

Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

Vol. 22, Issue 49

~ Administrative Register Contents ~

December 2, 2016

Information	3358
Rulemaking Guide	3359
Proposed Rulemaking, Notices of	
2 A.A.C. 12 Department of State - Office of the Secretary of State	3361
Final Exempt Rulemaking, Notices of	
7 A.A.C. 2 State Board of Education	3367
7 A.A.C. 2 State Board of Education	3369
Rule Expirations	
20 A.A.C. 6 Department of Insurance	3374
<u>OTHER AGENCY NOTICES</u>	
Ombudsman, Notices of Agency	
Department of Child Safety	3375
<u>GOVERNOR'S OFFICE</u>	
Governor's Executive Orders	
E.O. 2016-03: Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies	3376
<u>INDEXES</u>	
Register Index Ledger	3378
Rulemaking Activity, Cumulative Index for 2016	3379
Other Notices and Public Records, Cumulative Index for 2016	3386
<u>CALENDAR/DEADLINES</u>	
Rules Effective Dates Calendar	3389
Register Publishing Deadlines	3391
<u>GOVERNOR'S REGULATORY REVIEW COUNCIL</u>	
Governor's Regulatory Review Council Deadlines	3392

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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

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

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

Arizona Administrative REGISTER

Vol. 22

Issue 49

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SUBSCRIPTIONS
ADMINISTRATIVE REGISTER
The printed version of the *Administrative Register* is the official publication of Arizona state agency rules.
Rates: \$276 yearly
New subscriptions, renewals and address changes contact us at (602) 364-3223.

This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

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

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The Office of the Secretary of State is an equal opportunity employer.



Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

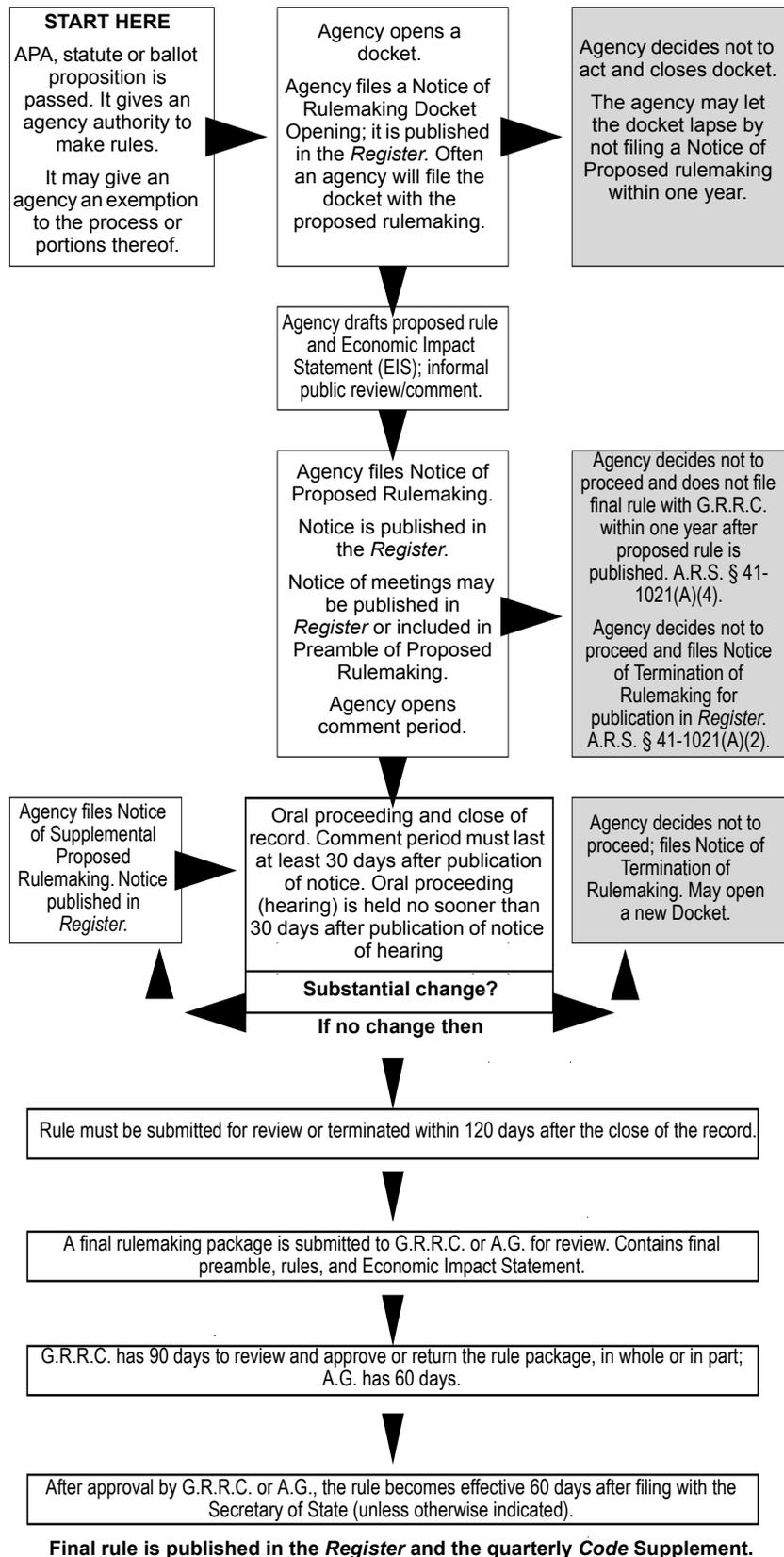
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

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

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

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

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

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

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 12. DEPARTMENT OF STATE - OFFICE OF THE SECRETARY OF STATE

[R16-229]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| Article I | New Article |
| R2-12-101 | New Section |
| R2-12-102 | New Section |
| R2-12-103 | New Section |
| R2-12-104 | New Section |
| R2-12-105 | New Section |
| R2-12-106 | New Section |
| R2-12-107 | New Section |
| R2-12-108 | New Section |
| R2-12-109 | New Section |
| R2-12-110 | New Section |
| R2-12-111 | New Section |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 41-130
 Implementing statute: A.R.S. §§ 41-130 and 41-121(3)
- 3. Citations to all related notices published in the Register as specified in R12-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 22 A.A.R. 239, February 12, 2016
- 4. The agency's contact person who can answer questions about the rulemaking:**
 Name: Shawn Johnson
 Address: Office of the Secretary of State
 1700 W. Washington St., 7th Floor
 Phoenix, AZ 85007
 Telephone: (602) 542-6191
 Fax: (602) 542-1575
 E-mail: sjohnson@azsos.gov
- 5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 These standards are necessary to ensure the integrity of the use of the Great Seal of Arizona. The standards also help to preserve the Great Seal of Arizona as historical artifacts.



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

The Secretary of State’s Office does not plan to review or rely on a study for any of the rules in this rulemaking. These rules are however similar in the scope of seal usage in other states.

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

Not applicable

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

Since the Office already grants the use of the Great Seal of Arizona to state agencies upon request, agencies shall continue to incur the financial costs associated with its use on collateral materials. Therefore, these proposed rules shall have minimal impact on state agencies. Agencies may find that approved vendors as stated on the Certificate of Approval may reduce the cost of collateral materials.

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

Name: Shawn Johnson
Address: Office of the Secretary of State
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007
Telephone: (602) 542-6191
Fax: (602) 542-1575
E-mail: sjohnson@azsos.gov

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

An oral proceeding is not scheduled. Persons may request an oral proceeding by contacting the Office’s contact listed under item 4.

If an oral proceeding is not requested, the rulemaking record will close 30 days upon publication of this notice in the Register.

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

This proposed rule is not subject to Council review.

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

Not applicable

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

Not applicable

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

Not applicable

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

R2-12-103: State Seal Usage Color Palette, effective January 5, 2015, available from Secretary of State, Administration.

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 12. DEPARTMENT OF STATE - OFFICE OF THE SECRETARY OF STATE

ARTICLE 1. THE GREAT SEAL OF THE STATE OF ARIZONA

<u>Section</u>	
<u>R2-12-101.</u>	<u>Authority and Purpose</u>
<u>R2-12-102.</u>	<u>Definitions</u>
<u>R2-12-103.</u>	<u>Seal Description</u>
<u>R2-12-104.</u>	<u>Prohibited Use</u>
<u>R2-12-105.</u>	<u>Seal Preservation</u>
<u>R2-12-106.</u>	<u>Exemptions</u>



R2-12-107.	<u>Application for Use</u>
R2-12-108.	<u>Approval Standards</u>
R2-12-109.	<u>Certificate</u>
R2-12-110.	<u>Certificate Revocation</u>
R2-12-111.	<u>Violation of Use</u>

ARTICLE 1. THE GREAT SEAL OF THE STATE OF ARIZONA

R2-12-101. Authority and Purpose

- A.** This Article is made under the authority of A.R.S. § 41-130 which states “the secretary may promulgate rules for the use of the great seal of this state or any facsimile, copy, likeness, imitation or other resemblance of the great seal.”
- B.** The Secretary of State is the custodian of the Great Seal of the State of Arizona under A.R.S. § 41-121(3).

R2-12-102. Definitions

Unless the context clearly requires otherwise, the definitions in this Section apply in this Article.

“Applicant” means a person who is at least 18 years old, who applies for use of the seal.

“Article 22” means the *Arizona Constitution*, Article 22, Schedule and Miscellaneous § 20, Design of State Seal.

“Seal” is the Great Seal of Arizona as defined in the *Arizona Constitution*, Article 22, Schedule and Miscellaneous § 20, Design of State Seal.

“Mottor Seal” The Great State of Arizona Seal by E.E. Motter.

“Secretary” is the Arizona Secretary of State or designee.

“State agency” means a department, division, board, office, authority, unit, or commission of the state’s executive, legislative and judicial branches. State agency includes: public universities and any officer of the state, such as an Arizona Notary Public.

“Government stationery” means letterhead intended for use by an Arizona state agency.

“Government business cards” means business cards intended for use by an Arizona state agency.

“Historical Artifact” means an object produced or shaped by human craft, of significant historical or archaeological interest.

“Notary Public” has the same meaning as in A.R.S. § 311. A Notary Public is commissioned by the Secretary of State and is an officer of the state.

“Office” means the Department of State, Office of the Secretary of State.

“Official government publications” are paper or electronic publications published by or on behalf of the State of Arizona.

“Vendor” means a business that:

Produces Arizona Notary Public Stamps;

Produces patches or other embroidered items.

“West Group” is the publishing company now known as Thomson Reuters.

R2-12-103. Seal Description

- A.** The seal shall be the same shape and design as described in Article 22, § 20.
- B.** The seal shall not be altered in any shape or manner, nor shall text or graphics be superimposed over the seal.
- C.** The official seal of record is the black and white Mottor seal as released by the Office.
- D.** The alternative seal is the color Mottor Seal as released by the Office. Colors used on the alternative seal shall be the same as specified on the State Seal Usage Color Palette, effective January 5, 2015, which is hereby incorporated by reference and is available from the Office.

R2-12-104. Prohibited Use

- A.** Prohibited use of the state seal is defined in A.R.S. § 41-130. No person or entity shall manufacture, display, copy or reproduce the seal under this statute or Article without first applying for use under R2-12-107 and receiving an approval certificate under R2-12-108 unless exempt to apply under R2-12-106.
- B.** A person, business or entity shall not use the seal, a part of the seal, nor a deceptively similar looking or imitation of the seal to mislead or imply an endorsement from the State of Arizona or state agency. This includes use on: clothing or uniforms; and buildings and vehicles that are not owned or leased by the State of Arizona or a state agency.
- C.** Whether offered for sale for profit or offered without charge, the state seal or part of the seal shall not be used for purposes on:
- Collateral materials (for example: stationary, business cards, newsletters, brochures) of a business;
 - Advertising, marketing, or promotional business services or products;



- 3. Product or products for sale including but not limited to plaques and awards, self-inking stamps, postcards, mugs, shirts, hats, mouse pads, gifts or novelty items (for example: T-shirts, jackets or other clothing which might lead the public to believe that the person wearing such apparel is an official of the state);
- 4. A non-state sanctioned raffle ticket or other gambling ticket;
- 5. A badge, credentials, or identification card;
- 6. A for-profit website, including a for-profit educational site.
- D. The state seal or a representation of the seal shall not be used in political campaign materials or political advertising. Examples include but are not limited to collateral materials such as literature and mailings, signage or using the seal as a website graphic or in a commercial. No person or other organization shall use the state seal to advocate on behalf of or against a candidate for public office or a ballot measure.
- E. The state seal shall not be used in news reporting, commentary, or advertisement including but not limited to print, broadcast, or electronic publishing, including websites.

