td>
<td></td>
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<tr>
<td>R7-2-302.06. FXI-111; FXR-143</td>
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<td>R7-2-302.07. FXI-111; FXR-143</td>
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<tr>
<td>R7-2-302.08. FXI-111; FXR-143</td>
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<tr>
<td>R7-2-302.09. FXI-111; FXR-143</td>
<td></td>
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<tr>
<td>R7-2-302.10. FXI-111; FXN-111; FXM-111; FM-197</td>
<td></td>
</tr>
<tr>
<td>Environmental Quality, Department of - Air Pollution Control</td>
<td></td>
</tr>
<tr>
<td>R18-2-611. FMX-987</td>
<td></td>
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<tr>
<td>R18-2-611.01. FMX-987</td>
<td></td>
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<tr>
<td>R18-2-709. EXP-15</td>
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<td>R18-2-711. EXP-15</td>
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<td>R18-2-713. EXP-15</td>
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<td>R18-2-717. EXP-15</td>
<td></td>
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<tr>
<td>R18-2-732. EXP-15</td>
<td></td>
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<tr>
<td>Environmental Quality, Department of - Safe Drinking Water</td>
<td></td>
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<tr>
<td>R18-4-102. FM-379</td>
<td></td>
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<tr>
<td>R18-4-103. FM-379</td>
<td></td>
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<tr>
<td>R18-4-105. FM-379</td>
<td></td>
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<tr>
<td>R18-4-121. FM-379</td>
<td></td>
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<tr>
<td>R18-4-126. FN-379</td>
<td></td>
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<tr>
<td>Game and Fish Commission</td>
<td></td>
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<tr>
<td>R12-4-701. PM-810</td>
<td></td>
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<tr>
<td>R12-4-702. PM-810</td>
<td></td>
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<tr>
<td>Economic Security, Department of - Social Services</td>
<td></td>
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<tr>
<td>Appendix A. T343; PM-255</td>
<td></td>
</tr>
<tr>
<td>Appendix B. T343; PM-255</td>
<td></td>
</tr>
<tr>
<td>Appendix C. T343; PM-255</td>
<td></td>
</tr>
<tr>
<td>Education, State Board of</td>
<td></td>
</tr>
<tr>
<td>Health Services, Department of - Health Care Institutions: Licensing</td>
<td></td>
</tr>
<tr>
<td>R9-10-101. FMX-1035</td>
<td></td>
</tr>
<tr>
<td>R9-10-119. PN-139; EM-420</td>
<td></td>
</tr>
<tr>
<td>Environmental Quality, Department of - Water Quality Standards</td>
<td></td>
</tr>
<tr>
<td>Table 2.1. FXN-851</td>
<td></td>
</tr>
<tr>
<td>Health Services, Department of - Loan Repayment Program</td>
<td></td>
</tr>
<tr>
<td>R9-15-101. FXM-851</td>
<td></td>
</tr>
<tr>
<td>R9-15-201. FXR-851</td>
<td></td>
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<tr>
<td>R9-15-205.01. FXN-851</td>
<td></td>
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<tr>
<td>R9-15-206. FXR-851</td>
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<tr>
<td>Medical Board, Arizona</td>
<td></td>
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<tr>
<td>R4-16-201. FMX-778</td>
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<td>R4-16-205. FMX-778</td>
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</tbody>
</table>

May 27, 2016 | Published by the Arizona Secretary of State | Vol. 22, Issue 22 | 1365
OTHER NOTICES AND PUBLIC RECORDS INDEX

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

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

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 21 OF VOLUME 22.

Agency Guidance Document, Notices of

Health Services, Department of; pp. 159, 705

Agency Ombudsman, Notices of

1366  Vol. 22, Issue 22 | Published by the Arizona Secretary of State | May 27, 2016
## 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.

<table>
<thead>
<tr>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
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## REGISTER PUBLISHING DEADLINES

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

<table>
<thead>
<tr>
<th>Deadline Date (paper only)</th>
<th>Register Publication Date</th>
<th>Oral Proceeding may be scheduled on or after</th>
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### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

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

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

### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

<table>
<thead>
<tr>
<th>DEADLINE TO BE PLACED ON COUNCIL AGENDA</th>
<th>FINAL MATERIALS DUE FROM AGENCIES</th>
<th>DATE OF COUNCIL STUDY SESSION</th>
<th>DATE OF COUNCIL MEETING</th>
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*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.