

# Arizona Administrative REGISTER

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

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The printed version of the *Administrative Register* is the official publication of Arizona state agency rules.

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This publication is available online for free at [www.azsos.gov](http://www.azsos.gov).

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A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact customer service at  
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### **PUBLICATION DEADLINES**

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

### **CONTACT US**

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

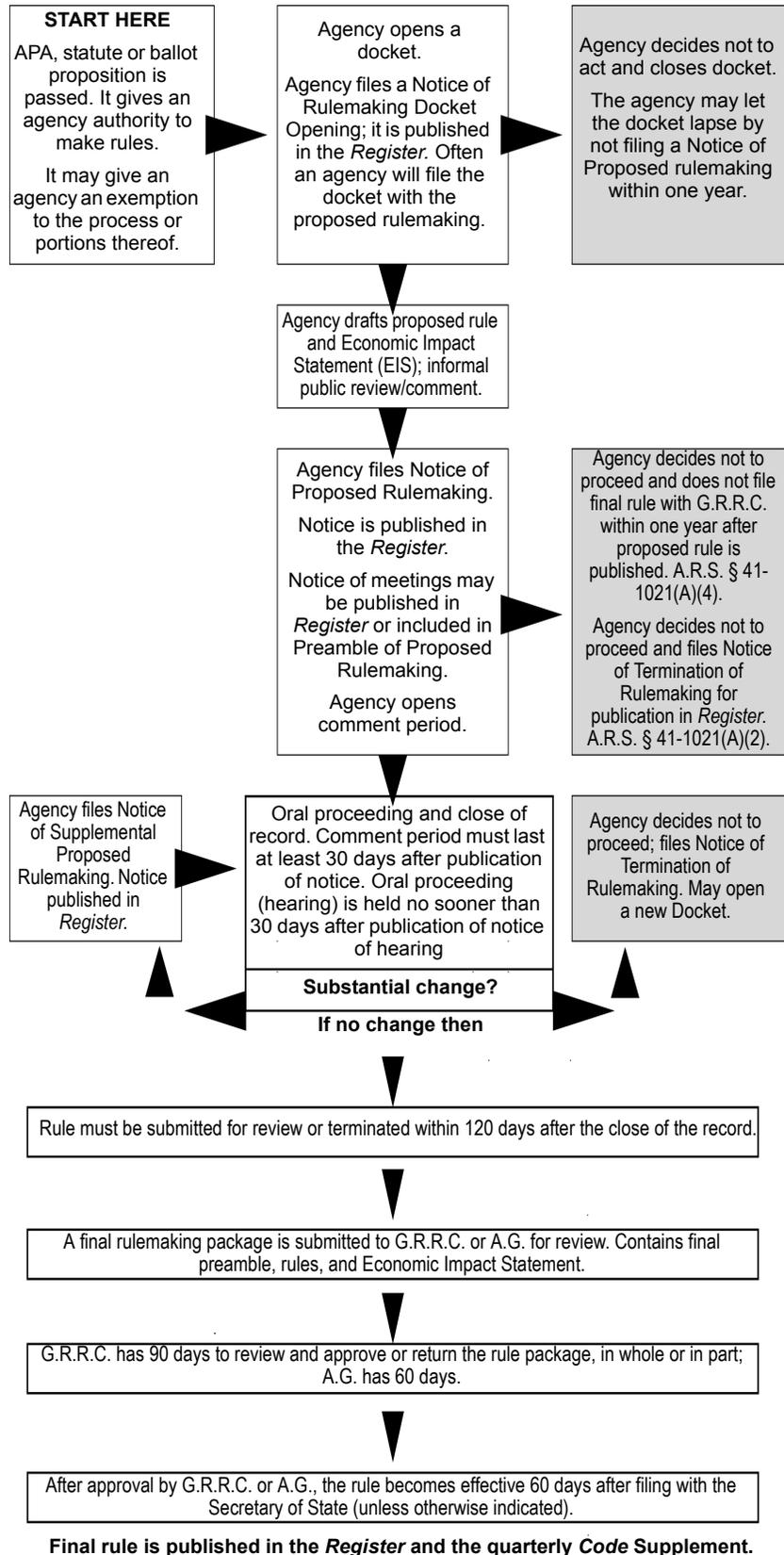
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

**Administrative Procedure Act (APA):** A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at [www.azleg.gov](http://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](http://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](http://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 9. HEALTH SERVICES

CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING

PREAMBLE

[R16-11]

<u>1. Article, Part or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 1	Repeal
R9-26-101	Renumber
R9-26-201	Renumber
R9-26-201	Amend
R9-26-202	Renumber
R9-26-202	Amend
R9-26-203	Renumber
R9-26-203	Amend
R9-26-204	Renumber
R9-26-204	Amend
R9-26-205	Renumber
R9-26-205	Amend
R9-26-206	Renumber
R9-26-207	Renumber
R9-26-207	New Section
R9-26-301	Repeal
R9-26-301	Renumber
R9-26-301	Amend
R9-26-302	Repeal
R9-26-302	Renumber
R9-26-303	Repeal
R9-26-303	Renumber
R9-26-303	Amend
R9-26-304	Renumber
R9-26-304	Amend
R9-26-501	Amend
R9-26-502	Amend
R9-26-503	Amend
R9-26-504	Amend
R9-26-505	Amend
R9-26-506	Amend
R9-26-507	Amend
R9-26-508	Amend



R9-26-509	Amend
R9-26-510	Amend
R9-26-511	Repeal
R9-26-511	New Section
R9-26-512	Amend
R9-26-515	Renumber
R9-26-515	New Section
R9-26-516	Renumber
R9-26-517	Amend
R9-26-518	Amend

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

Authorizing statute: A.R.S. § 36-1946(1), (2), and (3)  
 Implementing statute: A.R.S. §§ 36-1947, 36-1971, 36-1973, 36-1974, 36-1975, and 36-1976

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

Notice of Rulemaking Docket Opening: 21 A.A.R. 1493, August 7, 2015  
 Notice of Public Information: 21 A.A.R. 1498, August 7, 2015

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

Name: Carmen Green, Deputy Director  
 Address: Commission for the Deaf and the Hard of Hearing  
 100 N. 15th Ave., Suite 104  
 Phoenix, AZ 85007  
 Telephone: (602) 542-3362  
 Fax: (602) 542-3380  
 E-mail: C.green@acdhh.az.gov

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

The Commission is completing a rulemaking that was interrupted in 2009 by successive rulemaking moratoriums. The rulemaking also makes changes that result from eight years’ experience using its licensing rules. The Commission is also addressing issues identified in the Commission’s five-year-review report approved by Council on November 6, 2012.

As of June 30, 2005, the National Association of the Deaf stopped giving certification examinations. Certifications issued by NAD before June 30, 2005, remain valid but it currently is not possible to be certified by NAD. Additionally, as of January 1, 2016, the Registry of Interpreters for the Deaf has imposed a moratorium on providing certification examinations. Although certifications issued by RID before January 1, 2016, remain valid, it currently is not possible to be certified by RID. The Commission is adding the Board for Evaluation of Interpreters as an acceptable certifying entity.

An exemption from Executive Order 2015-01 was provided to the Department by Ted Vogt, Chief of Operations in the Governor’s office, in an e-mail dated June 26, 2015.

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

None

**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:**

Most of the changes made in this rulemaking will have minimal economic impact. This includes addition of the Board for Evaluation of Interpreters as an acceptable certifying entity and elimination of the Class B legal interpreter. There currently are no Class B legal interpreters. Other changes will have some economic impact. For example, a Class A legal interpreter who does not have a legal certification from RID has five years in which to obtain a legal certification from BEI and the hours of required paid interpreting and hours of legal interpreting are increased for Class C and D legal interpreters. These changes are made because of concern regarding the quality of interpreting in legal settings where the consequences of miscommunication can be so great. The Commission’s concern



about interpreters who abuse short-term registrations is responsible for the new limit on the number of short-term registrations an individual may obtain.

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

Name: Carmen Green, Deputy Director  
Address: Commission for the Deaf and the Hard of Hearing  
100 N. 15th Ave., Suite 104  
Phoenix, AZ 85007  
Telephone: (602) 542-3362  
Fax: (602) 542-3380  
E-mail: C.green@acdhh.az.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 rules:**

An oral proceeding regarding the proposed rules will be held as follows:

Date: Thursday, March 17, 2016  
Time: 5:00 p.m.  
Location: 100 N. 15th Ave., Suite 104  
Phoenix, AZ 85007

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING**

**ARTICLE 1. ~~GENERAL~~ REPEALED**

Section

R9-26-101. ~~Definitions~~ Renumbered

**ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM**

Section

~~R9-26-101~~ R9-26-201. Definitions

~~R9-26-201~~ R9-26-202. Eligibility

~~R9-26-202~~ R9-26-203. Application Process

~~R9-26-203~~ R9-26-204. Persons Authorized to Certify Need for Telecommunications Equipment

~~R9-26-204~~ R9-26-205. Vouchers

~~R9-26-205~~ R9-26-206. Redeeming a Voucher

~~R9-26-206~~ R9-26-207. ~~Confidentiality~~

**ARTICLE 3. ADMINISTRATIVE PROCEDURES**

Section

R9-26-301. ~~Hearings~~ Repealed

~~R9-26-512~~ R9-26-301. Making a Complaint

R9-26-302. ~~Informal Settlement Conference~~ Repealed

~~R9-26-515~~ R9-26-302. Hearing Procedures

R9-26-303. ~~Rehearing or Review of Decision~~ Repealed

~~R9-26-516~~ R9-26-303. Rehearing or Review of Commission Decision

~~R9-26-517~~ R9-26-304. Renumbered Disciplinary Action

**ARTICLE 5. INTERPRETER LICENSURE AND REGULATION**

Section

R9-26-501. Definitions

R9-26-502. License Application



- R9-26-503. Application for Generalist Interpreter License  
 R9-26-504. Application for Legal Interpreter License  
 R9-26-505. Application for Provisional Interpreter License  
 R9-26-506. Short-term Registration of an Interpreter  
 R9-26-507. License Renewal  
 R9-26-508. Fees and Charges  
 R9-26-509. Procedures for Processing Applications; ~~Time frames~~ Time Frames  
 R9-26-510. Continuing Education Requirement; ~~Waiver~~; Extension of Time to Complete  
 R9-26-511. ~~Audit of Compliance with Continuing Education Requirement~~ Video Remote Interpreting  
 R9-26-512. Making a Complaint  
 R9-26-515. ~~Hearing Procedures~~ Identification Badge Required  
 R9-26-516. ~~Rehearing or Review of Commission Decision~~ Renumbered  
 R9-26-517. ~~Disciplinary Action~~ Renumbered  
 R9-26-518. ~~Change of Name or Address~~ Required Notices to the Commission