R2-12-105. Seal Preservation

A. Green Initiative:

- 1. If a building is vacated, demolished, or renovated, state seals attached to a building or a sign shall not be surplused.
- 2. Any state seal removed under subsection (A)(1) shall be maintained by the Arizona Department of Administration and re-purposed.

B. Protection of state seals more than 50 years old:

- 1. A building on the National Register of Historic Places (36 C.F.R. 67) with a state seal as a permanent part of a building facade, wall, floor, column, post, door, doorknob, etched in glass, etc. shall be protected and preserved as a historical artifact.
 - a. State seals preserved as historical artifacts shall not be tampered with, removed, vandalized, mutilated, defaced, or abused contemptuously. For the purposes of this subsection any certified personnel may, if necessitated, remove a state seal for repair.
 - b. A person charged with the preservation of the state seal as a historical artifact:
 - i. May seek injunctive relief as provided under state law as a result of any person who causes damage under subsection (B)(1).
 - ii. Shall, as provided under state law, press charges if a person is caught with, conceals, steals, or knowingly vandalizes a state seal as a historical artifact.
- 2. All efforts shall be made to protect the state seals as historical artifacts by the use of signage, stanchions, rope or queue barriers, protective glass, Plexiglas or other industry standards. Removal or vandalism of protective barriers for historical artifacts shall constitute the removal of perpetrator(s) by law enforcement.

R2-12-106. Exemptions

A. The following state agencies are exempt from certain provisions of this Article as listed and need not apply for a certificate under R2-12-107.

- 1. State executive officers as listed under Arizona Revised Statutes, Title 41, State Government, Chapter 1, Articles 1 through 5 may use the Motter seal on official government:
 - a. Collateral material: name tags and badges, certificate holders, business cards, stationery and envelopes, self-inking return address stamps, facsimile cover sheets, invitations, programs, brochures, and reports/publications;
 - b. Websites/social media sites: under the control of the executive officer; and
 - c. Building and office signage: to include but not limited to magnetic, metal, plastic/acrylic signage, vinyl lettering, glass etching and polystyrene.
- 2. The Arizona Department of Administration (ADOA) may use the Motter seal on:
 - a. Identification cards: state-issued IDs;
 - b. Websites/social media sites: under the control of the ADOA Director;
 - c. Collateral materials: name tags and badges, business cards, stationery and envelopes, self-inking return address stamps, facsimile cover sheets, invitations, programs, brochures, and reports/publications;
 - d. General Accounting Office: checks issued by the state treasurer;
 - e. Fleet management: state vehicles owned or leased by the state of Arizona; and
 - f. Building and Planning Services: Building and office signage to include but not limited to magnetic, metal, plastic/acrylic signage, vinyl lettering, glass etching and polystyrene.
- 3. Arizona Department of Public Safety (DPS) officers and staff may use the image of the Motter seal on official:
 - a. Name tags;
 - b. Patches or embroidered uniforms;
 - c. Badges: Seven-point breast badge (including images of the badge), hat badge, department-issued identification badges;
 - d. DPS Flag;
 - e. Concealed Weapons Permit: As part of the image of the seven-point badge;
 - f. Fleet management: State vehicles owned or leased by DPS;



- g. Building and office signage: To include but not limited to magnetic, metal, plastic/acrylic signage, vinyl lettering, glass etching and polystyrene.
4. Arizona State Legislature: Members of the House or Senate and staff members may use the Motter seal on official government collateral items including name tags and badges, business cards, stationery and envelopes, self-inking return address stamps, facsimile cover sheets, invitations, programs, brochures, and reports/publications and on the websites: www.azleg.gov, www.azhouse.gov, and www.azsenate.gov. The chief clerk, or designee shall affix, by embosser, a seal on a senate or house bill, resolution, memorial or other official correspondence filed with the Office.
 5. Arizona Department of Transportation (ADOT) may use the Motter seal or a water mark of the Motter seal on MVD issued Arizona Driver or Commercial or Arizona Motorcycle Licenses, or state issued identification cards.
 6. The Arizona Board of Regents: The state universities of Arizona State University, Northern Arizona University, and University of Arizona may use the image of the Motter seal to create university seals on official diplomas.
 7. The Capitol Museum and Museum Store, an division of the Arizona State Library, Archives and Public Records established in the Office of the Secretary of State: These entities may use the Motter seal on commemorative and souvenir items sold by the store, and on historical and educational materials provided for tours and classroom civics lessons.
 8. The Business Services Division, a department of the Office of the Secretary of State: When preparing documents certified to be sent overseas the Division may use the Motter seal as part of a document authentication/Apostille stamp.
- B.** Arizona Revised Statutes: The publishing company of West Group, who entered into contract with the state under Legislative Authority, Laws 1956, Ch. 129, shall use the state seal on the attestation page at the front of each Arizona Revised Statute book. The language in the attestation shall be reviewed and approved by the Secretary prior to the publishing of each updated volume.
- C.** Non-profit educational purposes: A teacher or professor of an educational institution who uses or reproduces the seal in a classroom setting may use the state seal without approval.
- D.** Motter Seal: Those exempted under this Section shall use the Motter Seal as released by the Secretary of State's Office. The seal is available upon request from the Office or available for download at www.azsos.gov/about-office/great-seal-arizona.
- E.** Intended use: If the intended use of the seal is for any other than the stated purposes under subsection (A)(4), the legislator or designee shall apply for a certificate of approval under R2-12-107.
- F.** Motter Seal Exemption:
1. Collateral material produced with a seal other than a Motter Seal prior to the adoption of this Section, may be continued to be used until the stock has been depleted.
 2. A sign or other permanent seal created with a seal other than a Motter Seal prior to the adoption of this Section may continue to be used by a state agency without wrongdoing. Examples include concrete benches, etched glass, memorials, brass plates or wall plaques.

R2-12-107. Application for Use

- A.** Any person, government agency, company or business shall apply to obtain approval from the Secretary to use the state seal unless exempt under R2-12-106.
- B.** The application shall be in writing.
- C.** A person shall show good cause for use of the seal as identified under section R2-12-107. If reapplying for use under a new Secretary of State administration, the applicant shall also include a copy of the expired certificate. See R2-12-108(E).
- D.** A description of use shall be included with the letter of application. If necessary, additional photos or drawings may be submitted or attached. If a vendor intends to receive permission to use the State Seal on a notary self-inking stamp, the applicant shall review and follow the requirements listed under A.R.S. §§ 41-313(E) and 41-321.
- E.** The applicant contact information shall include:
1. First and last name;
 2. Title;
 3. Name of governmental agency or business, and division, if applicable;
 4. Address, city, state and zip code;
 5. Telephone number; and
 6. E-mail address, if applicable.
- D.** The applicant shall submit the request via letter, e-mail or facsimile to the office. If submitted by postal service, mail to: Secretary of State, 1700 W. Washington St. Fl. 7, Phoenix, AZ 85007, Attention: Administration.

R2-12-108. Approval Standards

- A.** Review: The application shall be reviewed under A.R.S. § 41-130 which states, "The great seal of this state shall in no way be employed by anyone other than a state agency for the purpose of advertising or promoting the sale of any article of merchandise within this state or for promoting any other commercial purpose."
- B.** Standards: The following standards shall be used by the Secretary to determine approval or denial of use.
1. Whether the use of the seal is prohibited under Arizona law and this Article, and



- 2. Whether the dignity of the seal will be compromised if approval is granted. This includes reviewing its intended use and appearance.

R2-12-109. Certificate

- A.** Approval: If the applicant demonstrates that the standards of approval are upheld, a certificate of approval shall be issued. The certificate shall stipulate the restrictions on the manner of use, display or manufacture of the seal.
- B.** Disclosure: In granting authority to use the seal, the Secretary and the State of Arizona does not assume any liability in connection with the applicant's use of the seal.
- C.** Restrictions: The certificate of approval is non-transferable, that is, the holder cannot assign or otherwise convey the certificate to any other party.
- D.** Expiration: A certificate expires within 60 days of a Secretary of State leaving office. The certificate holder may reapply to use the seal with the new Secretary of State administration. Certificate holders may apply for a new certificate beginning the first day the new administration takes office.
- E.** Lost or stolen certificate: A lost or stolen certificate shall be reported to the Secretary of State. A replacement shall be issued free of charge.

R2-12-110. Certificate Revocation

- A.** A certificate shall be revoked if the Secretary finds:
 - 1. That the holder was deceptive or mislead the Office for intended use;
 - 2. That the holder or agent submitted false information on the application; or
 - 3. That the holder has violated A.R.S. § 41-130, or conditions of use as defined on the certificate or these rules.
- B.** Upon receipt of a letter of revocation the certificate holder has 10 calendar days to return the certificate of approval. If the certificate is not returned, the Office shall notify the applicant they are in violation of this Article and will be notified of the infraction as stated under R2-12-111.

R2-12-111. Violation of Use

- A.** Any person who violates the use of the seal as specified in A.R.S. § 41-130 is guilty of a class 3 misdemeanor.
- B.** A person in violation of state law, sections of Article 1, or conditions of approval relating to the use of the seal shall be notified by the Secretary of the violation of infringement through a Cease and Desist letter. A copy of the letter shall be provided to the Arizona Attorney General's Office.



NOTICES OF FINAL EXEMPT RULEMAKING

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

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

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

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

[R16-247]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
3. The effective date of the rules and the agency's reason it selected the effective date:
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
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:
8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
9. The summary of the economic, small business and consumer impact, if applicable:
10. A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):

**11. A summary of the comments made regarding the rule and the agency response to them:**

A public hearing was held regarding these proposed rules on October 17, 2016. Numerous public comments in support of the rule were received. No negative public comments were received.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

Not applicable

15. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

Section

R7-2-317.

State Seal of Biliteracy Program

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

R7-2-317. State Seal of Biliteracy Program

A. Definitions. For purposes of this rule, "foreign language" means any language other than English.

B. School districts and charter schools in this state may choose to participate in the State Seal of Biliteracy Program (Program) which recognizes students who have attained a high level of proficiency in one or more foreign languages, in addition to English. School districts and charter schools participating in the Program may award the State Seal of Biliteracy to any high school student who graduates from a school operated by the school district or charter school and who meets the requirements of subsection (1) or (2), and subsection (3).

1. Assessment Method. To demonstrate language proficiency through the assessment method, the student must attain the required score on a language assessment as adopted by the State Board of Education, upon recommendation by the Arizona Department of Education, for purposes of demonstrating language proficiency for the Program in the four domains of speaking, writing, listening, and reading.

2. Alternative evidence model. A school district or charter school may choose to award the State Seal of Biliteracy through an alternative evidence method.

a. An alternative evidence method may be used in any of the following circumstances:

i. No standardized assessment exists for the targeted foreign language;

ii. Evaluating the language proficiency of a student with disabilities for whom the standardized assessment is inappropriate as determined by the student's Individualized Education Program team or a student on a 504 plan as determined by the student's 504 plan committee; or

iii. The standardized assessment for the targeted foreign language does not assess one or more of the four domains of speaking, writing, listening and reading.

b. Any alternative evidence method used shall consist of a student portfolio that contains evidence of experience in the targeted foreign language, as well as work samples, test results and other accomplishments that demonstrate proficiency, as established in the guidelines developed by the Arizona Department of Education, in the targeted foreign language in the four domains of speaking, writing, listening and reading. Student portfolios shall comply with guidelines adopted by the Department.

c. A school district or charter school that uses an alternative evidence model must notify the Arizona Department of Education.

3. To be eligible to be awarded the State Seal of Biliteracy, each student shall also demonstrate proficiency in English by meeting the following requirements:

a. The student must successfully complete all English Language Arts requirements for graduation, pursuant to A.A.C. R2-7-302, with an overall grade point average in those classes of 2.0 or higher on a 4.0 scale, or the equivalent; and

b. The student receives a passing score in English Language Arts on the state assessment.

c. If the student has a primary home language other than English, the student shall obtain a score of proficient based on the English language proficiency standards pursuant to A.R.S. § 15-756.