### ARTICLE 1. ~~GENERAL~~ REPEALED

#### R9-26-101. Definitions Renumbered

### ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

#### ~~R9-26-101~~R9-26-201. Definitions

In addition to the definitions listed in A.R.S. § 36-1941, the following terms apply to this ~~Chapter~~ Article and to A.R.S. § 36-1947:

- “Applicant” means a person who applies to the Commission for telecommunications equipment.  
 “Audiologist” means a person who is licensed under A.R.S. § 36-1940 by the Arizona Department of Health Services.  
~~“Commission” means the Arizona Commission for the Deaf and Hard of Hearing.~~  
 “Deafblind” means a person who is either deaf or hard of hearing and:  
     Has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or  
     Has a field defect where the peripheral diameter of the visual field subtends an angular distance no greater than 20 degrees, or  
     Has a progressive visual loss with a prognosis of one or both of the conditions stated in the two preceding subsections.  
 “Director” means the Executive Director of the Arizona Commission for the Deaf and Hard of Hearing.  
 “Hearing aid dispenser” has the same meaning as in A.R.S. § 36-1901(8).  
 “Hearing or speech-related disability” means a disability that prevents a person from hearing or articulating speech audibly or clearly, including deafness.  
 “Program” means the Telecommunications Equipment Distribution Program.  
 “Recipient” means a person who receives telecommunications equipment through the Program.  
~~“Relay operator” means a person hired by a telecommunication relay center to transmit a conversation between a person who is hearing or speech related disabled and another person who uses a standard telephone.~~  
 “Severely hearing or speech impaired” under A.R.S. § 36-1947(A) means a hearing or speech-related disability.  
~~“Supplier” means a person that sells telecommunications equipment.~~  
 “Telecommunications equipment” means equipment that allows a person with a hearing or speech-related disability to access the telephone network.  
~~“Telecommunication relay center” means a facility authorized by the Commission to provide telecommunication services through a third party to a person with a hearing or speech related disability, and to any other person who uses a standard telephone.~~  
~~“Vendor” means a person who sells telecommunications equipment.~~  
 “Vocational rehabilitation counselor” means a Department of Economic Security employee who has a Master’s degree in rehabilitation counseling from a university accredited by the National Council on Rehabilitation Education and who is certified by the Commission on Rehabilitation Counseling.  
 “Voucher” means the Commission’s authorization of payment for telecommunications equipment.

#### ~~R9-26-201~~R9-26-202. Eligibility

To be eligible for telecommunications equipment through the Program, a person shall:

1. No change
2. Be a citizen of the U.S. or an alien whose presence in the U.S. is authorized under federal law;
- ~~2-3.~~ No change
- ~~3-4.~~ Have access to a telephone line ~~in the person’s place of residence;~~
- ~~4-5.~~ Not have used a voucher to purchase telecommunications equipment within five years before the date of application under ~~R9-26-202(A)(1)~~ R9-26-203 unless the individual’s disability status has changed during that time; and,



5-6. No change

**~~R9-26-202.~~R9-26-203. Application Process**

To apply for telecommunications equipment under the Program, an eligible person shall:

1. No change
2. Complete and return the application to the Commission with:
  - a. ~~certification~~ Certification from an authorized person described under A.A.C. ~~R9-26-203~~ R9-26-204 that the applicant has a hearing or speech-related disability and needs the telecommunication equipment requested on the application; and
  - b. As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law.

**~~R9-26-203.~~R9-26-204. Persons Authorized to Certify Need for Telecommunications Equipment**

- A. No change
  1. No change
  2. No change
  3. A physician licensed in accordance with A.R.S. Title 32, Chapter 13 or 17;
  4. No change
  5. No change
  6. No change
  7. No change
  8. No change
- B. No change
  1. No change
  2. No change
  3. No change

**~~R9-26-204.~~R9-24-205. Vouchers**

- A. The Commission shall issue to an eligible applicant an individually numbered voucher for a specified dollar amount for the applicant to purchase telecommunications equipment for which the applicant has a certified need. The applicant shall use the voucher ~~shall be used~~ only towards the ~~to~~ purchase of the telecommunications equipment specified on the voucher.
- B. No change
- C. No change
- D. No change
  1. No change
  2. If the original voucher is recovered, the applicant shall return the original voucher ~~shall be returned~~ to the Commission within 30 days ~~of its recovery date~~ after the voucher is recovered.

**~~R9-26-205.~~R9-26-206. Redeeming a Voucher**

- A. To redeem a voucher for telecommunications equipment under ~~this~~ the Program, a vendor supplier shall submit to the Commission the voucher with a copy of a receipt, which is signed by the vendor supplier and the recipient of the telecommunications equipment and which specifies the telecommunications equipment sold and its purchase price.
- B. No change
- C. The Commission shall reimburse to the vendor supplier the portion of the purchase price of the telecommunications equipment that does not exceed the amount printed on the voucher.
- D. The Commission shall not reimburse to the vendor supplier an amount in excess of the amount printed on the voucher.
- E. If the amount printed on the voucher exceeds the purchase price of the telecommunications equipment, the vendor supplier shall not refund the difference between the two amounts to the recipient of the telecommunications equipment in any form including money, equipment, or other goods and services.

**~~R9-26-206.~~R9-26-207. Repealed Confidentiality**

- A. The Commission shall use the information provided by the Program's applicants or recipients in the course of the administration of the Program solely to administer the Program.
- B. The Commission shall not disclose the name of an applicant for or recipient of telecommunications equipment without a written request for disclosure. Even with a written request for disclosure, the Commission shall not disclose personal identifying or protected health information regarding an applicant or recipient.

ARTICLE 3. ADMINISTRATIVE PROCEDURES

**R9-26-301. Hearings Repealed**

- A. ~~Within 30 days of a notice of denial from the Director, the applicant or recipient may file a notice of appeal under A.R.S. § 41-1092.03 with the Commission. The notice shall identify the party, the party's address, the agency, the action being appealed, and shall contain a concise statement of the reasons for the hearing.~~
- B. ~~The hearing shall be conducted by the Office of Administrative Hearings as prescribed in A.R.S. Title 41, Chapter 6, Article 10.~~



**~~R9-26-512~~R9-26-301, Making a Complaint**

- A. No change
  1. No change
  2. No change
  3. No change
- B. No change
  1. No change
  2. No change
  3. Specify in the complaint the name of the individual complained against, date and location of the alleged offense, and the action complained about, and the statute or rule alleged to have been violated.
- C. No change

**~~R9-26-302~~, Informal Settlement Conference Repealed**

- ~~A. An applicant or recipient whose request for an original or replacement device is denied and who has filed an appeal under A.R.S. § 41-1092.03, may request in writing that the Director hold an informal settlement conference.~~
- ~~B. The informal settlement conference shall be held within 15 days after receiving the request and shall follow the procedures under A.R.S. § 41-1092.06.~~

**~~R9-26-515~~R9-26-302, Hearing Procedures**

The Commission shall conduct all hearings in accordance with A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.

**~~R9-26-303~~, Rehearing or Review of Decision Repealed**

- ~~A. Any party to a case who is aggrieved by a decision rendered in the case may, within 30 days after the date of the Commission's decision, file with the Director a written request for a rehearing or review of the decision. The request shall specify the particular grounds for the rehearing or review. The requesting party shall serve copies upon all other parties. A request for rehearing or review under this Section may be amended at any time before it is ruled upon by the Director.~~
- ~~B. The opposing party may file a response to the request for a rehearing or review within 15 days after the written request is received.~~
- ~~C. A rehearing or review of the decision may be granted for any of the following causes which materially affect the requesting party's rights:
 
  1. Irregularity in the proceedings or any abuse of discretion that deprives the requesting party of a fair hearing;
  2. Misconduct of the hearing officer or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring during the proceedings;
  7. That the decision is the result of passion or prejudice; or
  8. That the decision is not supported by the evidence or is contrary to law.~~
- ~~D. Upon examination of a request for rehearing or review and any response, the Director may affirm or modify the decision.~~
- ~~E. Within 15 days after a decision is rendered, the Director may, on the Director's own initiative, order a rehearing or review of a decision for any reason for which a rehearing on motion of a party might have been granted. The order granting the rehearing shall specify the grounds for the review of the decision.~~

**~~R9-26-516~~R9-26-303, Rehearing or Review of Commission Decision**

- A. The Commission shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.
- B. A party may amend a motion for rehearing or review at any time before the Commission rules on the motion.
- C. The Commission may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
  1. Irregularity in the proceedings or an order or abuse of discretion that deprived the moving party of a fair hearing;
  2. Misconduct by the Commission, its staff, an administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  5. Excessive penalty;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
  7. The Commission's decision is the result of passion or prejudice; or
  8. The findings of fact or decision is not justified by the evidence or is contrary to law.
- D. The Commission may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection ~~(C)~~ (D). The Commission shall specify the particular grounds for any order modifying a decision or granting a rehearing.
- E. When a motion for rehearing or review is based ~~upon on~~ on affidavits, ~~they the affidavits~~ shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits.



- F. No later than ~~10~~ 15 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Commission may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Commission may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- G. If a rehearing is granted, the Commission shall hold the rehearing within 60 days after the date on the order granting the rehearing.
- ~~H. The Commission may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that an extension of time will:~~
  - ~~1. Further administrative convenience, expedition, or economy; or~~
  - ~~2. Avoid undue prejudice to any party.~~
- H. If the Commission makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, or safety and that a review or rehearing of the decision is impracticable, unnecessary, or contrary to the public interest, the Commission shall issue the decision as a final decision without an opportunity for rehearing or review.

~~R9-26-517.~~ **R9-26-304. Disciplinary Action**

After an opportunity for hearing ~~that results in a~~ and a Commission determination that a licensee violated A.R.S. Title 36, Chapter 17.1, or this Chapter, the Commission shall consider the following factors to determine the degree of discipline to impose under A.R.S. § 36-1976(A):

- 1. Prior conduct resulting in discipline;
- 2. Dishonest or self-serving motive;
- 3. Amount of experience as an interpreter;
- 4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Commission;
- 5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process;
- 6. Refusal to acknowledge wrongful nature of conduct;
- 7. Degree of harm resulting from the conduct; and
- 8. Whether harm resulting from the conduct was cured.

**ARTICLE 5. INTERPRETER LICENSURE AND REGULATION**

**R9-26-501. Definitions**

In addition to the definitions in A.R.S. §§ 12-242 and 36-1941, in this Article, the following definitions apply unless otherwise specified:

“ACCI” means American Consortium of Certified Interpreters, an organization that certifies interpreters at one of three levels: ACCI Generalist, ACCI Advanced, or ACCI Master.

“Accredited” means approved by a regional or national accrediting agency recognized by the U.S. Department of Education ~~the~~:

- ~~New England Association of Schools and Colleges,~~
- ~~Middle States Association of Colleges and Secondary Schools,~~
- ~~North Central Association of Colleges and Schools,~~
- ~~Northwest Association of Schools and Colleges,~~
- ~~Southern Association of Colleges and Schools, or~~
- ~~Western Association of Schools and Colleges.~~

“Applicant” means an individual seeking an original or renewal license from the Commission.

“Application” means the documents, forms, and additional information required by the Commission to be submitted by or on behalf of an applicant.

“BEI” means Board for Evaluation of Interpreters.

“CDI” means certified deaf interpreter, a certification issued by RID.

“CI” means certificate of interpretation, a certification issued by RID.

“CIC” means Court Interpreter Certification, a legal specialist certification issued by BEI.

“CLIP-R” means conditional legal interpreting permit--relay, a certification issued by RID to a deaf or hard-of-hearing interpreter or transliterator who works in a legal setting.

“Continuing education” means a workshop, seminar, lecture, conference, class, or other educational activity relevant to the practice of interpreting.

“CSC” means comprehensive skills certificate, a certification issued by RID.

“CT” means certificate of transliteration, a certification issued by RID.



“Direct supervision” means an individual licensed under R9-26-503 or R9-26-504 is physically present when an individual licensed under R9-26-505 provides interpreting services.

“Deaf interpreter” means an individual who is deaf or hard of hearing and provides interpreting for deaf individuals with special language needs.

“EIPA” means educational interpreter performance assessment, a diagnostic tool that measures proficiency in interpreting for children or young adults in an educational setting.

“Generalist interpreter” means an individual who provides interpreting in any community setting, except a legal setting, for which the individual is qualified by education, examination, and work history. A generalist interpreter provides interpreting in a legal setting only if appointed by a judge under A.R.S. § 12-242.

~~“IAC” means interpreter advisory committee.~~

“IC” means interpretation certificate, a certification issued by RID.

“Intermediary Level III or V” means a certification issued by BEI for interpreters who are deaf or hard of hearing.

“Interpreter” means an individual who provides interpreting between American Sign Language and English.

“Legal interpreter” means an individual who is qualified by education, examination, and work history to provide interpreting in a legal setting.

“Class A legal interpreter” means a legal interpreter who provides interpreting in court, a police environment, or administrative adjudicatory proceedings or any other legal setting, as prescribed under A.R.S. § 12-242, and meets the certification requirement under R9-26-504(A)(1)(a). An individual who is licensed by the Commission as a Class A legal interpreter on the date this Section takes effect, shall meet the certification requirement under R9-26-504(A)(1)(a) no later than January 1, 2021.

~~“Class B legal interpreter” means a legal interpreter who provides interpreting in administrative adjudicatory proceedings only.~~

“Class C legal interpreter” means a legal interpreter who provides interpreting in a legal setting, as prescribed under A.R.S. § 12-242, when teamed with a Class A or Class B legal interpreter and meets the certification requirement under R9-26-504(A)(1)(b).

“Class D legal interpreter” means a legal interpreter who meets the certification requirement under R9-26-504(A)(1)(c) and is also either a deaf or hard-of-hearing interpreter or an oral transliterator.

“Legal training” means a structured program presented by the Commission, a court, Bar Association, law-enforcement association, RID, accredited institution, or comparable organization, providing information relevant to legal interpreting such as the following:

- The requirements of A.R.S. § 12-242,
- The structure of the judiciary system of this state,
- The judiciary process of this state,
- Administrative adjudicatory procedures,
- Law enforcement procedures ~~related to interpreting~~, or
- Commonly used legal terms.

“Licensee” means an interpreter who holds a current license issued under A.R.S. § 36-1974 and this Article.

“License year” means the days between the date of license issuance and the date of license expiration.

“Mentor” means an individual licensed under R9-26-503 or R9-26-504 who agrees to assist a provisional licensee to develop as an interpreter by occasionally observing the provisional licensee providing interpreting services and providing feedback.

“MCSC” means master comprehensive skills certificate, a certification issued by RID.

~~“NAD” means the National Association of the Deaf, which issues three levels of certification: NAD III (generalist), NAD IV (advanced), and NAD V (master).~~

“NAD III (generalist)” means a certification issued by NAD.

“NAD IV (advanced)” means a certification issued by NAD.

“NAD V (master)” means a certification issued by NAD.

~~“NIC” means National Interpreter Certification, a certification issued by NAD-RID at one of three levels, NIC Certified, NIC Advanced, or NIC Master.~~

“NIC Certified” means a certification issued by NAD-RID.

“NIC Advanced” means a certification issued by NAD-RID.

“NIC Master” means a certification issued by NAD-RID.



- “OC:B” means oral certificate: basic, a certification issued by BEI.
- “OC:C” means oral certificate: comprehensive, a certification issued by BEI.
- “OIC” means oral interpreting certificate, a certification issued by RID in one of three categories: comprehensive, spoken to visible, or visible to spoken.
- “Oral transliteration” means to facilitate communication between an individual who is deaf or hard of hearing and an individual who hears by using inaudible speech and natural gestures to convey a message to the deaf or hard-of-hearing individual and understanding and verbalizing the message and intent of the speech and mouth movements of the individual who is deaf or hard of hearing.
- “OTC” means oral transliteration certificate, a certification issued by RID.
- “Platform or performance setting” means an environment involving a raised surface on which a designated speaker or performers appear.
- “Provisional interpreter” means an individual who is qualified by education, examination, and work history to provide interpreting while pursuing RID, NAD, or BEI certification.
  - “Class A provisional interpreter” means a provisional interpreter who provides oral transliteration and ~~does not have an OTC~~ is working towards certification by RID, NAD, or BEI. A Class A provisional interpreter shall not provide interpreting services in a legal setting.
  - “Class B provisional interpreter” means a provisional interpreter who ~~was paid for interpreting services before the effective date of this Article and is qualified to provide interpreting services when working with a mentor or when teamed with an individual~~ without a team interpreter licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) and (b), except in a medical, mental health, platform or performance, or legal setting. A Class B provisional interpreter may provide interpreting services in a medical, mental health, or platform or performance setting only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b). A Class B provisional interpreter shall not provide interpreting services in a legal setting.
  - “Class C provisional interpreter” means a provisional interpreter who is qualified to provide interpreting services only ~~under direct supervision when working as part of a team that includes at least one individual~~ licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b). A Class C provisional interpreter shall not provide interpreting services in a legal setting.
  - “Class D provisional interpreter” means a provisional interpreter who is deaf or hard of hearing and ~~does not have a CDI~~ qualified to provide interpreting services only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or (b) or R9-26-504(A)(1)(a) through (c). A Class D provisional interpreter shall not provide interpreting services in a legal setting.
- “Qualified interpreter” means an individual licensed under this Chapter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary required by the interpreting situation.
- “RID” means Registry of Interpreters for the Deaf.
- “RSC” means reverse skills certificate, a certification issued by RID.
- “SC:L” means specialist certificate: legal, a certification issued by RID.
- “SC:PA” means specialist certificate: performing arts, a certification issued by RID.
- “TC” means transliteration certificate, a certification issued by RID.
- “Team” means two or more licensed interpreters, at least one of whom is licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b), providing interpreting for an individual or group of individuals during a single interpreting session.
- “Trilingual Advanced or Master” means a specialist certification issued by BEI for interpreters of Spanish, English, and American Sign Language.
- “Unprofessional conduct,” as used in A.R.S. § 36-1976, means:
  - ~~violation~~ Violation of the NAD-RID Code of Professional Conduct, 2005, which is incorporated by reference and available from the Commission and RID, 333 Commerce Street, Alexandria, VA 22314, or www.rid.org. The material incorporated includes no later edition or amendment: or
  - Failure to comply with a provision of A.R.S. Title 36, Chapter 17.1, Article 2 or this Chapter.
- “VRI” means video remote interpreting, a service that uses video telecommunication devices to provide interpreting between or among individuals who are at one or more locations separate from the interpreter.

**R9-26-502. License Application**

- A. No change
  1. No change
  2. No change



3. No change
  4. No change
  5. No change
  6. No change
  7. No change
  8. The start and end dates of the applicant's current certification cycle with RID, NAD, or BEI, as applicable;
  - ~~8-9.~~ No change
  - ~~9-10.~~ Name of any state or foreign country in which the applicant is or has been currently licensed or certified to practice as an interpreter, the license or certificate number, date issued, date ~~expired~~ of expiration, and a statement whether the license or certificate is or has ever been was the subject of discipline and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
  - ~~10-11.~~ No change
  - ~~11-12.~~ No change
  - ~~12-13.~~ No change
  - ~~13-14.~~ A statement of whether the applicant wishes to have the applicant's professional credentials and contact information listed on the Commission's web site and in Commission materials; and A statement of whether the applicant's NAD, RID, or BEI certification lapsed and if so, a complete explanation including date of and reason for the lapse;
  15. A statement of whether the applicant's interpreter license from Arizona or another jurisdiction lapsed and if so, a complete explanation including date of and reason for the lapse;
  16. A statement of whether the applicant's interpreter license from Arizona or another jurisdiction was subject to a complaint and if so, a complete explanation including date, allegation, and discipline imposed, if any;
  17. A statement of whether the applicant's NAD, RID, or BEI certification was subject to a complaint and if so, a complete explanation including date, allegation, and discipline imposed, if any; and
  - ~~14.~~ 18. A statement signed by the applicant verifying the truthfulness of the information provided and affirming that the applicant will comply with the NAD-RID Code of Professional Conduct;
- B.** No change
1. Documentation of name change if the applicant is applying under a name different from the name on any of the documents required under this Article;
  2. No change
    - a. High school diploma or GED or a transcript, official or unofficial, showing the degree awarded and date; ; or
    - b. Diploma from an accredited college or university or a transcript, official or unofficial, showing the degree awarded and date;
  3. If the answer to ~~subsection~~ any item in subsections (A)(9), (A)(10), (A)(11), or (A)(12) through (A)(15) is yes, a copy of any relevant order; and
  4. As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law;
  5. Two identical passport-size photographs of the applicant that:
    - a. Are in color, and
    - b. Are taken no more than six months before the date of application; and
  - ~~4-6.~~ No change

#### **R9-26-503. Application for Generalist Interpreter License**

To apply for a generalist interpreter license, an applicant shall:

1. No change
2. Submit a photocopy of ~~the front of the applicant's current RID membership card~~ documentation showing that the applicant holds one or more of the following certifications:
  - a. Hearing interpreters: NAD III, IV, or V; RID CI, CSC, CT, IC, MCSC, RSC, SC:L, SC:PA, or TC; NIC Certified, Advanced, or Master; or BEI Basic, Advanced, Master, Trilingual Advanced, Trilingual Master, or CIC;
  - b. Deaf interpreters: RID CDI, ~~CI~~, CLIP-R, ~~CSC, CT, IC, MCSC, OIC, OTC, RSC,~~ or SC:L, SC:PA, or TC; BEI Intermediary Level III or V; or
  - c. NIC Certified, Advanced, or Master. Oral interpreters: RID OIC or OTC or BEI OC:B or OC:C, or
  - d. Other certifications deemed appropriate by the Commission.