C. By October 1 of each year, the Arizona Department of Education shall make an electronic facsimile of the State Seal of Biliteracy available to each school district or charter school participating in the Program. Each participating school dis-



7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:
Not applicable
8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable
9. The summary of the economic, small business and consumer impact, if applicable:
The rules are not expected to have significant, if any, economic impact on small businesses.
10. A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):
Not applicable
11. A summary of the comments made regarding the rule and the agency response to them:
A public hearing was held regarding these proposed rules on September 19, 2016. Numerous individuals offered public comment in support of the amendments. No negative public comment was received.
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable
13. Incorporations by reference and their location in the rules:
Not applicable
14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:
Not applicable
15. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section
R7-2-603. Professional Administrative Standards

ARTICLE 6. CERTIFICATION

R7-2-603. Professional Administrative Standards

- A. No change
- B. Standard 1: ~~Supervisors, principals and superintendents promote the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by all stakeholders. Supervisors, principals and superintendents: Effective educational leaders develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student. Effective leaders:~~
1. ~~Collaboratively develop and implement a shared vision and mission. Develop an educational mission for the school to promote the academic success and well-being of each student.~~
 2. ~~Collect and use data to identify goals, assesses organizational effectiveness, and promote organizational learning. In collaboration with members of the school and the community and using relevant data, develop and promote a vision for the school on the successful learning and development of each child and on instructional and organizational practices that promote such success.~~
 3. ~~Create and implement plans to achieve goals. Articulate, advocate, and cultivate core values that define the school's culture and stress the imperative of child-centered education; high expectations and student support; equity, inclusiveness, and social justice; openness, caring, and trust; and continuous improvement.~~
 4. ~~Promote continuous and sustainable improvement. Strategically develop, implement, and evaluate actions to achieve the vision for the school.~~
 5. ~~Monitor and evaluate progress and revises plans. Review the school's mission and vision and adjust them to changing expectations and opportunities for the school, and changing needs and situations of students.~~
 6. ~~Develop shared understanding of and commitment to mission, vision, and core values within the school and the community.~~
 7. ~~Model and pursue the school's mission, vision, and core values in all aspects of leadership.~~
- C. Standard 2: ~~Supervisors, principals and superintendents promote the success of every student by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.~~



Supervisors, principals and superintendents: Effective educational leaders act ethically and according to professional norms to promote each student’s academic success and well-being. Effective leaders:

1. Nurture and sustain a culture of collaboration, trust, learning, and high expectations. Act ethically and professionally in personal conduct, relationships with others, decision-making, stewardship of the school’s resources, and all aspects of school leadership.
2. Create a comprehensive, rigorous, and coherent curricular program. Act according to and promote the professional norms of integrity, fairness, transparency, trust, collaboration, perseverance, learning, and continuous improvement.
3. Create a personalized and motivating learning environment for students. Place children at the center of education and accept responsibility for each student’s academic success and well-being.
4. Supervise instruction. Safeguard and promote the values of democracy, individual freedom and responsibility, equity, social justice, community, and diversity.
5. Develop assessment and accountability systems to monitor student progress. Lead with interpersonal and communication skill, social-emotional insight, and understanding of all students’ and staff members’ backgrounds and cultures.
6. Develop the instructional and leadership capacity of staff. Provide moral direction for the school and promote ethical and professional behavior among faculty and staff.
7. Maximize time spent on quality instruction.
8. Promote the use of the most effective and appropriate technologies to support teaching and learning.
9. Monitor and evaluate the impact of the instructional program.

D. Standard 3: ~~Supervisors, principals and superintendents promote the success of every student by ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment.~~ Supervisors, principals and superintendents: Effective educational leaders strive for equity of educational opportunity and culturally responsive practices to promote each student’s academic success and well-being. Effective leaders:

1. Monitor and evaluate the management and operational systems. Ensure that each student is treated fairly, respectfully, and with an understanding of each student’s culture and context.
2. Obtain, allocate, align, and efficiently utilize human, fiscal, and technological resources. Recognize, respect, and employ each student’s strengths, diversity, and culture as assets for teaching and learning.
3. Promote and protect the welfare and safety of students and staff. Ensure that each student has equitable access to effective teachers, learning opportunities, academic and social support, and other resources necessary for success.
4. Develop the capacity for distributed leadership. Develop student policies and address student misconduct in a positive, fair, and unbiased manner.
5. Ensure teacher and organizational time is focused to support quality instruction and student learning. Confront and alter institutional biases of student marginalization, deficit-based schooling, and low expectations associated with race, class, culture and language, gender and sexual orientation, and disability or special status.
6. Promote the preparation of students to live productively in and contribute to the diverse cultural contexts of a global society.
7. Act with cultural competence and responsiveness in their interactions, decision making, and practice.
8. Address matters of equity and cultural responsiveness in all aspects of leadership.

E. Standard 4: ~~Supervisors, principals and superintendents promote the success of every student by collaborating with faculty and community members, responding to diverse community interests and needs, and mobilizing community resources.~~ Supervisors, principals and superintendents: Effective educational leaders develop and support intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student’s academic success and well-being. Effective leaders:

1. Collect and analyze data and information pertinent to the educational environment. Implement coherent systems of curriculum, instruction, and assessment that promote the mission, vision, and core values of the school, embody high expectations for student learning, align with academic standards, and are culturally responsive.
2. Promote understanding, appreciation, and use of the community’s diverse cultural, social, and intellectual resources. Align and focus systems of curriculum, instruction, and assessment within and across grade levels to promote student academic success, love of learning, the identities and habits of learners, and healthy sense of self.
3. Build and sustain positive relationships with families and caregivers. Promote instructional practice that is consistent with knowledge of child learning and development, effective pedagogy, and the needs of each student.
4. Build and sustain productive relationships with community partners. Ensure instructional practice that is intellectually challenging, authentic to student experiences, recognizes student strengths, and is differentiated and personalized.
5. Promote the effective use of technology in the service of teaching and learning.
6. Employ valid assessments that are consistent with knowledge of child learning and development and technical standards of measurement.
7. Use assessment data appropriately and within technical limitations to monitor student progress and improve instruction.

F. Standard 5: ~~Supervisors, principals and superintendents promote the success of every student by acting with integrity, fairness, and in an ethical manner.~~ Supervisors, principals and superintendents: Effective educational leaders cultivate



an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student. Effective leaders:

1. Ensure a system of accountability for every student's academic and social success. Build and maintain a safe, caring, and healthy school environment that meets that the academic, social, emotional, and physical needs of each student.
 2. Model principles of self-awareness, reflective practice, transparency, and ethical behavior. Create and sustain a school environment in which each student is known, accepted and valued, trusted and respected, cared for, and encouraged to be an active and responsible member of the school community.
 3. Safeguard the values of democracy, equity, and diversity. Provide coherent systems of academic and social supports, services, extracurricular activities, and accommodations to meet the range of learning needs of each student.
 4. Consider and evaluate the potential moral and legal consequences of decision-making. Promote adult-student, student-peer, and school-community relationships that value and support academic learning and positive social and emotional development.
 5. Ensure that individual student needs inform all aspects of schooling. Cultivate and reinforce student engagement in school and positive student conduct.
 6. Infuse the school's learning environment with the cultures and languages of the school's community.
- G. Standard 6: Supervisors, principals and superintendents promote the success of every student by understanding, responding to, and influencing the political, social, economic, legal, and cultural context. Supervisors, principals and superintendents: Effective educational leaders develop the professional capacity and practice of school personnel to promote each student's academic success and well-being. Effective leaders:**
1. Stay informed on local, district, state, and national decisions affecting student learning. Recruit, hire, support, develop, and retain effective and caring teachers and other professional staff and form them into an educationally effective faculty.
 2. Assess, analyze, and anticipate emerging trends and initiatives in order to adapt leadership strategies. Plan for and manage staff turnover and succession, providing opportunities for effective induction and mentoring of new personnel.
 3. Develop teachers' and staff members' professional knowledge, skills, and practice through differentiated opportunities for learning and growth, guided by understanding of professional and adult learning and development.
 4. Foster continuous improvement of individual and collective instructional capacity to achieve outcomes envisioned for each student.
 5. Deliver actionable feedback about instruction and other professional practice through valid, research-anchored systems of supervision and evaluation to support the development of teachers' and staff members' knowledge, skills, and practice.
 6. Empower and motivate teachers and staff to the highest levels of professional practice and to continuous learning and improvement.
 7. Develop the capacity, opportunities, and support for teacher leadership and leadership from other members of the school community.
 8. Promote the personal and professional health, well-being, and work-life balance of faculty and staff.
 9. Tend to their own learning and effectiveness through reflection, study, and improvement, maintaining a healthy work-life balance.
- H. Standard 7: Effective educational leaders foster a professional community of teachers and other professional staff to promote each student's academic success and well-being. Effective leaders:**
1. Develop workplace conditions for teachers and other professional staff that promote effective professional development, practice, and student learning.
 2. Empower and entrust teachers and staff with collective responsibility for meeting the academic, social, emotional, and physical needs of each student, pursuant to the mission, vision, and core values of the school.
 3. Establish and sustain a professional culture of engagement and commitment to shared vision, goals, and objectives pertaining to the education of the whole child; high expectations for professional work; ethical and equitable practice; trust and open communication; collaboration, collective efficacy, and continuous individual and organizational learning and improvement.
 4. Promote mutual accountability among teachers and other professional staff for each student's success and the effectiveness of the school as a whole.
 5. Develop and support open, productive, caring, and trusting working relationships among leaders, faculty, and staff to promote professional capacity and the improvement of practice.
 6. Design and implement job-embedded and other opportunities for professional learning collaboratively with faculty and staff.
 7. Provide opportunities for collaborative examination of practice, collegial feedback, and collective learning.
 8. Encourage faculty-initiated improvement of programs and practices.
- I. Standard 8: Effective educational leaders engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being. Effective leaders:**
1. Are approachable, accessible, and welcoming to families and members of the community.



2. Create and sustain positive, collaborative, and productive relationships with families and the community for the benefit of students.
 3. Engage in regular and open two-way communication with families and the community about the school, students, needs, problems, and accomplishments.
 4. Maintain a presence in the community to understand its strengths and needs, develop productive relationships, and engage its resources for the school.
 5. Create means for the school community to partner with families to support student learning in and out of school.
 6. Understand, value, and employ the community's cultural, social, intellectual, and political resources to promote student learning and school improvement.
 7. Develop and provide the school as a resource for families and the community.
 8. Advocate for the school and district, and for the importance of education and student needs and priorities to families and the community.
 9. Advocate publicly for the needs and priorities of students, families, and the community.
 10. Build and sustain productive partnerships with public and private sectors to promote school improvement and student learning.
- J.** Standard 9: Effective educational leaders manage school operations and resources to promote each student's academic success and well-being. Effective leaders:
1. Institute, manage, and monitor operations and administrative systems that promote the mission and vision of the school.
 2. Strategically manage staff resources, assigning and scheduling teachers and staff to roles and responsibilities that optimize their professional capacity to address each student's learning needs.
 3. Seek, acquire, and manage fiscal, physical, and other resources to support curriculum, instruction, and assessment; student learning community; professional capacity and community; and family and community engagement.
 4. Are responsible, ethical, and accountable stewards of the school's monetary and non-monetary resources, engaging in effective budgeting and accounting practices.
 5. Protect teachers' and other staff members' work and learning from disruption.
 6. Employ technology to improve the quality and efficiency of operations and management.
 7. Develop and maintain data and communication systems to deliver actionable information for classroom and school improvement.
 8. Know, comply with, and help the school community understand local, state, and federal laws, rights, policies, and regulations so as to promote student success.
 9. Develop and manage relationships with feeder and connecting schools for enrollment management and curricular and instructional articulation.
 10. Develop and manage productive relationships with the central office and school board.
 11. Develop and administer systems for fair and equitable management of conflict among students, faculty and staff, leaders, families, and community.
 12. Manage governance processes and internal and external politics toward achieving the school's mission and vision.
- K.** Standard 10: Effective educational leaders act as agents of continuous improvement to promote each student's academic success and well-being. Effective leaders:
1. Seek to make school more effective for each student, teachers and staff, families, and the community.
 2. Use methods of continuous improvement to achieve the vision, fulfill the mission, and promote the core values of the school.
 3. Prepare the school and the community for improvement, promoting readiness, an imperative for improvement, instilling mutual commitment and accountability, and developing the knowledge, skills, and motivation to succeed in improvement.
 4. Engage others in an ongoing process of evidence-based inquiry, learning, strategic goal setting, planning, implementation, and evaluation for continuous school and classroom improvement.
 5. Employ situationally-appropriate strategies for improvement, including transformational and incremental, adaptive approaches and attention to different phases of implementation.
 6. Assess and develop the capacity of staff to assess the value and applicability of emerging educational trends and the findings of research for the school and its improvement.
 7. Develop technically appropriate systems of data collection, management, analysis, and use, connecting as needed to the district office and external partners for support in planning, implementation, monitoring, feedback, and evaluation.
 8. Adopt a systems perspective and promote coherence among improvement efforts and all aspects of school organization, programs, and services.
 9. Manage uncertainty, risk, competing initiatives, and politics of change with courage and perseverance, providing support and encouragement, and openly communicating the need for, process for, and outcomes of improvement efforts.
 10. Develop and promote leadership among teachers and staff for inquiry, experimentation and innovation, and initiating and implementing improvement.