#### **R9-26-504. Application for Legal Interpreter License**

**A.** To apply for a legal interpreter license, an applicant shall comply with R9-26-502 and submit documentation of the following:

1. Certification by RID, ~~or~~ NAD, ~~or~~ BEI.
  - a. For a Class A legal interpreter license, RID SC:L, NIC Advanced or Master, NAD IV or V, CI and CT, or CSC BEI CIC, or other legal specialist certification deemed appropriate by the Commission is required;
  - b. For a Class B legal interpreter license, NIC Certified, Advanced, or Master, NAD III, IV, or V, CI, CT, or CSC is required;



- e. For a Class C legal interpreter license, NIC Certified, Advanced, or Master, NAD III, IV, or V, CI, CT, or CSC, or BEI Advanced, Master, Trilingual Advanced or Master, or other certification deemed appropriate by the Commission is required; and
  - ~~e.c.~~ For a Class D legal interpreter license, RID CDI, CLIP-R, OIC, or OTC or BEI OC:B or OC:C is required;
  - 2. Hours of paid interpreting after initial certification by RID, ~~or~~ NAD, or BEI.
    - a. For a Class A, Class B, or Class C legal interpreter license, 10,000 hours are required; and
    - b. For a Class D legal interpreter license, ~~25~~ 500 hours are required;
  - 3. Hours of legal training. ~~Twenty-four hours in~~ For a Class C or Class D legal interpreter, 50 hours obtained during the five years before the date of application are required.
- B. No change**
- 1. RID, ~~or~~ NAD, or BEI certification.
    - a. A photocopy of ~~the front of the current membership card~~ documentation provided by RID, ~~or~~ NAD, or BEI. If an applicant's documentation expires during the application process, the Commission shall not complete the licensure process until the applicant submits current documentation of certification; and
    - b. A photocopy of the certificate provided by RID, ~~or~~ NAD, or BEI or a copy of the letter received from RID, ~~or~~ NAD, or BEI at the time of initial certification;
  - 2. No change
    - a. An applicant shall submit an affidavit affirming that the applicant provided the number of hours of paid interpreting required under subsection (A)(2) after initial certification by RID, ~~or~~ NAD, or BEI; and
    - b. No change
  - 3. Hours of legal training. A photocopy of ~~a certificate of attendance~~ documentation from the organization providing the legal training that includes the information required under R9-26-510~~(C)~~ (B).

**R9-26-505. Application for Provisional Interpreter License**

- A. No change**
- 1. No change
    - a. No change
    - b. No change
  - 2. Examination. Pass the written portion of the ~~NIC or~~ RID, NAD, or BEI examination; and
  - 3. No change
    - a. No change
    - b. No change
      - ~~i. 150 hours for which the applicant received pay before May 1 2007;~~
      - ~~ii. A score of at least 4.0 on the EIPA performance test; or~~
      - ~~iii. ACCI certification; or~~
      - iii. A state-issued certification or certificate of competency in good standing;
    - c. No change
    - d. No change
- B. In addition to the documentation required under subsection (A):**
- ~~1. An applicant for a provisional interpreter license shall ensure that letters of recommendation are submitted directly to the Commission by two individuals who are familiar with the applicant's skill as an interpreter. An individual who submits a letter of recommendation shall use a form that is available from the Commission and provide the following information:~~
    - ~~a. Name of the applicant for a provisional interpreter license;~~
    - ~~b. The following information about the individual completing the letter of recommendation form:~~
      - ~~i. Name;~~
      - ~~ii. Telephone number;~~
      - ~~iii. Interpreter license number, if any;~~
      - ~~iv. How long the individual has known the applicant;~~
      - ~~v. The capacity in which the individual knows the applicant; and~~
      - ~~vi. Why the individual believes the individual is qualified to assess the applicant's skill as an interpreter;~~
    - ~~e. An assessment of the applicant's receptive, expressive, and voicing skills; and~~
    - ~~d. The individual's dated signature.~~
  - ~~2. An~~ an applicant for a Class B provisional license shall:
    - ~~a. 1. Have a letter submitted directly to the Commission by an individual licensed under R9-26-503 or R9-26-504 indicating that the individual agrees to:~~
      - ~~i. a. Act as a mentor to the applicant if the applicant is granted a provisional license;~~
      - ~~ii. b. Observe the provisional licensee providing interpreting services at least once each month;~~
      - ~~iii. c. Provide feedback to the provisional licensee following each observation; and~~
      - ~~iv. d. Provide 30 days' notice to the provisional licensee and the Commission before terminating the mentoring relationship; and~~



- b-2. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
- i-a. Make and maintain a record of each time the mentor observes the applicant and a summary of the feedback provided; ~~and~~
  - ii-b. Make the record maintained under subsection ~~(B)(2)(b)(i)~~ (B)(2)(a) available to the Commission ~~upon request~~ annually at license renewal; ~~or and~~
  - c. Provide 30 days' notice to the Commission and the mentor before terminating the mentoring relationship; or
- e-3. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
- i-a. Team with an individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b) for ~~an average of at least~~ at least eight hours each month;
  - ii-b. Maintain a journal that records the dates on which and the name of the licensee with whom teaming was done and a summary of any feedback provided; and
  - iii-c. Make the journal maintained under subsection ~~(B)(2)(c)(ii)~~ (B)(3)(b) available to the Commission annually upon request license renewal.

C. No change

1. Education. A photocopy of ~~certificates of completion documents~~ showing that the applicant completed the hours of interpreter preparation training required under subsection (A)(1);
2. Examination. A photocopy of the letter provided by ~~NIC or RID, NAD, or BEI~~ indicating that the applicant passed the written portion of either the NIC or RID, NAD, or BEI examination;
3. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. The hours of interpreting provided by the applicant; and or
  - b. One or more paystubs, each of which indicates:
    - i. The name of the applicant.
    - ii. The job title of the applicant.
    - iii. The dates on which interpreting was provided by the applicant, and
    - iv. The hours of interpreting provided by the applicant, and
  - b-c. No change
    - i. No change
    - ii. A photocopy of the applicant's ACCI certificate; or
    - iii. A photocopy of the applicant's state-issued certification or certificate of competency in good standing.

**R9-26-506. Short-term Registration of an Interpreter**

- A. To register with the Commission to provide interpreting in Arizona in a non-legal situation for fewer than 20 days in a year, an interpreter shall submit the following information in writing to the Commission:
1. Interpreter's name;
  2. Interpreter's ~~business residential and e-mail~~ business residential and e-mail addresses;
  3. Interpreter's ~~business and mobile telephone numbers number;~~ business and mobile telephone numbers number;
  4. Dates on which interpreting will be provided; ~~and~~
  5. Name, address, and contact information of the person or event for which interpreting services will be provided; and
  - 5-6. Date of most recent short-term registration with the Commission, if any.
- B. In addition to complying with subsection (A), the interpreter shall submit a copy of ~~the interpreter's current documentation from RID, NAD, or BEI membership card or license from a government licensing authority showing the interpreter's certification is in good standing or a copy of the interpreter's license from another state's interpreter licensing authority.~~ the interpreter's current documentation from RID, NAD, or BEI membership card or license from a government licensing authority showing the interpreter's certification is in good standing or a copy of the interpreter's license from another state's interpreter licensing authority.
- C. An interpreter who makes application under subsections (A) and (B) for a short-term registration shall not provide interpreting services in Arizona until the Commission provides notice the registration has been granted.
- D. Within five days after providing interpreting services under a short-term registration, the interpreter shall submit a report to the Commission that provides the dates on and persons or events for which interpreting services were provided.
- E. The Commission shall not issue more than two short-term registrations to an interpreter.

**R9-26-507. License Renewal**

- A. No change
1. A generalist or legal interpreter license expires ~~on the licensee's birthday beginning with the licensee's second birthday following initial licensure~~ one year after the license is issued. To continue to practice as a generalist or legal interpreter, the licensee shall, no more than 60 days before the ~~licensee's birthday~~ licensee's birthday expiration date, submit to the Commission a license renewal application form that provides the following information about the licensee:
    - a. No change
    - b. No change
    - e. Arizona interpreter license number;



- ~~d.c.~~ Home or business address;
  - ~~e.d.~~ E-mail address;
  - ~~f.e.~~ Home, business, or mobile telephone number;
  - ~~g.~~ If applicable, the name of the licensee's employer and the employer's address and telephone number;
  - ~~f.~~ The start and end dates of the applicant's current certification cycle with RID, NAD, or BEI, as applicable;
  - ~~h.g.~~ Name of any state or country in which the licensee is ~~or has been~~ currently licensed or certified to practice as an interpreter, the license or certificate number, date issued and date of expiration, and a statement whether the license or certificate is or has been the subject of discipline ~~since the date of last application~~ during the previous year and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
  - ~~i.h.~~ A statement of whether the licensee has been denied a license or certificate to practice as an interpreter by a ~~government~~ licensing authority ~~since the date of last application~~ during the previous year and if the answer is yes, a complete explanation of the denial including date, name of the ~~government~~ interpreter licensing authority, and reason for denial;
  - ~~j.i.~~ A statement of whether the licensee has been convicted of a felony or of an offense involving moral turpitude in this or any other jurisdiction ~~since the date of last application~~ during the previous year and if the answer is yes, a complete explanation of the charge and place and date of conviction;
  - ~~k.j.~~ A statement of whether the licensee has been adjudicated insane or incompetent ~~since the date of last application~~ during the previous year and if the answer is yes, a complete explanation including date and place of adjudication;
  - ~~l.~~ A statement of whether the licensee wishes to have the licensee's professional credentials and contact information listed on the Commission's web site and in Commission materials; and
  - ~~m.~~ A statement signed by the licensee attesting to the truthfulness of the information provided and affirming that the licensee will comply with the NAD-RID Code of Professional Conduct.
  - ~~k.~~ A statement of whether the applicant's NAD, RID, or BEI certification lapsed during the previous year and if so, a complete explanation including date of and reason for the lapse;
  - ~~l.~~ A statement of whether the applicant's interpreter license from Arizona or another jurisdiction lapsed during the previous year and if so, a complete explanation including date of and reason for the lapse;
  - ~~m.~~ A statement of whether the applicant's interpreter license from Arizona or another jurisdiction was subject to a complaint during the previous year and if so, a complete explanation including date, allegation, and discipline imposed, if any;
  - ~~n.~~ A statement of whether the applicant's NAD, RID, or BEI certification was subject to a complaint during the previous year and if so, a complete explanation including date, allegation, and discipline imposed, if any, and if discipline was imposed, a statement of whether the notice required under R9-26-518 was submitted to the Commission;
  - ~~o.~~ A statement of whether the applicant completed any continuing education during the previous year and if so, the number of hours completed; and
  - ~~p.~~ A statement signed by the licensee verifying the truthfulness of the information provided and affirming that the licensee will comply with the NAD-RID Code of Professional Conduct.
2. No change
    - a. A photocopy of ~~the front of the licensee's current RID membership card~~ documentation showing the applicant's NAD, RID, or BEI certification is in good standing. If the licensee's documentation expires during the renewal process, the Commission shall not complete the license renewal process until the licensee submits a photocopy of current documentation;
    - b. If the answer to ~~the any~~ item in ~~subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k)~~ subsections (A)(1)(g) through (A)(1)(m) is yes, a copy of any relevant order; and
    - c. ~~An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation that demonstrates compliance with the continuing education requirement; and~~
  - ~~d.~~ No change
  3. If a generalist or legal licensee fails to comply with subsections (A)(1) and (A)(2) on or before the ~~licensee's birthday~~ license expiration date, the license expires ~~and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1974~~. The former licensee may renew the expired license by complying with subsections (A)(1) and (A)(2), ~~affirming that the former licensee did not provide interpreting for which a license is required under A.R.S. § 36-1971 after the license expired~~, and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired. If a former licensee fails to renew an expired license within the 30 days provided in this subsection, the former licensee shall stop providing interpreting for which a license is required under A.R.S. § 36-1971.
  4. No change
- B. No change



1. A provisional interpreter license expires ~~on the licensee's birthday beginning with the second birthday following initial licensure and may be renewed once by complying with subsections (B)(2) and (B)(3) one year after the date of issuance.~~
2. To continue to practice as a provisional interpreter, the licensee shall, no more than 60 days before the licensee's ~~birthday expiration date,~~ submit to the Commission a license renewal application form that provides the information specified under subsection (A)(1).
3. No change
  - a. If the answer to ~~the any~~ item in ~~subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k)~~ subsections (A)(1)(h) through (A)(1)(m) is yes, a copy of any relevant order;
  - b. ~~An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation~~ Documentation required under R9-26-510(C) that demonstrates compliance with the continuing education requirement in R9-26-510; and
  - c. No change
  - d. If a Class B provisional licensee ~~wishes to renew the Class B provisional license,~~ letters that meet the standards at ~~R9-26-505(B)(2)(a) R9-26-505(B)(1) and R9-26-505(B)(2)(b) (2)~~ or a letter that meets the standards at ~~R9-26-505(B)(2)(e) R9-26-505(B)(3);~~ and
  - e. If a Class C provisional licensee ~~wishes to renew the Class C provisional license,~~ an affirmation that the licensee has provided and will continue to provide interpreting services only ~~under direct supervision when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b);~~ or
  - f. ~~If a Class C provisional licensee wishes to move to a Class B provisional license:~~
    - i. ~~Letters that meet the standards at R9-26-505(B)(1) and (2) or a letter that meets the standards at R9-26-505(B)(3), and~~
    - ii. ~~Evidence required under R9-26-505(C)(3)(a) or (b) showing at least 500 hours of work experience earned while working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b), or~~
    - iii. ~~A score of at least 4.0 on the EIPA performance test.~~
4. If a provisional licensee fails to comply with subsections (B)(2) and ~~(B)(3)~~ on or before the licensee's ~~birthday license expiration date,~~ the license expires ~~and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1971.~~ Unless the expired provisional license has previously been renewed under subsections (B)(2) and ~~(B)(3),~~ the former licensee may renew the expired license by complying with subsections (B)(2) and ~~(B)(3),~~ affirming that the former licensee did not provide interpreting for which a license is required under A.R.S. § 36-1971 after the license expired, and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired. ~~If a former licensee fails to renew an expired license within the 30 days provided in this subsection, the former licensee shall stop providing interpreting for which a license is required under A.R.S. § 36-1971.~~
5. ~~If an expired provisional license is not renewed under subsection (B)(4), the former licensee may obtain a license only by applying under R9-26-503 or R9-26-504. The Commission shall not issue a provisional interpreter license to an interpreter for more than five years over the interpreter's lifetime.~~
6. ~~A provisional interpreter license may be renewed a second time only if, in addition to complying with subsections (B)(2) and (B)(3), the licensee submits evidence to the Commission that the licensee attempted to pass the performance portion of a RID certification examination and intends to take the performance portion of a RID certification examination again within the next year.~~
7. ~~The Commission shall not renew a provisional license more than two times. The Commission shall not issue more than one provisional license to an individual.~~
- C. ~~If the documentation previously submitted under R9-26-502(B)(4) was a limited form of work authorization issued by the federal government, an applicant for license renewal shall submit evidence that the work authorization has not expired.~~
- D. ~~The Commission shall require a licensee to submit the information required under R9-26-502(B)(5) every five years so an updated photograph is used in the identification badge required under R9-26-515.~~

#### **R9-26-508. Fees and Charges**

- A. Under the authority provided by A.R.S. §§ 36-1973(A) and 36-1974(C), the Commission establishes and shall collect the following fees, which are not refundable unless A.R.S. § 41-1077 applies:
  1. No change
  2. No change
  3. No change
  4. Provisional license renewal application fee, \$25; and
  5. Penalty for late license renewal, \$100; and
  6. Duplicate license, \$25.
- B. ~~Before the Commission issues an initial license to an applicant, the Commission shall collect from the applicant a prorated license renewal application fee, which will make the initial license valid until the applicant's second birthday fol-~~



lowing issuance of the initial license. The Commission shall pro-rate the license renewal application fee as follows: The Commission shall charge \$25 to:

1. Replace an identification badge.
2. Issue a duplicate license.
1. ~~Generalist or legal license renewal application fee: \$5 for each month between issuance of the initial license and the applicant's first birthday following issuance of the initial license to a maximum of \$50; and~~
2. ~~Provisional license renewal application fee: \$2.50 for each month between issuance of the initial license and the applicant's first birthday following issuance of the initial license to a maximum of \$25.~~

**R9-26-509. Procedures for Processing Applications; ~~Time frames~~ Time Frames**

- A. For the purpose of A.R.S. § 41-1073, the Commission establishes the following licensing ~~time frames~~ time frames:
  1. Administrative completeness review ~~time frame~~ time frame: 30 days;
  2. Substantive review ~~time frame~~ time frame: 60 days; and
  3. Overall ~~time frame~~ time frame: 90 days.
- B. The administrative completeness review ~~time frame~~ time frame listed in subsection (A)(1) begins on the date ~~that~~ the Commission receives a license application or license renewal application. During the administrative completeness review ~~time frame~~ time frame, the Commission shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the Commission shall specify in the notice what information is missing.
- C. An applicant with an incomplete application shall supply the missing information within 30 days from the date of the notice. Both the administrative completeness review and overall ~~time frames~~ time frames are suspended from the date of the Commission's notice until the date that the Commission's office receives all missing information.
- D. Upon receipt of all missing information, the Commission shall notify the applicant that the application is complete. The Commission shall not send a separate notice of completeness if the Commission grants or denies a license within the administrative completeness review ~~time frame~~ time frame in subsection (A)(1).
- E. The substantive review ~~time frame~~ time frame listed in subsection (A)(2) begins on the date of the Commission's notice of administrative completeness or on expiration of the time listed in subsection (A)(1).
- F. If the Commission determines during the substantive review ~~time frame~~ time frame that additional information is needed, the Commission shall send the applicant a comprehensive written request for the additional information. The applicant shall supply the additional information within 60 days from the date of the request. Both the substantive review and overall ~~time frames~~ time frames are suspended from the date on the Commission's request until the date ~~that~~ the Commission office receives the additional information.
- G. If an applicant needs additional time in which to respond under subsection (C) or (F), the applicant shall submit a written notice of extension to the Commission before expiration of the time to respond that includes the date by which the applicant will submit the information. The applicant shall establish an extension date that is no more than 120 days from the date established under subsection (C) or (F).
- H. If an applicant fails to submit information within the time provided under subsection (C) or (F) or as extended under subsection (G), the Commission shall close the applicant's file. An applicant whose file is closed and who later wishes to be licensed, shall apply anew.
- I. Within the time listed in subsection (A)(3), the Commission shall:
  1. Grant a license to an applicant who meets the requirements in A.R.S. § 36-1973 and this Article, or
  2. Deny a license to an applicant who does not meet the requirements in A.R.S. § 36-1973 or this Article.
- J. If the Commission denies a license, the Commission shall send the applicant a written notice explaining:
  1. The reason for the denial with citations to supporting statutes or rules,
  2. The applicant's right to appeal the denial and have a hearing,
  3. The time for appealing the denial, and
  4. The applicant's right to request an informal settlement conference.

**R9-26-510. Continuing Education Requirement; ~~Waiver; Extension of Time to Complete~~**

- A. Continuing education is required as a condition of licensure renewal. ~~During each license year, a licensee shall complete the following hours of continuing education:~~
  1. ~~General~~ A generalist interpreter, eight hours; shall complete continuing education required by NAD, RID, or BEI to maintain certification by NAD, RID, or BEI. If the certification of a generalist interpreter is suspended or revoked by NAD, RID, or BEI because the generalist interpreter failed to complete the required continuing education, the Commission shall initiate proceedings under Article 3 against the generalist interpreter's license.
  2. A Class A legal interpreter shall complete continuing education required by NAD, RID, or BEI to maintain legal certification by NAD, RID, or BEI. If the certification of a Class A legal interpreter is suspended or revoked by NAD, RID, or BEI because the Class A legal interpreter failed to complete the required continuing education, the Commission shall initiate proceedings under Article 3 against the legal interpreter's license.
  3. A Class C or D legal interpreter shall complete continuing education required by NAD, RID, or BEI to maintain certification by NAD, RID, or BEI including at least 20 hours of legal training. If the certification of a Class C or D legal interpreter is suspended or revoked by NAD, RID, or BEI because the Class C or D legal interpreter failed to complete the required continuing education or if the Class C or D legal interpreter fails to complete the required hours of legal training, the Commission shall initiate proceedings under Article 3 against the legal interpreter's license.