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

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

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

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

**GOVERNOR’S REGULATORY REVIEW COUNCIL
NOTICE OF RULE EXPIRATION**

[R16-249]

- 1. **Agency name:** Department of Insurance
- 2. **Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
- 3. **Chapter and its heading:** 6, Department of Insurance
- 4. **Articles and their headings:**
 - 1, Hearing Procedures ad Rulemaking Petitions
 - 2, Transaction of Insurance
 - 3, Financial Provisions and Procedures
- 5. **As required by A.R.S. § 41-1056(J), the Council provides notice that the agency expired the following rules as of May 31, 2016:**
 - R20-6-111. Hearings
 - R20-6-112. Order of Presentation
 - R20-6-206. Industrial Insureds
 - R20-6-308. Determination of Insurer’s Hazardous Financial Condition
- 6. **Signature is of Nicole A. Ong** **Date of Signing**
 - /s/ Oct. 25, 2016
 - Nicole A. Ong
 - G.R.R.C. Chair



NOTICES OF AGENCY OMBUDSMAN

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

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

NOTICE OF AGENCY OMBUDSMAN

DEPARTMENT OF CHILD SAFETY

[M16-280]

1. The agency name: Department of Child Safety

2. The ombudsman's:

a. Name: Ms. Casey Melsek

b. Title: Ombudsman

3. The ombudsman's office address to include city, state, and zip code:

Arizona Department of Child Safety
3003 N. Central Ave.
Phoenix, AZ 85012

Or:

P.O. Box 6030, Site Code C010-23
Phoenix, AZ 85005-6030

4. The ombudsman's area code and telephone number, fax number and e-mail address, if available:

Telephone: (602) 255-2500

Fax: (602) 255-3264

E-mail: DCSOmbudsman@azdes.gov



GOVERNOR EXECUTIVE ORDERS

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

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

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

EXECUTIVE ORDER 2016-03

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

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2016, as a notice to the public regarding state agencies' rulemaking activities.

[M16-29]

WHEREAS, Arizona is poised to lead the nation in job growth;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, small businesses and startups are especially hurt by regulations;

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

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

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

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

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

- 1. A State agency subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace, or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
j. To eliminates rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded



from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.

4. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
5. This Executive Order expires on December 31, 2016.

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

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Eighth day of February in the Year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:

Michele Reagan
Secretary of State

REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

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

SUPPLEMENTAL PROPOSED RULEMAKING

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

FINAL RULEMAKING

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

SUMMARY RULEMAKING**PROPOSED SUMMARY**

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

FINAL SUMMARY

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

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

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

SUPPLEMENTAL EXPEDITED

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

FINAL EXPEDITED

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

EXEMPT RULEMAKING**EXEMPT PROPOSED**

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

EXEMPT SUPPLEMENTAL PROPOSED

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

FINAL EXEMPT RULMAKING

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

EMERGENCY RULEMAKING

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

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

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

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

**2016 Arizona Administrative Register
Volume 22 Page Guide**

Issue 1, Jan. 1, 2016.....1-44	Issue 18, April 29, 2016.....917-1016	Issue 35, Aug. 26, 2016.....2235-2302
Issue 2, Jan. 8, 2016.....45-74	Issue 19, May 6, 2016.....1017-1086	Issue 36, Sept. 2, 2016.....2303-2426
Issue 3, Jan. 15, 2016.....75-100	Issue 20, May 13, 2016.....1087-1284	Issue 37, Sept. 9, 2016.....2427-2550
Issue 4, Jan. 22, 2016.....101-134	Issue 21, May 20, 2016.....1285-1336	Issue 38, Sept. 16, 2016.....2551-2588
Issue 5, Jan. 29, 2016.....135-172	Issue 22, May 27, 2016.....1337-1374	Issue 39, Sept. 23, 2016.....2589-2678
Issue 6, Feb. 5, 2016.....173-214	Issue 23, June 3, 2016.....1375-1410	Issue 40, Sept. 30, 2016.....2679-2864
Issue 7, Feb. 12, 2016.....215-250	Issue 24, June 10, 2016.....1411-1585	Issue 41, Oct. 7, 2016.....2865-2942
Issue 8, Feb. 19, 2016.....251-362	Issue 25, June 17, 2016.....1587-1632	Issue 42, Oct. 14, 2016.....2943-3008
Issue 9, Feb. 26, 2016.....363-406	Issue 26, June 24, 2016.....1633-1670	Issue 43, Oct. 21, 2016.....3009-3052
Issue 10, March 4, 2016.....407-544	Issue 27, July 1, 2016.....1671-1722	Issue 44, Oct. 28, 2016.....3053-3134
Issue 11, March 11, 2016.....545-598	Issue 28, July 8, 2016.....1723-1772	Issue 45, Nov. 4, 2016.....3135-3174
Issue 12, March 18, 2016.....599-662	Issue 29, July 15, 2016.....1773-1874	Issue 46, Nov. 11, 2016.....3175-3224
Issue 13, March 25, 2016.....663-692	Issue 30, July 22, 2016.....1875-1936	Issue 47, Nov. 18, 2016.....3225-3274
Issue 14, April 1, 2016.....693-726	Issue 31, July 29, 2016.....1937-2010	Issue 48, Nov. 25, 2016.....3275-3356
Issue 15, April 8, 2016.....727-800	Issue 32, Aug. 5, 2016.....2011-2074	
Issue 16, April 15, 2016.....801-846	Issue 33, Aug. 12, 2016.....2075-2162	
Issue 17, April 22, 2016.....847-916	Issue 34, Aug. 19, 2016.....2163-2234	

RULEMAKING ACTIVITY INDEX

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

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 48 OF VOLUME 22.

Acupuncture Board of Examiners	R3-2-801.	PM-1023; FM-2169	R9-22-712.61	PM-761; FM-2187
R4-8-101.				
	R3-2-806.	PM-1023; FM-2169	R9-22-712.66	PM-761; FM-2187
Table 1.				
	Agriculture, Department of - Environmental Services Division		R9-22-712.67	PM-761; FM-2187
R4-8-203.	R3-3-208.	FM-367	R9-22-712.71	PM-761; FM-2187
	Agriculture, Department of - Agricultural Councils and Commissions			
R4-8-403.	R3-9-105.	EXP-1393	R9-22-712.75	PM-761; FM-2187
	Arizona Health Care Cost Containment System - Administration			
R4-8-407.	R9-22-401.	PN-1289; FN-3191	R9-22-712.90.	SPN-1945
			R9-22-730.	FXM-2050
R4-8-411.	R9-22-402.	PN-1289; FN-3191	Arizona Health Care Cost Containment System - Arizona Long-term Care System	
R4-8-412.	R9-22-403.	PN-1289; FN-3191	R9-28-702.	PM-2015; FM-3332
R4-8-502.	R9-22-404.	PN-1289; FN-3191	Arizona Health Care Cost Containment System - Behavioral Health Services for Persons with Serious Mental Illness	
	R9-22-405.	PN-1289; FN-3191	R9-21-101.	PM-731; FM-2019
Agriculture, Department of - Animal Services Division	R9-22-406.	PN-1289; FN-3191	R9-21-102.	PM-731; FM-2019
R3-2-202.	R9-22-407.	PN-1289; FN-3191	R9-21-103.	PM-731; FM-2019
	R9-22-408.	PN-1289; FN-3191	R9-21-104.	PM-731; FM-2019
R3-2-405.	R9-22-701.	PM-761; FM-2187	R9-21-105.	PM-731; FM-2019
R3-2-411.	R9-22-712.15.	PM-770	R9-21-106.	PM-731; FM-2019
R3-2-601.	R9-22-712.35.	PM-761; FM-2187	R9-21-201.	PM-731; FM-2019
R3-2-602.	R9-22-712.60.	FM-2187		
R3-2-603.				
R3-2-605.				
R3-2-606.				
R3-2-608.				
R3-2-609.				
R3-2-610.				
R3-2-611.				
R3-2-617.				
R3-2-618.				
R3-2-702.				
R3-2-703.				

R9-21-203.	PM-731; FM-2019	R4-6-211.	FXM-3238	R21-8-112.	PM-3181
R9-21-204.	PM-731; FM-2019	R4-6-212.	FXM-3238	R21-8-113.	PM-3181
R9-21-205.	PM-731; FM-2019	R4-6-212.01.	FXM-3238	Clean Elections Commission, Citizens	
R9-21-206.	PM-731; FM-2019	R4-6-214.	FXM-3238	R2-20-101.	PXM-3016
R9-21-206.01.	PM-731; FM-2019	R4-6-301.	FXM-3238	R2-20-104.	PXM-3018
R9-21-208.	PM-731; FM-2019	R4-6-304.	FXM-3238	R2-20-105.	PXM-3021
R9-21-209.	PM-731; FM-2019	R4-6-306.	FXM-3238	R2-20-107.	PXM-3023
Exhibit A	PM-731; FM-2019	R4-6-402.	FXM-3238	R2-20-109.	PXM-1744; PXM-1777; PXM-1883; FXM-2892; PXM-3025
R9-21-301.	PM-731; FM-2019	R4-6-403.	FXM-3238	R2-20-110.	PX#-1888; PXM-1888; FXM-2897; PXM-3096
R9-21-303.	PM-731; FM-2019	R4-6-502.	FXM-3238	R2-20-111.	PX#-1891; PXM-1891; FXM-2899; PXM-3098
R9-21-307.	PM-731; FM-2019	R4-6-601.	FXM-3238	R2-20-112.	PXM-3100
R9-21-309.	PM-731; FM-2019	R4-6-602.	FXM-3238	R2-20-114.	PX#-1893; PXN-1893; FXN-2902
R9-21-310.	PM-731; FM-2019	R4-6-603.	FXM-3238	R2-20-115.	PX#-1895; PXN-1895; FXN-2904; PXM-3102
R9-21-311.	PM-731; FM-2019	R4-6-701.	FXM-3238	R2-20-402.01.	PXM-3104
R9-21-401.	PM-731; FM-2019	R4-6-702.	FXM-3238	R2-20-402.02.	PXN-3106
R9-21-402.	PM-731; FM-2019	R4-6-703.	FXM-3238	R2-20-702.	PXM-1897; FXN-2906
R9-21-403.	PM-731; FM-2019	R4-6-704.	FXM-3238	R2-20-703.	PXM-3107
R9-21-404.	PM-731; FM-2019	R4-6-705.	FXM-3238	Corporation Commission - Fixed Utilities	
R9-21-405.	PM-731; FM-2019	R4-6-802.	FXM-3238	R14-2-802.	PM-411; FM-1949
R9-21-406.	PM-731; FM-2019	Barbers, Board of		Corporation Commission - Transportation	
R9-21-407.	PM-731; FM-2019	R4-5-103.	PR-3179	R14-5-202.	EM-5; EM-1637; FM-2869
R9-21-408.	PM-731; FM-2019	Charter Schools, State Board for		R14-5-203.	EM-5; EM-1637; FM-2869
R9-21-409.	PM-731; FM-2019	R7-5-101.	PM-3057	R14-5-204.	EM-5; EM-1637; FM-2869
R9-21-410.	PM-731; FM-2019	R7-5-201.	PM-3057	R14-5-205.	EM-5; EM-1637; FM-2869
Arizona Health Care Cost Containment System - Medicare Part D Prescription Coverage Extra Help Subsidy Program		R7-5-202.	PM-3057	R14-5-207.	EM-5; EM-1637; FM-2869
R9-30-201.	PM-805	R7-5-203.	PM-3057	Cosmetology, Board of	
R9-30-202.	PR-805	R7-5-204.	PM-3057	R4-10-108.	PM-1941; FM-3329
R9-30-203.	PM-805	R7-5-205.	PM-3057	Deaf and the Hard of Hearing, Commission for	
R9-30-204.	PR-805; PN-805	R7-5-206.	PM-3057	R9-26-101.	P#-177; F#-1675
R9-30-205.	PR-805	R7-5-207.	PM-3057	R9-26-201.	P#-177; PM-177; F#-1675; FM-1675
R9-30-206.	PR-805	R7-5-208.	PN-3057	R9-26-202.	P#-177; PM-177; F#-1675; FM-1675
R9-30-207.	PM-805	R7-5-208.	PN-3057	R9-26-203.	P#-177; PM-177; F#-1675; FM-1675
R9-30-208.	PR-805	R7-5-301.	P#-3057; PN-3057	R9-26-204.	P#-177; PM-177; F#-1675; FM-1675
R9-30-209.	PM-805	R7-5-302.	P#-3057; PN-3057	R9-26-205.	P#-177; PM-177; F#-1675; FM-1675
R9-30-210.	PR-805	R7-5-303.	P#-3057; PN-3057	R9-26-206.	P#-177; F#-1675;
R9-30-211.	PR-805	R7-5-304.	P#-3057; PN-3057		
R9-30-212.	PM-805	R7-5-401.	P#-3057; PN-3057		
R9-30-213.	PM-805	R7-5-402.	PN-3057		
R9-30-214.	PM-805	R7-5-403.	PN-3057		
R9-30-215.	PM-805	R7-5-404.	PR-3057; P#-3057; PM-3057		
R9-30-216.	PM-805	R7-5-501.	PR-3057; P#-3057; PM-3057		
R9-30-218.	PR-805	R7-5-502.	P#-3057; PM-3057		
R9-30-401.	PR-805	R7-5-503.	PR-3057; PN-3057		
R9-30-402.	PR-805	R7-5-504.	PR-3057; PN-3057		
Behavioral Health Examiners, Board of		R7-5-505.	PN-3057		
R4-6-101.	FXM-3238	R7-5-506.	PN-3057		
R4-6-205.	FXM-3238	R7-5-507.	PN-3057		
		R7-5-508.	PN-3057		
		R7-5-509.	PN-3057		
		R7-5-510.	P#-3057; PM-3057		
		R7-5-601.	P#-3057; PM-3057		
		R7-5-602.	PN-3057		
		R7-5-603.	PN-3057		
		R7-5-604.	PN-3057		
		R7-5-605.	PN-3057		
		R7-5-606.	PN-3057		
		R7-5-607.	PN-3057		
		Child Safety, Department of - Foster Home and Child Welfare Agency Facility Safety			

R9-26-207.	P#-177; PN-177 F#-1675; FN-1675	R6-5-5201.	FXR-1607; FXN-1607 PM-1029;	R6-5-7012. R6-5-7013. R6-5-7014.	EXP-2567 EXP-2567 EXP-2567
R9-26-301.	PR-177; P#-177; PM-177; FR-1675; F#-1675; FM-1675;	R6-5-5202. R6-5-5207.	FM-3185 PM-1029; FM-3185 PM-1029;	R6-5-7015. R6-5-7016. R6-5-7017. R6-5-7018.	EXP-2567 EXP-2567 EXP-2567 EXP-2567
R9-26-302.	PR-177; P#-177; FR-1675; F#-1675	R6-5-5217. R6-5-5218.	FM-3185 PM-1029; FM-3185 PM-1029;	R6-5-7019. R6-5-7020. R6-5-7021. R6-5-7022.	EXP-2567 EXP-2567 EXP-2567 EXP-2567
R9-26-303.	PR-177; P#-177; PM-177; FR-1675; F#-1675;	R6-5-5219. R6-5-6501.	FM-3185 PM-1029; FM-3185 EXP-2567	R6-5-7023. R6-5-7024. R6-5-7025. R6-5-7026.	EXP-2567 EXP-2567 EXP-2567 EXP-2567
R9-26-304.	FM-1675 P#-177; PM-177; F#-1675; FM-1675	R6-5-6502. R6-5-6503. R6-5-6503.01. R6-5-6504.	EXP-2567 EXP-2567 EXP-2567 EXP-2567	R6-5-7027. R6-5-7028. R6-5-7029. R6-5-7030.	EXP-2567 EXP-2567 EXP-2567 EXP-2567
R9-26-501.	PM-177; FM-1675	R6-5-6505. R6-5-6506.	EXP-2567 EXP-2567	R6-5-7031. R6-5-7032.	EXP-2567 EXP-2567
R9-26-502.	PM-177; FM-1675	R6-5-6507. R6-5-6508.	EXP-2567 EXP-2567	R6-5-7033. R6-5-7034.	EXP-2567 EXP-2567
R9-26-503.	PM-177; FM-1675	R6-5-6509. R6-5-6510.	EXP-2567 EXP-2567	R6-5-7035. R6-5-7036.	EXP-2567 EXP-2567
R9-26-504.	PM-177; FM-1675	R6-5-6511. R6-5-6601.	EXP-2567 EXP-2567	R6-5-7037. R6-5-7038.	EXP-2567 EXP-2567
R9-26-505.	PM-177; FM-1675	R6-5-6602. R6-5-6603.	EXP-2567 EXP-2567	R6-5-7039. R6-5-7040.	EXP-2567 EXP-2567
R9-26-506.	PM-177; FM-1675	R6-5-6604. R6-5-6605.	EXP-2567 EXP-2567	R6-5-8001. R6-5-8002.	EXP-2567 EXP-2567
R9-26-507.	PM-177; FM-1675	R6-5-6606. R6-5-6607.	EXP-2567 EXP-2567	R6-5-8003. R6-5-8004.	EXP-2567 EXP-2567
R9-26-508.	PM-177; FM-1675	R6-5-6608. R6-5-6609.	EXP-2567 EXP-2567	R6-5-8005. R6-5-8006.	EXP-2567 EXP-2567
R9-26-509.	PM-177; FM-1675	R6-5-6610. R6-5-6611.	EXP-2567 EXP-2567	R6-5-8007. R6-5-8008.	EXP-2567 EXP-2567
R9-26-510.	PM-177; FM-1675	R6-5-6612. R6-5-6613.	EXP-2567 EXP-2567	R6-5-8009. R6-5-8010.	EXP-2567 EXP-2567
R9-26-511.	PR-177; PN-177; FR-1675; FN-1675	R6-5-6614. R6-5-6615. R6-5-6616.	EXP-2567 EXP-2567 EXP-2567	Economic Security, Department of - The JOBS Program	
R9-26-512.	PM-177; FM-1675	R6-5-6617. R6-5-6618.	EXP-2567 EXP-2567	R6-10-118. R6-10-125.	EXP-1393 EXP-1393
R9-26-515.	P#-177; PN-177; F#-1675; FN-1675	R6-5-6619. R6-5-6620. R6-5-6621.	EXP-2567 EXP-2567 EXP-2567	R6-10-126. R6-10-304.	EXP-1393 EXP-1393
R9-26-516.	P#-177; F#-1675	R6-5-6622.	EXP-2567	Education, State Board of	
R9-26-517.	PM-177; FM-1675	R6-5-6623. R6-5-6624.	EXP-2567 EXP-2567	R7-2-201. R7-2-300. R7-2-301. R7-2-302.	FXM-2239 FXN-143 FXM-143 FXM-143; FNM-197
R9-26-518.	PM-177; FM-1675	R6-5-6701. R6-5-6702. R6-5-6703.	EXP-2567 EXP-2567 EXP-2567	R7-2-302.01. R7-2-302.02. R7-2-302.04.	FXR-143 FXR-143 FXR-143
Dental Examiners, State Board of		R6-5-6704. R6-5-6705. R6-5-6706.	EXP-2567 EXP-2567 EXP-2567	R7-2-302.05.	FX#-111; FXN-111
R4-11-201.	FM-371	R6-5-6707.	EXP-2567	R7-2-302.06.	FX#-111; FXR-143
R4-11-202.	FM-371	R6-5-6708.	EXP-2567	R7-2-302.07.	FX#-111; FXR-143
R4-11-203.	FM-371	R6-5-6709.	EXP-2567	R7-2-302.08.	FX#-111; FXR-143
R4-11-204.	FM-371	R6-5-6710.	EXP-2567	R7-2-302.09.	FX#-111; FXR-143
R4-11-301.	FM-371	R6-5-6711.	EXP-2567	R7-2-302.10.	FX#-111; FXN-111; FXM-143; FXR-197
R4-11-302.	FR-371	R6-5-6712.	EXP-2567	R7-2-607.	FXM-648
R4-11-303.	FM-371	R6-5-6713.	EXP-2567	R7-2-612.01.	FXN-2617
R4-11-304.	FM-371	R6-5-7001.	EXP-2567	R7-2-614.	FXM-667; FXM-2617
R4-11-305.	FM-371	R6-5-7002.	EXP-2567	R7-2-615.	FXM-219; FXM-227;
R4-11-401.	FM-2307	R6-5-7003.	EXP-2567		
R4-11-402.	FM-2307	R6-5-7004.	EXP-2567		
R4-11-403.	FN-2307	R6-5-7005.	EXP-2567		
R4-11-405.	FM-2307	R6-5-7006.	EXP-2567		
R4-11-406.	FM-2307	R6-5-7007.	EXP-2567		
Economic Security, Department of - Developmental Disabilities		R6-5-7008.	EXP-2567		
R6-6-1401.	EXP-14	R6-5-7009.	EXP-2567		
Economic Security, Department of - Social Services		R6-5-7010.	EXP-2567		
Appendix A.	FXR-1603; FXN-1603;	R6-5-7011.	EXP-2567		

	FXM-233;	R18-2-B1302.	PN-3279	R12-4-802.	FXM-951;
	FXM-670;	R18-2-C1301.	PN-3279		FXM-2209
	FXM-1912;	R18-2-C1302.	PN-3279	R12-4-803.	FXM-951;
	FXM-2241				FXM-2209
R7-2-616.	FXM-219	Environmental Quality, Department of		Health Services, Department of - Health	
R7-2-619.	FXM-648;	- Hazardous Waste Management		Care Institutions: Licensing	
	FXM-2246	R18-8-201.	EXP-2983	R9-10-101.	FXM-1035
R7-2-621.	FXM-219;	Environmental Quality, Department of		R9-10-119.	PN-139;
	FXM-227;	- Safe Drinking Water			EM-420;
	FXM-2248	R18-4-102.	FM-379		FN-1343
Environmental Quality, Department of		R18-4-103.	FM-379		
- Air Pollution Control		R18-4-105.	FM-379	R9-10-707.	FXM-1035
R18-2-611.	FXM-987	R18-4-121.	FM-379	R9-10-1002.	FXM-1035
R18-2-611.01.	FXM-987	R18-4-126.	FN-379	R9-10-1025.	FXM-1035
R18-2-709.	EXP-15	R18-4-210.	FM-379	R9-10-1030.	FXM-1035
R18-2-711.	EXP-15	Environmental Quality, Department of		R9-10-1031.	FXN-1035
R18-2-712.	EXP-15	- Solid Waste Management		Health Services, Department of - Labo-	
R18-2-713.	EXP-15	R18-13-902.	EXP-2983	ratories	
R18-2-717.	EXP-15	R18-13-2701.	EXP-2984	R9-14-601.	PM-1415;
R18-2-732.	EXP-15	R18-13-2702.	EXP-2984		FM-2683
R18-2-101.	PM-2431	R18-13-2703.	EXP-2984	R9-14-602.	PM-1415;
R18-2-102.	PM-2431	Environmental Quality, Department of			FM-2683
R18-2-201.	PM-2431	- Underground Storage Tanks		R9-14-603.	PM-1415;
R18-2-203.	PM-2431	R18-12-802.	EXP-2983		FM-2683
R18-2-217.	PM-2431	Environmental Quality, Department of		R9-14-605.	PM-1415;
R18-2-218.	PM-2431	- Water Pollution Control			FM-2683
R18-2-301.	PM-2431	R18-9-704.	FM-1696	R9-14-606.	PM-1415;
R18-2-302.	PM-2431	Environmental Quality, Department of			FM-2683
R18-2-302.01.	PM-2431	- Water Quality Standards		R9-14-607.	PM-1415;
R18-2-303.	PM-2431	R18-11-106.	TM-343;		FM-2683
R18-2-304.	PM-2431		PM-255;	R9-14-608.	PM-1415;
R18-2-306.	PM-2431		FM-2328		FM-2683
R18-2-306.01.	PM-2431	R18-11-109.	TM-343;	R9-14-609.	PM-1415;
R18-2-306.02.	PM-2431;		PM-255;		FM-2683
	EXP-2982		FM-2328	R9-14-610.	PM-1415;
R18-2-307.	PM-2431	R18-11-110.	TM-343;		FM-2683
R18-2-311.	PM-2431		PM-255;	R9-14-611.	PM-1415;
R18-2-312.	PM-2431		FM-2328		FM-2683
R18-2-319.	PM-2431	R18-11-112.	TM-343;	R9-14-612.	PM-1415;
R18-2-320.	PM-2431		PM-255;		FM-2683
R18-2-324.	PM-2431		FM-2328	R9-14-613.	PM-1415;
R18-2-326.	PM-2431	R18-11-115.	TM-343;		FM-2683
R18-2-327.	PM-2431		PM-255;	R9-14-614.	PM-1415;
R18-2-330.	PM-2431		FM-2328		FM-2683
R18-2-332.	PM-2431	R18-11-121.	TM-343;	R9-14-615.	PM-1415;
R18-2-334.	PM-2431		PM-255;		FM-2683
R18-2-401.	PM-2431		FM-2328	R9-14-616.	PM-1415;
R18-2-402.	PM-2431	Appendix A.	TM-343;		FM-2683
R18-2-403.	PM-2431		PM-255;	R9-14-617.	PM-1415;
R18-2-404.	PM-2431	Appendix B.	FM-2328		FM-2683
R18-2-405.	PM-2431		PM-255;	R9-14-620.	PM-1415;
R18-2-406.	PM-2431	Appendix C.	FM-2328		FM-2683
R18-2-407.	PM-2431		TM-343;	R9-14-621.	PM-1415;
R18-2-408.	PM-2431		PM-255;		FM-2683
R18-2-410.	PM-2431		FM-2328	Table 1.	P#-1415;
R18-2-411.	PN-2431	Game and Fish Commission			F#-2683
R18-2-412.	PM-2431	R12-4-402.	PM-2558	Table 6.1.	P#-1415;
R18-2-502.	PM-2431	R12-4-701.	PM-810;		PM-1415;
R18-2-503.	PM-2431		FM-2200		F#-2683;
R18-2-504.	PM-2431	R12-4-702.	PM-810;		FM-2683
R18-2-507.	PR-2431		FM-2200	Exhibit I.	PR-1415;
R18-2-508.	PR-2431	R12-4-703.	PM-810;		FR-2683
R18-2-512.	PM-2431		FR-2200	Exhibit II.	PR-1415;
R18-2-513.	PM-2431	R12-4-704.	PM-810;		FR-2683
R18-2-514.	PN-2431		FR-2200	Table 6.2.A	PN-1415;
R18-2-515.	PN-2431	R12-4-705.	PM-810;		FN-2683
R18-2-715.	PM-3279		FR-2200	Table 6.2.B.	PN-1415;
R18-2-715.01.	PM-3279	R12-4-706.	PM-810;		FN-2683
Appendix 14.	PN-3279		FR-2200	Table 6.2.C.	PN-1415;
Appendix 15.	PN-3279	R12-4-707.	PM-810;		FN-2683
R18-2-1205.	PM-2431		FR-2200	Table 6.2.D.	PN-1415;
Appendix 1.	PR-2431	R12-4-708.	PM-810;		FN-2683
R18-2-B1301.	PN-3279		FR-2200	Table 6.2.E.	PN-1415;
R18-2-B1301.01.	PN-3279	R12-4-801.	FXM-951		FN-2683