- ~~2-4. Legal~~ When renewing a license under R9-26-507(B), a provisional interpreter, ~~Class A, or B, six hours, of which two hours are legal training~~ shall submit the evidence required under subsection (B) showing completion of 12 hours of continuing education; ~~The Commission shall accept continuing education:~~
- ~~a. Designed to enhance the provisional licensee's skill and ability to provide quality interpreting to the deaf and hard-of-hearing community;~~
  - ~~b. Approved by RID, NAD, or BEI, as applicable, for certification maintenance;~~
  - ~~c. Provided by an accredited institution of higher education; or~~
  - ~~d. Provided by an entity involved with the deaf and hard-of-hearing community.~~
3. Legal interpreter, Class C, six hours, of which three hours are legal training;
4. Legal interpreter, Class D, six hours, of which two hours are legal training; and
5. Provisional interpreter, 12 hours.
- ~~B. Between the time of initial licensure and a licensee's first birthday following initial licensure, the licensee shall complete a pro-rated amount of the continuing education required under subsection (A).~~
- ~~C.B.~~ A provisional licensee shall obtain from the provider of a continuing education attended by the licensee a certificate of attendance documentation that includes:
1. Licensee's name and license number,
  2. No change
  3. No change
  4. No change
  5. No change
- ~~D. A licensee shall maintain the certificates of attendance described in subsection (C) for three years.~~
- ~~E. A licensee shall submit a copy of the certificates of attendance obtained during a license year if subject to an audit by the Commission under R9-26-511.~~
- ~~C.~~ Waiver of continuing education requirement.
1. To obtain a waiver of the continuing education requirement, a provisional licensee shall submit to the Commission a written request that includes the following:
    - a. The period for which the waiver is requested.
    - b. Continuing education completed during the current license year and the documentation required under subsection (B).
    - c. Reason a waiver is needed and supporting documentation:
      - i. For military service. A copy of current orders or a letter on official letterhead from the licensee's commanding officer;
      - ii. For absence from the United States. A copy of pages from the licensee's passport showing exit and reentry dates;
      - iii. For disability. A letter from the licensee's treating physician stating the nature of the disability; and
      - iv. For circumstances beyond the licensee's control. A letter from the licensee stating the nature of the circumstances and documentation that provides evidence of the circumstances.
  2. The Commission shall grant a request for waiver of the continuing education requirement that:
    - a. Is based on a reason listed in subsection (C)(1)(c).
    - b. Is supported by the required documentation.
    - c. Is submitted no sooner than 60 days before and no later than the license expiration date, and
    - d. Will promote the safe and professional practice of interpreting in this state.
- ~~D.~~ Extension of time to complete continuing education requirement.
1. To obtain an extension of time to complete the continuing education requirement, a provisional licensee shall submit to the Commission a written request that includes the following:
    - a. Ending date of the requested extension.
    - b. Continuing education completed during the current license year and the documentation required under subsection (B).
    - c. Proof of registration for additional continuing education that is sufficient to enable the provisional licensee to complete all continuing education required for license renewal before the end of the requested extension, and
    - d. Licensee's attestation that the continuing education obtained under the extension will be reported only to fulfill the current license renewal requirement and will not be reported on a subsequent license renewal application.
  2. The Commission shall grant a request for an extension that:
    - a. Specifies an ending date no more than three months from the current license expiration date.
    - b. Includes the required documentation and attestation.
    - c. Is submitted no sooner than 60 days before and no later than the license expiration date, and
    - d. Will promote the safe and professional practice of interpreting in this state.
- ~~E.~~ Except as provided in subsection (D), a provisional licensee shall report only hours of continuing education obtained during the license year immediately preceding license renewal. A licensee shall not carry over hours in excess of those required under subsection (A)(4) to a subsequent license year.



**R9-26-511. ~~Audit of Compliance with Continuing Education Requirement~~ Video Remote Interpreting**

~~At the time of license renewal, the Commission shall provide notice of an audit of continuing education records to a random sample of licensees. A licensee subject to a continuing education an audit shall submit documentation that demonstrates compliance with the continuing education requirement at the same time the licensee submits the license renewal application form required under R9-26-507.~~

- ~~A. Only an interpreter who is licensed under A.R.S. Title 36, Chapter 17.1 and this Article is authorized to provide VRI for individuals who are located in Arizona.~~
- ~~B. An interpreter who is licensed under A.R.S. Title 36, Chapter 17.1 and this Article and provides VRI shall comply fully with the requirements of this Article.~~
- ~~C. An interpreter who is located outside of Arizona shall not provide VRI for an individual located in Arizona before being licensed under A.R.S. Title 36, Chapter 17.1 and this Article.~~

**R9-26-512. ~~Making a Complaint~~ Renumbered**

**R9-26-515. ~~Hearing Procedures~~ Identification Badge Required**

- ~~A. To protect the public, a licensee shall have and present on request, an identification badge issued by the Commission whenever the licensee provides interpreting services.~~
- ~~B. A licensee who loses or damages the identification badge required under subsection (A) may obtain a replacement identification badge by submitting a request to the Commission and paying the charge specified under R9-26-508.~~

**R9-26-516. ~~Rehearing or Review of Commission Decision~~ Renumbered**

**R9-26-517. ~~Disciplinary Action~~ Renumbered**

**R9-26-518. ~~Change of Name or Address~~ Required Notices to the Commission**

- ~~A. If a licensee's certification by RID, NAD, or BEI is suspended, revoked, or subject to other disciplinary action by RID, NAD, or BEI, the licensee shall provide immediate written notice of the disciplinary action to the Commission. Failure to provide the notice required under this subsection is unprofessional conduct.~~
- ~~B. If a licensee's state-issued certification submitted as qualification for a Class B provisional license is suspended, revoked, or subject to other disciplinary action by the state that issued the certification, the licensee shall provide immediate written notice of the disciplinary action to the Commission. Failure to provide the notice required under this subsection is unprofessional conduct.~~
- ~~C. The Commission shall communicate with a licensee or applicant using the name and address provided to the Commission by the licensee or applicant. To ensure timely receipt of communication from the Commission, a licensee or applicant shall notify the Commission of any change in the licensee's or applicant's name or address.~~



NOTICES OF PROPOSED EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Exempt Rulemaking. An agency may be exempt from rulemaking standards outlined in the Arizona Administrative Procedures Act (APA).

An agency's exemption is listed in the Preamble of the rulemaking as specified under: A.R.S. §§ 41-1005 or 41-1057; or a specific statute; or if a rule is promulgated by the Corporation Commission, it is exempt from Attorney General review under a court decision as determined by the Commission.

If an agency determines it is exempt under the law or court decision, the law may still require publication of the Proposed Exempt Rulemaking in this section to solicit and review public comments on the rulemaking.

Some agencies, even though completely exempt, may still elect to follow certain provisions of the APA, such as circulating its exempt rulemaking for comment. If an agency chooses this option, our office encourages filing the notice with our office for publication in the Register.

Please note, if a statute dictates that an agency is completely exempt from the rulemaking process, the agency is authorized to file a Notice of Exempt Rulemaking.

In all cases, an agency must still follow the procedures as established by our office in order to have its rulemaking package published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed exempt rule should be directed to the agency proposing them. Refer to Item #5 of the Preamble to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXEMPT RULEMAKING

TITLE 17. TRANSPORTATION

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

[R16-12]

PREAMBLE

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



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

The REAL ID Act of 2005 required driver licenses and identification cards issued by states to meet certain requirements in order for the credentials to be accepted by the federal government for official purposes, including boarding a federally regulated commercial aircraft or accessing restricted areas in federal facilities, nuclear power plants or military facilities. A.R.S. §§ 28-336 and 28-338 prohibit the Department from implementing the REAL ID Act of 2005. Laws 2015, Ch. 294, allows the Department to issue a federally recognized driver license or identification license that allows the applicant to board a federally regulated commercial aircraft or to access restricted areas in federal facilities, nuclear power plants or military facilities to applicants upon request.

The U.S. Department of Homeland Security (DHS) has granted Arizona an extension until October 10 2016, that allows Arizona licensees to use their current Arizona driver licenses or nonoperating identification licenses at airport security and restricted federal facilities. DHS has also indicated that once Arizona is deemed fully compliant with the REAL ID Act of 2005, current Arizona credentials will continue to be accepted at airport security and restricted federal facilities until October 1, 2020.

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

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

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

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

Not applicable

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

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

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

Not applicable

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

The Department solicits public comments throughout the rulemaking process. Written comments on the proposed rulemaking should be directed to the person listed in item 5. All comments must be received by the close of public record at 5:00 p.m. on March 14, 2016.

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

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

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

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

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

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

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

No analysis was submitted to the Department.

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

This rulemaking incorporates no materials by reference.