Table 6.3.	PN-1415; FN-2683	R9-19-108.	FXR-1782	R20-5-601.	FM-773; FM-1391;
Table 6.4.	PN-1415; FN-2683	R9-19-109.	FXR-1782		PM-2561
Health Services, Department of - Loan Repayment Program		R9-19-111.	FXR-1782	R20-5-602.	FM-773; PM-2561
R9-15-101.	FXM-851	R9-19-112.01.	FXR-1782	R20-5-629.	FM-775; PM-2561
R9-15-201.	FXR-851; FXN-851	R9-19-114.	FXR-1782	R20-5-715.	PM-416; FM-2782
R9-15-202.	FXR-851; FXN-851	R9-19-115.	FXR-1782	R20-5-1301.	FM-1730
R9-15-203.	FXR-851; FXN-851	R9-19-116.	FXR-1782	R20-5-1302.	FM-1730
R9-15-204.	FXR-851; FXN-851	R9-19-117.	FXR-1782	R20-5-1303.	FM-1730
R9-15-205.	FXR-851; FXN-851	R9-19-118.	FXR-1782	R20-5-1304.	FM-1730
R9-15-205.01.	FXN-851	R9-19-120.	FXR-1782	R20-5-1305.	FM-1730
R9-15-206.	FXR-851; FXN-851	R9-19-121.	FXR-1782; FXN-1782	R20-5-1306.	FM-1730
Table 2.1.	FXN-851	R9-19-202.	FXR-1782; FXN-1782	R20-5-1307.	FM-1730
R9-15-207.	FXR-851; FXN-851	R9-19-203.	FXN-1782	R20-5-1308.	FM-1730
R9-15-208.	FXR-851; FXN-851	R9-19-204.	FXN-1782	R20-5-1309.	FM-1730
R9-15-209.	FXR-851; FXN-851	R9-19-205.	FXR-1782; FXN-1782	R20-5-1310.	FM-1730
R9-15-210.	FXR-851; FXN-851	R9-19-206.	FXN-1782	R20-5-1311.	FM-1730
R9-15-211.	FXR-851; FXN-851	R9-19-207.	FXR-1782; FXN-1782	R20-5-1312.	FM-1730
R9-15-212.	FXR-851; FXN-851	R9-19-208.	FXR-1782; FXN-1782	Lottery Commission, Arizona State	
R9-15-213.	FXR-851; FXN-851	R9-19-209.	FXN-1782	R19-3-201.	FM-1379
R9-15-214.	FXR-851; FXN-851	R9-19-210.	FXN-1782	R19-3-202.	FM-1379
R9-15-215.	FXR-851; FXN-851	R9-19-211.	FXN-1782	R19-3-202.01.	FM-1379
R9-15-216.	FXR-851	R9-19-212.	FXN-1782	R19-3-202.03.	FM-1379
R9-15-217.	FXR-851	R9-19-301.	FXM-1782	R19-3-202.04.	FM-1379
R9-15-218.	FXR-851	R9-19-302.	FX#-1782;	R19-3-204.	FM-1379
R9-15-219.	FXR-851	R9-19-303.	FXN-1782	R19-3-204.02.	FM-1379
R9-15-220.	FXR-851	R9-19-304.	FXR-1782; FXN-1782	R19-3-205.	FM-1379
R9-15-221.	FXR-851	R9-19-305.	FXR-1782; FX#-1782;	R19-3-210.	FM-1379
R9-15-222.	FXR-851	R9-19-306.	FXM-1782	R19-3-211.	FM-1379
R9-15-223.	FXR-851	R9-19-307.	FX#-1782;	R19-3-214.	FM-1379
R9-15-224.	FXR-851	R9-19-308.	FXM-1782	R19-3-217.	FM-1379
R9-15-225.	FXR-851	R9-19-309.	FX#-1782;	R19-3-501.	PM-1091; FM-2966
R9-15-226.	FXR-851	R9-19-310.	FXM-1782	R19-3-505.	PM-1091; FM-2966
R9-15-227.	FXR-851	R9-19-311.	FX#-1782;	R19-3-506.	PM-1091; FM-2966
R9-15-228.	FXR-851	R9-19-312.	FXM-1782	R19-3-508.	PM-1091; FM-2966
R9-15-229.	FXR-851	R9-19-313.	FX#-1782;	R19-3-509.	PM-1091; FM-2966
R9-15-230.	FXR-851	R9-19-314.	FXM-1782	R19-3-510.	PM-1091; FM-2966
R9-15-231.	FXR-851	R9-19-315.	FX#-1782;	R19-3-514.	PM-1091; FM-2966
R9-15-232.	FXR-851	R9-19-316.	FXM-1782	R19-3-517.	PM-1091; FM-2966
R9-15-233.	FXR-851	R9-19-317.	FX#-1782;	R19-3-518.	PM-1091; FM-2966
R9-15-234.	FXR-851	R9-19-402.	FXM-1782	R19-3-520.	PM-1091; FM-2966
R9-15-235.	FXR-851	R9-19-403.	FX#-1782;	R19-3-521.	PM-1091; FM-2966
R9-15-236.	FXR-851	R9-19-404.	FXM-1782	R19-3-523.	PM-1091; FM-2966
R9-15-237.	FXR-851	R9-19-405.	FX#-1782;	R19-3-524.	PM-1091; FM-2966
R9-15-238.	FXR-851	R9-19-406.	FXM-1782	R19-3-525.	PM-1091; FM-2966
R9-15-101.	FXR-851	R9-19-408.	FXN-1782	R19-3-526.	PM-1091; FM-2966
R9-15-101.	FXR-851	R9-19-412.	FXR-1782	R19-3-527.	PM-1091; FM-2966
R9-15-101.	FXR-851	R9-19-413.	FX#-1782	R19-3-528.	PM-1091; FM-2966
R9-15-101.	FXR-851	R9-19-414.	FXR-1782	R19-3-531.	PM-1091; FM-2966
Health Services, Department of - Vital Records and Statistics		Industrial Commission of Arizona		R19-3-532.	PM-1091; FM-2966
R9-19-101.	FXM-1782				
R9-19-102.	FXN-1782				
R9-19-103.	FXN-1782				
R9-19-104.	FXM-1782				
R9-19-105.	FXR-1782; FX#-1782;				
R9-19-106.	FXM-1782 FXR-1782				

R19-3-533.	PR-1091; FR-2966	R4-21-101. R4-21-102.	FM-328 FM-328	R4-39-107. R4-39-108.	FM-921 FM-921
R19-3-534.	PM-1091; FM-2966	R4-21-103. R4-21-201.	FM-328 FM-328	R4-39-109. R4-39-110.	FM-921 FM-921
R19-3-535.	PM-1091; FM-2966	R4-21-202. R4-21-203.	FM-328 FM-328	R4-39-111. R4-39-201.	FM-921 FM-921
R19-3-544.	PM-1091; FM-2966	R4-21-205. R4-21-205.1.	FM-328 FN-328	R4-39-301. R4-39-302.	FM-921 FM-921
R19-3-545.	PM-1091; FM-2966	R4-21-206. R4-21-208.	FM-328 FM-328	R4-39-303. R4-39-304.	FM-921 FM-921
R19-3-546.	PM-1091; FM-2966	R4-21-209. R4-21-210.	FM-328 FM-328	R4-39-305. R4-39-306.	FM-921 FM-921
R19-3-547.	PM-1091; FM-2966	R4-21-211. R4-21-213.	FM-328 FR-328	R4-39-307. R4-39-308.	FM-921 FM-921
R19-3-549.	PM-1091; FM-2966	R4-21-302. R4-21-305.	FM-328 FM-328	R4-39-401. R4-39-402.	FM-921 FM-921
R19-3-553.	PM-1091; FM-2966	R4-21-306. R4-21-308.	FM-328 FM-328	R4-39-403. R4-39-404.	FM-921 FM-921
R19-3-562.	PM-1091; FM-2966	Optometry, Board of		R4-39-405. R4-39-406.	FR-921 FM-921
R19-3-563.	P#-1091; PN-1091; F#-2966; FN-2966	R4-22-104. Table 1. R4-22-207.	PM-3229 PM-3229 PM-3229	R4-39-407. R4-39-408. R4-39-501.	FN-921 FN-921 FM-921
R19-3-564.	P#-1091; PM-1091; F#-2966; FM-2966	Peace Officer Standards and Training Board, Arizona		R4-39-502. R4-39-503. R4-39-504.	FM-921 FM-921 FN-921
R19-3-565.	P#-1091; F#-2966	R13-4-101. R13-4-102. R13-4-103.	FM-555 FM-555 FM-555	R4-39-601. R4-39-602.	FM-921 FM-921
R19-3-566.	P#-1091; PM-1091; F#-2966; FM-2966	R13-4-104. R13-4-105. R13-4-106.	FM-555 FM-555 FM-555	R4-39-603.	FM-921
R19-3-567.	P#-1091; F#-2966	R13-4-107. R13-4-108. R13-4-109.	FM-555 FM-555 FM-555	Psychologist Examiners, Board of	
R19-3-568.	P#-1091; F#-2966	R13-4-109.01. R13-4-110. R13-4-111.	FM-555 FM-555 FM-555	R4-26-101. R4-26-108.	PM-1591; FM-3083 PM-1591; FM-3083
R19-3-569.	P#-1091; PM-1091; F#-2966; FM-2966	R13-4-112. R13-4-114. R13-4-116. R13-4-117.	FM-555 FM-555 FM-555 FM-555	R4-26-109. R4-26-110. R4-26-111.	PN-1591; FM-3083 PN-1591; FN-3083
Medical Board, Arizona		R13-4-118. R13-4-201. R13-4-202.	FM-555 FM-555 FM-555	R4-26-203.03. R4-26-203.04.	PM-1591; FM-3083 PN-1591; FN-3083
R4-16-201.	FXM-778	R13-4-203. R13-4-204.	FM-555 FM-555	R4-26-205. R4-26-206.	PM-1591; FM-3083
R4-16-205.	FXM-778	R13-4-205. R13-4-206. R13-4-208.	FM-555 FM-555 FM-555	R4-26-207. R4-26-208.	PM-1591; FM-3083
Nursing, State Board of		R13-4-207. R13-4-208.	FM-555 FM-555	R4-26-210. R4-26-210.	PM-1591; FM-3083
R4-19-101.	PM-2947	Pharmacy, Board of		R4-26-206. R4-26-207.	PM-1591; PM-1591;
Table 1.	PM-2947	R4-23-110. R4-23-205.	FXM-2606 FXM-2606	R4-26-208. R4-26-210.	FM-3083 PM-1591;
R4-19-201.	PM-2947	R4-23-411.	PM-2593	R4-26-210. R4-26-304.	FM-3083 PM-1591;
R4-19-205.	PM-2947	Physician Assistants, Regulatory Board of		R4-26-304. R4-26-310.	PM-1591; FM-3083
R4-19-207.	PM-2947	Table 1. R4-17-202.	PM-2310 PM-2310	R4-26-401. R4-26-403.	PM-2318 PM-2318
R4-19-209.	PM-2947	R4-17-203. R4-17-204.	PM-2310 PM-2310	R4-26-404. R4-26-404.1.	PM-2318 PN-2318
R4-19-216.	PM-2947	R4-17-205. R4-17-206.	PM-2310 PM-2310	R4-26-404.2. R4-26-405.	PN-2318 PM-2318
R4-19-301.	PM-2947	R4-17-301. R4-17-302.	PN-2310 PN-2310	R4-26-406. R4-26-407.	PM-2318 PM-2318
R4-19-305.	PM-2947	R4-17-303. R4-17-304.	PN-2310 PN-2310	R4-26-408. R4-26-409.	PM-2318 PM-2318
R4-19-312.	PM-2947	R4-17-305. R4-17-306.	PN-2310 PN-2310	R4-26-410. R4-26-414.	PM-2318 PM-2318
R4-19-511.	PM-2947	Private Postsecondary Education, Board for		R4-26-417.	PM-2318
R4-19-801.	FXM-1900; PM-2947	R4-39-101. R4-39-102.	FM-921 FM-921	Public Safety, Department of - Alcohol Testing	
R4-19-802.	FXM-1900; PM-2947	R4-39-103. R4-39-104.	FM-921 FM-921	Exhibit E-1.	EXP-2054
R4-19-804.	FXM-1900	R4-39-105. R4-39-106.	FM-921 FM-921		
R4-19-806.	FXM-1900				
R4-19-807.	FXM-1900				
R4-19-808.	FXM-1900				
R4-19-809.	FXM-1900				
R4-19-810.	FXM-1900				
R4-19-811.	FXM-1900				
R4-19-812.	FXM-1900				
R4-19-813.	FXM-1900				
R4-19-814.	FXM-1900				
R4-19-815.	FXM-1900				
Optometry, Board of					

Exhibit E-2.	EXP-2054	R4-45-218.	PM-549;	Revenue, Department of - Transaction
Exhibit E-3.	EXP-2054		FM-2181	Privilege and Use Tax Section
Exhibit E-4.	EXP-2054	Retirement System Board, State		R15-5-175. EXP-2054
Exhibit E-5.	EXP-2054	R2-8-115.	FM-79	Secretary of State, Office of
Exhibit E-6.	EXP-2054	R2-8-116.	PN-107;	R2-12-402. PM-109
Exhibit F-1.	EXP-2054		FN-1341	Secretary of State - Rules and Rulemaking
Exhibit F-2.	EXP-2054	R2-8-117.	PN-3013	R1-1-107. PM-105
Exhibit F-3.	EXP-2054	R2-8-118.	FM-79	Transportation, Department of - Commercial Programs
Exhibit F-4.	EXP-2054	R2-8-122.	FM-79	R17-5-403. EXP-3195
Exhibit F-5.	EXP-2054	R2-8-126.	FM-79;	R17-5-901. PR-2597;
Radiation Regulatory Agency			PM-1727;	PN-2597
R12-1-102.	FM-603		FM-3081	R17-5-902. PR-2597;
R12-1-303.	FM-603	R2-8-401.	PM-2555;	PN-2597
R12-1-306.	FM-603		SPM-3234	R17-5-903. PR-2597;
R12-1-308.	FM-603	R2-8-403.	PM-2555;	PN-2597
R12-1-311.	FM-603		SPM-3234	R17-5-904. PR-2597;
R12-1-313.	FM-603	R2-8-405.	PM-2555;	PN-2597
R12-1-320.	FM-603		SPM-3234	R17-5-905. PR-2597;
R12-1-323.	FM-603	R2-8-516.	EXP-3195	PN-2597
R12-1-418.	FM-603	R2-8-517.	EXP-3195	R17-5-906. PR-2597;
R12-1-452.	FM-603	R2-8-602.	PM-1879;	PN-2597
R12-1-503.	FM-603		FM-3323	R17-5-1001. PR-2597;
R12-1-703.	FM-603	R2-8-603.	PM-1879;	PN-2597
R12-1-1302.	FM-603		FM-3323	R17-5-1001. PR-2597
R12-1-1512.	FM-603	R2-8-604.	PM-1879;	R17-5-1001. PN-2597
R12-1-1901.	FN-603		FM-3323	R17-5-1001. PN-2597
R12-1-1903.	FN-603	R2-8-605.	PM-1879;	R17-5-1001. PN-2597
R12-1-1905.	FN-603		FM-3323	R17-5-1001. PN-2597
R12-1-1907.	FN-603	R2-8-606.	PM-1879;	R17-5-1001. PN-2597
R12-1-1909.	FN-603		FM-3323	R17-5-1001. PN-2597
R12-1-1911.	FN-603	R2-8-607.	PM-1879;	R17-5-1001. PN-2597
R12-1-1921.	FN-603		FM-3323	R17-5-1001. PN-2597
R12-1-1923.	FN-603	R2-8-704.	PM-2079;	Transportation, Department of - Title, Registration, and Driver Licenses
R12-1-1925.	FN-603		FM-3326	R17-4-407. PXN-194;
R12-1-1927.	FN-603	R2-8-706.	PM-2079;	FXN-819;
R12-1-1929.	FN-603		FM-3326	PXM-194;
R12-1-1931.	FN-603	R2-8-708.	EXP-2982	R17-4-409. FXN-819
R12-1-1933.	FN-603	Revenue, Department of - General Administration		Weights and Measures, Department of
R12-1-1941.	FN-603	R15-10-105.	FXM-116	R20-2-101. RC-2786
R12-1-1943.	FN-603	R15-10-501.	FXM-116;	R20-2-102. RC-2786
R12-1-1945.	FN-603		FXM-1852	R20-2-103. RC-2786
R12-1-1947.	FN-603	R15-10-502.	FXM-116	R20-2-104. RC-2786
R12-1-1949.	FN-603	R15-10-504.	FXM-116	R20-2-105. RC-2786
R12-1-1951.	FN-603	R15-10-505.	FXN-116;	R20-2-106. RC-2786
R12-1-1953.	FN-603		FXM-1852	R20-2-107. RC-2786
R12-1-1955.	FN-603	R15-10-506.	FXN-1852	R20-2-108. RC-2786
R12-1-1957.	FN-603	R15-10-702.	EN-2621	R20-2-109. RC-2786
R12-1-1971.	FN-603	R15-10-703.	EN-2621	R20-2-110. RC-2786
R12-1-1973.	FN-603	R15-10-704.	EN-2621	R20-2-111. RC-2786
R12-1-1975.	FN-603	R15-10-705.	EN-2621	R20-2-112. RC-2786
R12-1-1977.	FN-603	Revenue, Department of - Luxury Tax Section		R20-2-113. RC-2786
R12-1-1979.	FN-603	R15-3-201.	FXM-1843	R20-2-114. RC-2786
R12-1-1981.	FN-603	R15-3-301.	FXM-1843	R20-2-115. RC-2786
R12-1-19101.	FN-603	R15-3-302.	FXR-1843	R20-2-116. RC-2786
R12-1-19103.	FN-603	R15-3-303.	FXR-1843	R20-2-117. RC-2786
R12-1-19105.	FN-603	R15-3-304.	FXM-1843	R20-2-201. RC-2786
R12-1-19107.	FN-603	R15-3-305.	FXM-1843	R20-2-202. RC-2786
R12-1-19109.	FN-603	R15-3-306.	FXN-1843	R20-2-203. RC-2786
Appendix A.	FN-603	R15-3-307.	FXM-1843	R20-2-204. RC-2786
Respiratory Care Examiners, Board of		R15-3-308.	FXM-1843	R20-2-301. RC-2786
R4-45-101.	PM-549;	R15-3-309.	FXM-1843	R20-2-302. RC-2786
	FM-2181	R15-3-310.	FXM-1843	R20-2-303. RC-2786
R4-45-102.	PM-549;	R15-3-311.	FXR-1843	R20-2-304. RC-2786
	FM-2181	R15-3-312.	FXR-1843	R20-2-305. RC-2786
R4-45-105.	PM-549;	R15-3-313.	FXM-1843	R20-2-306. RC-2786
	FM-2181	R15-3-314.	FXM-1843	R20-2-307. RC-2786
R4-45-201.	PM-549;	R15-3-315.	FXN-1843	R20-2-308. RC-2786
	FM-2181	R15-3-316.	FXM-1843	R20-2-309. RC-2786
R4-45-203.	PM-549;	R15-3-317.	FXM-1843	R20-2-310. RC-2786
	FM-2181	R15-3-318.	FXM-1843	R20-2-311. RC-2786
R4-45-205.	PR-549;	R15-3-319.	FXN-1843	R20-2-312. RC-2786
	FM-2181	R15-3-501.	FXM-1843	R20-2-313. RC-2786
R4-45-213.	PM-549;			
	FR-2181			

R20-2-401.	RC-2786	R20-2-717.	RC-2786	R20-2-756.	RC-2786
R20-2-402.	RC-2786	R20-2-718.	RC-2786	R20-2-757.	RC-2786
R20-2-403.	RC-2786	R20-2-719.	RC-2786	R20-2-758.	RC-2786
R20-2-404.	RC-2786	R20-2-720.	RC-2786	R20-2-759.	RC-2786
R20-2-405.	RC-2786	R20-2-721.	RC-2786	Table A.	RC-2786
R20-2-406.	RC-2786	R20-2-722.	RC-2786	R20-2-760.	RC-2786
R20-2-407.	RC-2786	R20-2-723.	RC-2786	R20-2-761.	RC-2786
R20-2-408.	RC-2786	R20-2-724.	RC-2786	R20-2-762.	RC-2786
R20-2-409.	RC-2786	R20-2-725.	RC-2786	Table 1.	RC-2786
R20-2-410.	RC-2786	R20-2-726.	RC-2786	Table 2.	RC-2786
R20-2-411.	RC-2786	R20-2-727.	RC-2786	Table 3.	RC-2786
R20-2-412.	RC-2786	R20-2-728.	RC-2786	R20-2-901.	RC-2786
R20-2-501.	RC-2786	R20-2-729.	RC-2786	R20-2-902.	RC-2786
R20-2-502.	RC-2786	R20-2-730.	RC-2786	R20-2-903.	RC-2786
R20-2-503.	RC-2786	R20-2-731.	RC-2786	R20-2-904.	RC-2786
R20-2-504.	RC-2786	R20-2-732.	RC-2786	R20-2-905.	RC-2786
R20-2-505.	RC-2786	R20-2-733.	RC-2786	R20-2-906.	RC-2786
R20-2-506.	RC-2786	R20-2-734.	RC-2786	R20-2-907.	RC-2786
R20-2-507.	RC-2786	R20-2-735.	RC-2786	R20-2-908.	RC-2786
R20-2-601.	RC-2786	R20-2-736.	RC-2786	R20-2-909.	RC-2786
R20-2-602.	RC-2786	R20-2-737.	RC-2786	R20-2-910.	RC-2786
R20-2-603.	RC-2786	R20-2-738.	RC-2786	R20-2-911.	RC-2786
R20-2-604.	RC-2786	R20-2-739.	RC-2786	R20-2-912.	RC-2786
R20-2-605.	RC-2786	R20-2-740.	RC-2786	R20-2-913.	RC-2786
R20-2-701.	RC-2786	R20-2-741.	RC-2786	R20-2-1001.	RC-2786
R20-2-702.	RC-2786	R20-2-742.	RC-2786	R20-2-1002.	RC-2786
R20-2-703.	RC-2786	R20-2-743.	RC-2786	R20-2-1003.	RC-2786
R20-2-704.	RC-2786	R20-2-744.	RC-2786	R20-2-1004.	RC-2786
R20-2-705.	RC-2786	R20-2-745.	RC-2786	R20-2-1005.	RC-2786
R20-2-706.	RC-2786	R20-2-746.	RC-2786	R20-2-1006.	RC-2786
R20-2-707.	RC-2786	R20-2-747.	RC-2786	R20-2-1007.	RC-2786
R20-2-708.	RC-2786	R20-2-748.	RC-2786	R20-2-1008.	RC-2786
R20-2-709.	RC-2786	R20-2-749.	RC-2786	R20-2-1009.	RC-2786
R20-2-710.	RC-2786	R20-2-750.	RC-2786	R20-2-1010.	RC-2786
R20-2-711.	RC-2786	R20-2-751.	RC-2786	R20-2-1011.	RC-2786
R20-2-712.	RC-2786	R20-2-751.01.	RC-2786	R20-2-1012.	RC-2786
R20-2-713.	RC-2786	R20-2-752.	RC-2786	R20-2-1013.	RC-2786
R20-2-714.	RC-2786	R20-2-753.	RC-2786	Table 1.	RC-2786
R20-2-715.	RC-2786	R20-2-754.	RC-2786		
R20-2-716.	RC-2786	R20-2-755.	RC-2786		