14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:  
Not applicable

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

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

ARTICLE 4. DRIVER LICENSES

Section

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

ARTICLE 4. DRIVER LICENSES

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

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

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

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



NOTICES OF FINAL EXEMPT RULEMAKING

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

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

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

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

PREAMBLE

[R16-13]

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R7-2-302 Amend
R7-2-302.10 Repeal
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
Authorizing statute: A.R.S. §§ 15-203(A)(1) and 15-203(A)(14)
Implementing statute: Not applicable
3. The effective date of the rules and the agency's reason it selected the effective date:
October 26, 2015
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:
Not applicable
5. The agency's contact person who can answer questions about the rulemaking:
Name: Dr. Karol Schmidt, Executive Director
Address: State Board of Education
1700 W. Washington, Suite 300
Phoenix, AZ 85007
Telephone: (602) 542-5057
Fax: (602) 542-3046
E-mail: inbox@azsbe.az.gov
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
A.R.S. § 15-701.01 requires the Board to prescribe a minimum course of study and competency requirements for the graduation of students from high school. Two pieces of legislation enacted in 2015 require conforming changes to the high school minimum course of study.
Laws 2015, Chapters 1, requires students, beginning with the class of 2017, to correctly answer at least sixty of one hundred questions on a civics test identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services in order to graduate.
Laws 2015, Chapters 5, specifically states that students are not required to pass the statewide assessment in order to graduate through school year 2018. This law conflicts with the Board policy and rules adopted in 2013-14 that required students through the class of 2017 to pass the previous statewide assessment (AIMS) in reading, mathematics and writing in order to graduate from high school.
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:**  
Pursuant to the Board's rulemaking procedures, a public hearing was held on October 23, 2015, to collect public input on the proposed rule changes. No 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

- R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School  
R7-2-302.10. ~~AIMS, Substitute Passing Scores or Additional Credit, Beginning with the Graduation Class of 2013 Repealed~~

#### ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

##### **R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School**

The Board prescribes the minimum course of study and competency requirements as outlined in subsections (1) through (5) and, beginning with the graduating class of 2017, receipt of a passing score of sixty correct answers out of one hundred questions on a civics test identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services as prescribed in A.R.S. § 15-701.01(A)(2) ~~on the reading, mathematics, and writing portions of the AIMS (Arizona's Instrument to Measure Standards) assessment for the graduation of pupils from high school or issuance of a high school diploma, effective for the graduation class of 2013.~~

1. No change
  - a. No change
  - b. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
  - c. No change
    - i. Two credits containing course content covering the following areas in preparation for proficiency at the high school level on the AIMS test statewide assessment: Number Sense and Operations; Data Analysis, Probability and Discrete Mathematics; Patterns, Algebra and Functions; Geometry and Measurement; and Structure and Logic. These credits shall be taken consecutively beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to subsection (1)(c)(iv).
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
  - d. Three credits of science in preparation for proficiency at the high school level on the AIMS test statewide assessment.
  - e. No change
  - f. No change
  - g. No change
2. No change



- a. No change
- b. No change
- c. No change
- d. No change
- 3. No change
- 4. No change
  - a. No change
  - b. No change
  - c. No change
- 5. No change
  - a. The awarding of a credit toward the completion of high school graduation requirements shall be based on the successful completion of State Board-adopted academic standards for subject areas listed in subsections (1)(a) through (1) (e) and the successful completion of the competency requirements for the elective subjects specified in subsection (1)(f). Competency requirements for elective subjects as specified in subsection (1) (f) shall be the academic standards adopted by the State Board. If there are no adopted academic standards for an elective subject, the local school district governing board or charter school shall be responsible for developing and adopting competency requirements for the successful completion of the elective subject. The school district governing board or charter school shall be responsible for developing and adopting the method and manner in which to administer a test that is identical to the civics portion of the naturalization test used by the united states citizenship and immigration services, and a pupil who does not obtain a passing score on the test may retake the test until the pupil obtains a passing score.
    - b. No change
    - c. No change
- 6. No change

**R7-2-302.10. AIMS, Substitute Passing Scores or Additional Credit, Beginning with the Graduation Class of 2013 Repealed**

- ~~A. For the purpose of satisfying the graduation requirement to achieve a passing score on the AIMS:
 
  - 1. The Board shall adopt a minimum score required on one or more nationally recognized college entrance examinations selected by the state board of education, if examination information may be accessed at no cost to this state, as a substitute for passing scores on the AIMS test for a pupil who is in grade twelve;
  - 2. The Board shall adopt a minimum score required on a board examination prescribed in Arizona Revised Statutes, Title 15, Chapter 7, Article 6, as a substitute for passing scores on the AIMS test if a pupil who is in grade twelve has previously taken the board examination and has not achieved the minimum score required to be eligible for a Grand Canyon diploma; and
  - 3. If a pupil has transferred into a district from out of state and has successfully passed a statewide assessment test on state adopted standards that are substantially equivalent to the state board adopted academic standards, the pupil shall not be required to pass AIMS in order to graduate from high school.
  - 4. The Board shall adopt a minimum score required on any subsequently adopted assessments to measure pupil achievement of the state board adopted academic standards in reading writing and mathematics adopted by the Board pursuant to §15 741, as a substitute for passing scores on the AIMS test for pupils in the graduating class of 2015 and 2016.~~
- ~~B. Beginning with the graduation class of 2013 a pupil who fails to achieve a passing score on the AIMS assessment for high school graduation may graduate if the pupil meets the AIMS augmentation requirements established pursuant to this Section.~~
- ~~C. A school district or charter school is not required to comply with this Section if it is determined that augmenting the pupil's score on any section of the AIMS assessment by five percent would not meet or exceed the "Meets the Standard" threshold.~~
- ~~D. A pupil is eligible for the AIMS augmentation requirement established pursuant to this Section if all of the following apply:
 
  - 1. The pupil has completed with a passing grade all coursework and credits prescribed for the graduation of pupils from high school by the governing board of the pupil's school district or charter school.
  - 2. The pupil has taken the AIMS assessment each time the test was offered when the pupil was eligible to take the test after August 12, 2005.
  - 3. The pupil has participated in any academic remediation program available in the pupil's school in those subject areas where the pupil failed to achieve a passing score on AIMS.~~
- ~~E. If a pupil is not eligible for the AIMS augmentation due to a failure to meet the requirements in subsections (C)(2) and/or (3) the student may appeal this decision to the local governing board. The governing board may delegate these appeals to other school district or charter school officials. All appeals held pursuant to this subsection shall comply with the following requirements:
 
  - 1. The governing board shall adopt a form for a petition that a pupil, or a pupil's parent or legal guardian, must complete to initiate an appeal. The petition shall indicate what requirement is being appealed and the basis for the~~



- appeal. The petition shall also include a written explanation of the appeal procedures used by the school district or charter school.
2. The pupil, or the pupil's representative, shall have the burden of demonstrating what circumstances prevented compliance with the requirements in subsections (C)(2) and/or (3).
  3. An appeal for failing to meet the requirement in subsection (C)(2) should be granted only upon presentation of credible evidence that extreme circumstances made the pupil ineligible for each AIMS assessment administration the student did not attend.
  4. An appeal for failing to meet the requirement in subsection (C)(3) should be granted only upon presentation of credible evidence that the pupil has participated in at least one state or school sanctioned remediation program in those subject areas where the pupil failed to achieve a passing score on the AIMS assessment.
  5. School district or charter school officials shall provide adequate notice to the pupil and the pupil's parents or legal guardians regarding the date, time and place of the appeal. A pupil, or a pupil's representative, may participate in the appeal either personally, by telephone, or by providing written documentation.
  6. All other procedures regarding these appeals shall be determined by the local school district or charter school governing board.
- F.** Every school district or charter school that graduates pupils from high school shall determine whether the pupils that have failed to achieve a passing score on any section of the AIMS assessment meet the AIMS augmentation requirements established by this Section. In making this determination the school or school district shall adhere to the following requirements:
1. The school district or charter school shall augment the score of each section of the AIMS assessment where a pupil failed to achieve a passing score with additional points derived from classroom performance. These points shall represent a potential percentage augmentation from a pupil's original score. The number of additional points shall be calculated as follows:
    - a. Only classes that satisfy the following 15 credits shall be included in the calculation:
      - i. Four credits of English or English as a Second Language, which shall include but not be limited to the following: grammar, writing, and reading skills, advanced grammar, composition, American literature, advanced composition, research methods and skills and literature. One half credit of the English requirement shall include the principles of speech and debate but not be limited to those principles.
      - ii. Three credits in social studies to include the following:
        - (1) One credit of American history, including Arizona history;
        - (2) One credit of world history/geography;
        - (3) One half credit of American government, including Arizona government; and
        - (4) One half credit of economics.
      - iii. Four credits of mathematics to minimally include the following:
        - (1) Two credits containing course content covering the following areas in preparation for proficiency on the AIMS test: Number Sense and Operations; Data Analysis, Probability and Discrete Mathematics; Patterns, Algebra and Functions; Geometry and Measurement; and Structure and Logic. These credits shall be taken consecutively beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to R7-2-302.02(1)(c)(iv).
        - (2) One credit covering Algebra II or course content equivalent to Algebra II. Courses meeting this requirement may include but are not limited to, career and technical education and vocational education, economics, science, and arts courses as determined by the local school district governing board or charter school.
        - (3) One credit that includes significant mathematics content as determined by the local school district governing board or charter school.
        - (4) Courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirement may be applied toward satisfying those requirements.
        - (5) Mathematics credits earned using a personal curriculum pursuant to R7-2-302.03 may substituted for the credit in subsection R7-2-302.10(E)(1)(a)(iii)(2).
      - iv. Three credits of science in preparation for proficiency at the high school level on the AIMS test.
      - v. One credit of fine arts or career and technical education and vocational education.
    - b. Each eligible grade in an advanced placement class, or a school district or charter school designated "honors" class, up to the 1 1/2 credits prescribed in this Section, shall receive additional points as follows:
      - i. A letter grade of "A," or its equivalent, shall receive additional points equal to five times the amount of credit for that class.
      - ii. A letter grade of "B," or its equivalent, shall receive additional points equal to four times the amount of credit for that class.
      - iii. A letter grade of "C," or its equivalent, shall receive additional points towards the average augmentation equal to three times the amount of credit for that class.
      - iv. A letter grade of "D" or "F," or its equivalent, shall receive zero points towards the average.



- e. All other eligible grades, up to the 15 credits prescribed in this Section, shall receive additional points as follows:
  - i. A letter grade of "A," or its equivalent, shall receive additional points towards the average augmentation equal to four times the amount of credit for that class.
  - ii. A letter grade of "B," or its equivalent, shall receive additional points towards the average augmentation equal to three times the amount of credit for that class.
  - iii. A letter grade of "C," or its equivalent, shall receive additional points towards the average augmentation equal to two times the amount of credit for that class.
  - iv. Letter grades of "D" or "F," or their equivalent, shall receive zero points towards the average.
- d. Pupils that have earned additional credits in any of the areas prescribed in this Section may apply the grade that would award the highest augmentation.
- e. After determining a pupil's additional points the school district or charter school shall calculate the average number of points awarded per credit by dividing the sum of additional points earned by 15.
- f. The pupil's augmentation shall be calculated by applying the following formula:

$$\frac{\text{(Avg. Additional Points)}}{\text{(per Credit)}} \times \text{(Pupil's Original Score)} = \text{Augmentation Points}$$

- 2. The augmentation points shall be added to the pupil's highest achieved score on each section of the AIMS assessment where the student failed to achieve a passing score. If a pupil's augmented score exceeds the passing score for the applicable section of the AIMS assessment, the pupil shall be considered to have passed that section of the assessment for graduation purposes.
- 3. The school district or charter school shall augment the highest achieved score of each section of the AIMS assessment where a pupil failed to achieve a passing score separately and concurrently.
- G.** A pupil's augmented score shall be used only for the purpose of determining whether the pupil meets the competency test requirement for graduation from high school.
- H.** All school districts and charter schools shall report to the Arizona Department of Education the number of students in their schools that met the AIMS augmentation requirement prescribed in this Section. School districts and charter schools shall also report disaggregated data showing the number of students whose augmented scores met or exceeded the passing scores for the reading, writing and math sections of the AIMS assessment respectively. These reports shall be made annually and shall be received by the Arizona Department of Education by June 30.