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 48 OF VOLUME 22.

Agency Guidance Document, Notices of

Health Services, Department of; pp. 159, 705

Retirement System, State; pp. 3141-3149

Revenue, Department of; pp. 1857-1858

Agency Ombudsman, Notices of

Early Childhood Development and Health Board/ First Things First; p. 353

Game and Fish Commission; pp. 62-63, 1649

Health Services, Department of; p. 353

Public Safety, Department of; p. 2092

Transportation, Department of; p. 62

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

Maricopa County; pp. 431-535, 1116-1273, 1552-1572, 1708, 1958-1995, 2095-2149, 2914-2923

Pima County; pp. 1305-1325, 2631

Pinal County; pp. 2253-2288

Governor's Office

Executive Order: pp. 19-20 (E.O. #2015-11); 20-21 (E.O. #2015-13); 21-22 (E.O. #2015-01); 84 (E.O. #2016-

01); 85 (E.O. #2016-02); 86 (E.O. 2015-06); 87 (E.O. #2015-09); 88 (E.O. #2015-12); 426-27 (E.O. #2016-03)

Declarations: p. 1703 (M16-176)

Proclamations: pp. 23 (M15-350, M15-349); 24 (M15-348); 25 (M15-347); 64 (M15-354, M15-355); 65 (M15-356, M15-357); 66 (M15-358); 123 (M16-04, M16-05); 124 (M16-06, M16-07); 125 (M16-08); 126 (M16-09); 162 (M16-13); 202 (M16-23, M16-24); 203 (M16-25, M16-26); 204 (M16-27); 428 (M16-33, M16-34); 429 (M16-35, M16-36); 430 (M16-430); 585 (M16-38, M16-39); 586 (M16-40, M16-41); 587 (M16-42,



- M16-43); 588 (M16-44); 653 (M16-45); 678 (M16-50, M16-51); 679 (M16-52, M16-53); 680 (M16-54, M16-55); 681 (M16-57, M16-58); 682 (M16-59); 711 (M16-62, M16-63); 712 (M16-66, M16-56); 713 (M16-67, M16-68); 714 (M16-69, M16-70); 715 (M16-71, M16-72); 788 (M16-64, M16-60); 789 (M16-75); 832 (M16-65, M16-83); 833 (M16-74, M16-84); 834 (M16-86, M16-87); 902 (M16-73, M16-89); 903 (M16-91, M16-85); 904 (M16-76, M16-77); 1002 (M16-88, M16-90); 1003 (M16-92, M16-93); 1004 (M16-94); 1070 (M16-110, M16-111); 1071 (M16-112, M16-113); 1072 (M16-114, M16-115); 1073 (M16-116, M16-117); 1074 (M16-118); 1299 (M16-125, M16-126); 1300 (M16-127, M16-128); 1301 (M16-129, M16-130); 1302 (M16-131, M16-132); 1303 (M16-133, M16-138); 1304 (M16-134); 1359 (M16-143, M16-136); 1360 (M16-144, M16-145); 1361 (M16-137, M16-139); 1549 (M16-147, M16-148); 1550 (M16-149); 1551 (M16-150); 1617 (M16-159, M16-156); 1618 (M16-157, M16-158); 1619 (M16-160, M16-161); 1652 (M16-162, M16-163); 1653 (M16-164, M16-65); 1654 (M16-166, M16-167); 1704 (M16-177, M16-179); 1705 (M16-181, M16-182); 1706 (M16-183, M16-168); 1758 (M16-187, M16-178); 1759 (M16-180); 1922 (M16-188, M16-189); 1923 (M16-190); 2536 (M16-207); 3031 (M16-243, M16-244); 3032 (M16-245, M16-246); 3033 (M16-247, M16-248); 3034 (M16-249, M16-250); 3035 (M16-251, M16-252); 3114 (M16-253, M16-254); 3115 (M16-255, M16-256); 3153 (M16-257, M16-258); 3154 (M16-259, M16-260); 3155 (M16-261, M16-262, M16-263); 3156 (M16-264, M16-265); 3157 (M16-266); 3204 (M16-270, M16-271); 3205 (M16-272, M16-273); 3206 (M16-274, M16-275); 3207 (M16-276, M16-277)
- Governor's Regulatory Review Council**
Notices of Action Taken at Monthly Meetings: pp. 96, 97-98, 402-403, 798, 1014, 1406, 1666, 2007-2008, 2231-2232, 2938-2939, 3131-3132, 3271-3272
- Proposed Delegation Agreement, Notices of**
Environmental Quality, Department of; pp. 826, 827, 1545, 3252
- Public Information, Notices of**
Arizona Health Care Cost Containment System; pp. 49, 1067
Child Safety, Department of; pp. 160, 2626
- Environmental Quality, Department of;** pp. 49, 1112, 2823
- Environmental Quality, Department of - Pesticides and Water Pollution Control;** pp. 1294-1296
- Environmental Quality, Department of - Safe Drinking Water;** pp. 1348-1349
- Environmental Quality, Department of - Water Pollution Control;** pp. 1112, 3110
- Game and Fish Department;** pp. 1349-1354, 1646, 1919
- Health Services, Department of;** pp. 394, 2572; 2986-2987
- Health Services, Department of - Loan Repayment;** p. 346
- Health Services, Department of - Vital Records and Statistics;** p. 899
- Real Estate, Department of;** pp. 2408, 2844
- Rulemaking Docket Opening, Notices of**
Acupuncture Board of Examiners; 4 A.A.C. 8; p. 703
Agriculture, Department of - Animal Services Division; 3 A.A.C. 2; p. 344
Arizona Health Care Cost Containment System - Administration; 9 A.A.C. 22; pp. 784-785, 1293
Arizona Health Care Cost Containment System - Arizona Long-term Care System; 9 A.A.C. 28; p. 2057
Arizona Health Care Cost Containment System - Behavioral Health Services for Persons with Serious Mental Illness; 9 A.A.C. 21; p. 782
Arizona Health Care Cost Containment System - Medicare Part D Prescription Coverage Extra Help Subsidy Program; 9 A.A.C. 30; p. 824
Behavioral Health Examiners, Board of; 4 A.A.C. 6; p. 2405
Barbers, Board of; 4 A.A.C. 5; p. 2625
Charter Schools, State Board for; 7 A.A.C. 5; p. 823
Child Safety, Department of - Foster Care and Child Welfare Agency Facility Safety; 21 A.A.C. 8; p. 3198
Child Safety, Department of - Child Welfare Agency Licensing; 21 A.A.C. 7; p. 999
Corporation Commission - Fixed Utilities; 14 A.A.C. 2; pp. 424-425
- Cosmetology, Board;** 4 A.A.C. 10; p. 1611
- Dental Examiners, State Board of;** 4 A.A.C. 11; p. 2056
- Economic Security, Department of;** 6 A.A.C. 1; p. 2083
- Economic Security, Department of - Cash Assistance Program;** 6 A.A.C. 12; p. 2087
- Economic Security, Department of - Developmental Disabilities;** 6 A.A.C. 6; p. 2085
- Economic Security, Department of - Social Services;** 6 A.A.C. 5; pp. 1065, 2084
- Economic Security, Department of - The JOBS Program;** 6 A.A.C. 10; p. 2086
- Economic Security, Department of - Unemployment Insurance;** 6 A.A.C. 3; p. 2084
- Environmental Quality, Department of - Air Pollution Control;** 18 A.A.C. 2; pp. 998, 3336
- Environmental Quality, Department of - Water Pollution Control;** 18 A.A.C. 9; pp. 16-17
- Environmental Quality, Department of - Water Quality Standards;** 18 A.A.C. 11; pp. 17-18, 345
- Game and Fish Commission;** 12 A.A.C. 4; pp. 825, 2569
- Health Services, Department of - Communicable Diseases;** 9 A.A.C. 6; p. 1954
- Health Services, Department of - Emergency Medical Services;** 9 A.A.C. 25; pp. 1612, 3197
- Health Services, Department of - Laboratories;** 9 A.A.C. 14; p. 704
- Health Services, Department of - Medical Marijuana Program;** 9 A.A.C. 17; pp. 423-424, 2407
- Health Services, Department of - Occupational Licensing;** 9 A.A.C. 16; pp. 2909-2910
- Industrial Commission of Arizona;** 20 A.A.C. 5; pp. 239, 2570-2571
- Mine Inspector, State - Aggregate Mined Land Reclamation;** 11 A.A.C. 3; p. 2057
- Nursing, State Board of;** 4 A.A.C. 19; 2985
- Osteopathic Examiners in Medicine and Surgery;** 4 A.A.C. 22; p. 3251

Pharmacy, Board of; 4 A.A.C. 23; pp. 2406, 3196

Psychologist Examiners, Board of; 4 A.A.C. 26; pp. 1109-1110

Public Safety, Department of; 13 A.A.C. 1; pp. 2910-2911

Regulatory Board of Physician Assistants, Arizona; 4 A.A.C. 17; p. 2217

Retirement System, State; 2 A.A.C. 8; pp. 822, 823, 1063-1064, 1918, 2055, 2082, 2568

Secretary of State, Office of; 2 A.A.C. 12; pp. 121-122; 239

Secretary of State - Rules and Rulemaking; 1 A.A.C. 1; p.121

State Lottery Commission - 19 A.A.C. 3; p. 582

Technical Registration, Board of; 4 A.A.C. 30; pp. 1110-1111

Transportation, Department of - Administration; 17 A.A.C. 1; p. 3139

Transportation, Department of - Commercial Programs; 17 A.A.C. 5; pp. 1347, 2089-2090, 2569

Transportation, Department of - Oversize and Overweight Special Permits; 17 A.A.C. 6; p. 3140

Transportation, Department of - Title, Registration, and Driver Licenses; 17 A.A.C. 4; p. 2088

Substantive Policy Statement, Notices of

Behavioral Health Examiners, Board of; pp. 706, 3199

Environmental Quality, Department of; pp. 58-59; 161, 1356, 1614, 2091

Health Services, Department of; pp. 2627, 2988

Insurance, Department of; p. 3200

Peace Officers Standards and Training Board; p. 348

Psychologist Examiners, Board of; pp. 1355, 1647-1648

Real Estate Department; pp. 829, 2409, 2845-2846

Registrar of Contractors; pp. 60-61, 706-707

Retirement System, State; pp. 707-708

Revenue, Department of; pp. 1859-1860

Technical Registration, Board of; pp. 348

Transportation, Department of; p. 3150

Water Infrastructure Finance Authority; p. 349-352



2016 RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

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



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



REGISTER PUBLISHING DEADLINES

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

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from June 10, 2016 to December 30, 2016.



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

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

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

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

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

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