**GOVERNOR PROCLAMATIONS**

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

**ARIZONA MUSICFEST MONTH**

[M16-23]

**WHEREAS**, Arizona Musicfest, a non-profit charitable organization, celebrates its 25th Anniversary season of providing exceptional concerts, music education and youth performance programs to the residents and youth of our State; and

**WHEREAS**, Arizona Musicfest is committed to enriching lives by spreading the joy of music; and

**WHEREAS**, the organization has been a destination festival for attracting world-renowned artists, the nation’s top orchestral musicians, and audiences from around the State as well as throughout North America; and

**WHEREAS**, the organization’s commitment to providing music education programs to area schools has greatly enriched the resources available to our State’s teachers and students; and

**WHEREAS**, the organization’s youth performance programs have provided important opportunities to inspire and reward the talent and aspirations of our State’s best and brightest young musicians; and

**WHEREAS**, the organization has been generously supported and enhanced, for a quarter of a century, by a family of dedicated volunteers, patrons, donors, and staff artists.

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

**ARIZONA MUSICFEST MONTH**

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

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this twenty-fifth day of January in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

**ATTEST:**  
**Michele Reagan**  
**SECRETARY OF STATE**

**ARIZONA STATEHOOD DAY**

[M16-24]

**WHEREAS**, on February 14, 1912, after forty-nine years as a U.S. territory, President William Howard Taft signed the Arizona Statehood Act, making Arizona the forty-eighth and last of the contiguous states to enter the Union of the United States of America; and

**WHEREAS**, news of Arizona’s statehood was telegraphed to the people of Arizona, Governor George W.P. Hunt was inaugurated and the Legislature was called into its first session; and

**WHEREAS**, for 104 years, people have come to make Arizona their home, drawn by its striking landscapes, rich history and proud heritage, unlimited opportunities, warm hospitality and the chance to be part of a prosperous and dynamic state; and

**WHEREAS**, Arizona Statehood Day affords Arizonans an opportunity to celebrate our pioneer spirit, immense diversity and cherished traditions; and

**WHEREAS**, Statehood Day 2016 encourages all citizens to take an active role in commemorating Arizona’s strong foundations and great accomplishments, as well as to look toward new opportunities and the bright future ahead.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 14, 2016 as

**ARIZONA STATEHOOD DAY**

and, I further encourage citizens to participate in all activities in recognition thereof.

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



**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this twenty-fifth day of January in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

**ATTEST:**  
**Michele Reagan**  
**SECRETARY OF STATE**

**DIGITAL LEARNING DAY**

[M16-25]

**WHEREAS**, Digital Learning Day is an annual national and international celebration of great teaching and learning in K – 12 schools, celebrating its fifth year in 2016; and

**WHEREAS**, teachers, students, and schools across the nation are using innovation and technology to transform and improve education; and

**WHEREAS**, digital learning offers new and exciting ways for students to learn daily; and

**WHEREAS**, when used effectively, modern technology can make life more efficient, accessible, richer, and faster for all; and

**WHEREAS**, Digital Learning Day provides each teacher, student, parent, and school with the opportunity to learn how to use technology in combination with great teaching to modernize, personalize, and improve learning; and

**WHEREAS**, today's world demands the nation have a highly trained workforce skilled in the use of technology and digital content in order to compete in the global economy; and

**WHEREAS**, Digital Learning Day provides an opportunity for the U.S. education system to embrace the effective use of technology in a positive and transformative manner and

**WHEREAS**, digital learning and the effective use of technology can assist every teacher by tracking individual student progress, creating improved and efficient learning processes, and eliminating bureaucratic administrative burdens that take time away from teaching; and

**WHEREAS**, the fifth national Digital Learning Day will take place on Wednesday, February 17, 2016, to educate teachers, students, schools, parents, policymakers, and the public on ways to integrate high-quality digital learning and the effective use of technology to improve the learning of every student.

**NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 17, 2016 as**

**DIGITAL LEARNING DAY**

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

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this twenty-eighth day of January in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

**ATTEST:**  
**Michele Reagan**  
**SECRETARY OF STATE**

**GREEN OUT DAY**

[M16-26]

**WHEREAS**, Waste Management is committed to educating consumers about sustainability initiatives, including the four Rs – reduce, reuse, recycle, and recover – through its partnership with the Phoenix Open; and

**WHEREAS**, Waste Management continues to improve the tournament's sustainability efforts and results through the collective efforts of everyone working together, taking action and doing things differently; and

**WHEREAS**, the Waste Management Phoenix Open is not only the largest, most-attended tournament on the PGA Tour, it is also the largest zero waste event worldwide; and

**WHEREAS**, Waste Management has diverted 100% of tournament waste away from landfills by reducing, reusing, recycling, composting, donating or turning it into energy and inspiring fans and viewers to learn it here and live it everywhere; and



**WHEREAS**, participation from fans, vendors, players and tournament sponsors have helped ensure the tournament known as the “Greatest Show on Grass” remains the “Greenest Show on Grass” for its educational and inspirational sustainable initiatives; and

**WHEREAS**, the Thunderbirds will donate “green” to three charities including Bonneville Environmental Foundation’s, “Change the Course,” Arizona Recycling Coalition and the Arizona Chapter of Solid Waste Association of North America (AZ SWANA) for every person wearing green to the tournament on this day.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby designate February 6, 2016 as

**GREEN OUT DAY**

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

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this twenty-fifth day of January in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

**ATTEST:**  
**Michele Reagan**  
**SECRETARY OF STATE**

**JERRY AND JACKIE MILES DAY**

[M16-27]

**WHEREAS**, Jerry and Jackie Miles have contributed to Fountain Hills, Arizona in so many ways and their collective works span the political, civic, business, philanthropic, cultural and social spheres; and

**WHEREAS**, on the political level, Jerry Miles stands out as one of the town’s first mayors during his formative years and his knowledge goes beyond municipal issues and provides sound advice and input on matters of local and state concern; and

**WHEREAS**, at the civic level, both Jerry and Jackie have been driving forces in civil engagement and civic education.; and

**WHEREAS**, the Miles philanthropic endeavors are visible throughout the town, but what you see and read about are just the tip of the iceberg. Jerry and Jackie work behind the scenes for many charities with non-profit status; and

**WHEREAS**, Jerry and Jackie are also driving forces behind the town’s cultural scene as they made the first contribution to the town’s amazing public art collection and their continued guidance and advocacy of the program has grown it into over 100 pieces. Fittingly, the collection was recently named Milestones after the couple. Jackie has also been active in all aspects of the Fountain Hills Cultural and Civic Organization and recently became president of the Sister Cities Program. Jackie is also a classical violinist who plays at many concerts in town; and

**WHEREAS**, Jerry and Jackie are vibrantly involved in the town’s social scene and their social engagement contributes to one of the reasons why Fountain Hills is not only the greatest place but also the friendliest and most interesting place to live; and

**WHEREAS**, had the Miles not settled in Fountain Hills, our town would be noticeably different in appearance and soul and not for the better and we all owe Jerry and Jackie a great debt of gratitude for what they have done, are doing and will continue to do.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 20, 2016 as

**JERRY AND JACKIE MILES DAY**

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

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this twenty-eighth day of January in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

**ATTEST:**  
**Michele Reagan**  
**SECRETARY OF STATE**

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**REGISTER INDEXES**

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

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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

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**RULEMAKING ACTIVITY INDEX**

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

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**THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 5 OF VOLUME 22.**

<p><b>Acupuncture Board of Examiners</b>                  R4-8-411. EXP-14                  R4-8-412. EXP-14</p> <p><b>Corporation Commission - Transportation</b>                  R14-5-202. EM-5                  R14-5-203. EM-5                  R14-5-204. EM-5                  R14-5-205. EM-5                  R14-5-207. EM-5</p> <p><b>Economic Security, Department of - Developmental Disabilities</b>                  R6-6-1401. EXP-14</p> <p><b>Education, State Board of</b>                  R7-2-300. FXN-143                  R7-2-301. FXM-143                  R7-2-302. FXM-143                  R7-2-302.01. FXR-143                  R7-2-302.02. FXR-143                  R7-2-302.04. FXR-143</p>	<p>R7-2-302.05. FX#-111;                  FXN-111</p> <p>R7-2-302.06. FX#-111;                  FXR-143</p> <p>R7-2-302.07. FX#-111;                  FXR-143</p> <p>R7-2-302.08. FX#-111;                  FXR-143</p> <p>R7-2-302.09. FX#-111;                  FXR-143</p> <p>R7-2-302.10. FX#-111;                  FXN-111;                  FXM-143</p> <p><b>Environmental Quality, Department of - Air Pollution Control</b>                  R18-2-709. EXP-15                  R18-2-711. EXP-15                  R18-2-712. EXP-15                  R18-2-713. EXP-15                  R18-2-717. EXP-15                  R18-2-732. EXP-15</p>	<p><b>Health Services, Department of - Health Care Institutions: Licensing</b>                  R9-10-119. PN-139</p> <p><b>Retirement System Board, State</b>                  R2-8-115. FM-79                  R2-8-116. PN-107                  R2-8-118. FM-79                  R2-8-122. FM-79                  R2-8-126. FM-79</p> <p><b>Revenue, Department of - General Administration</b>                  R15-10-105. FXM-116                  R15-10-501. FXM-116                  R15-10-502. FXM-116                  R15-10-504. FXM-116                  R15-10-505. FXN-116</p> <p><b>Secretary of State, Office of</b>                  R2-12-402. PM-109</p> <p><b>Secretary of State - Rules and Rulemaking</b>                  R1-1-107. PM-105</p>
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**OTHER NOTICES AND PUBLIC RECORDS INDEX**

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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.

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**2016 RULES EFFECTIVE DATES CALENDAR**

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

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



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



REGISTER PUBLISHING DEADLINES

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

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from September 4, 2015 to March 18, 2016.



## GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

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

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

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

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

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