

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

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

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

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

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# 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.

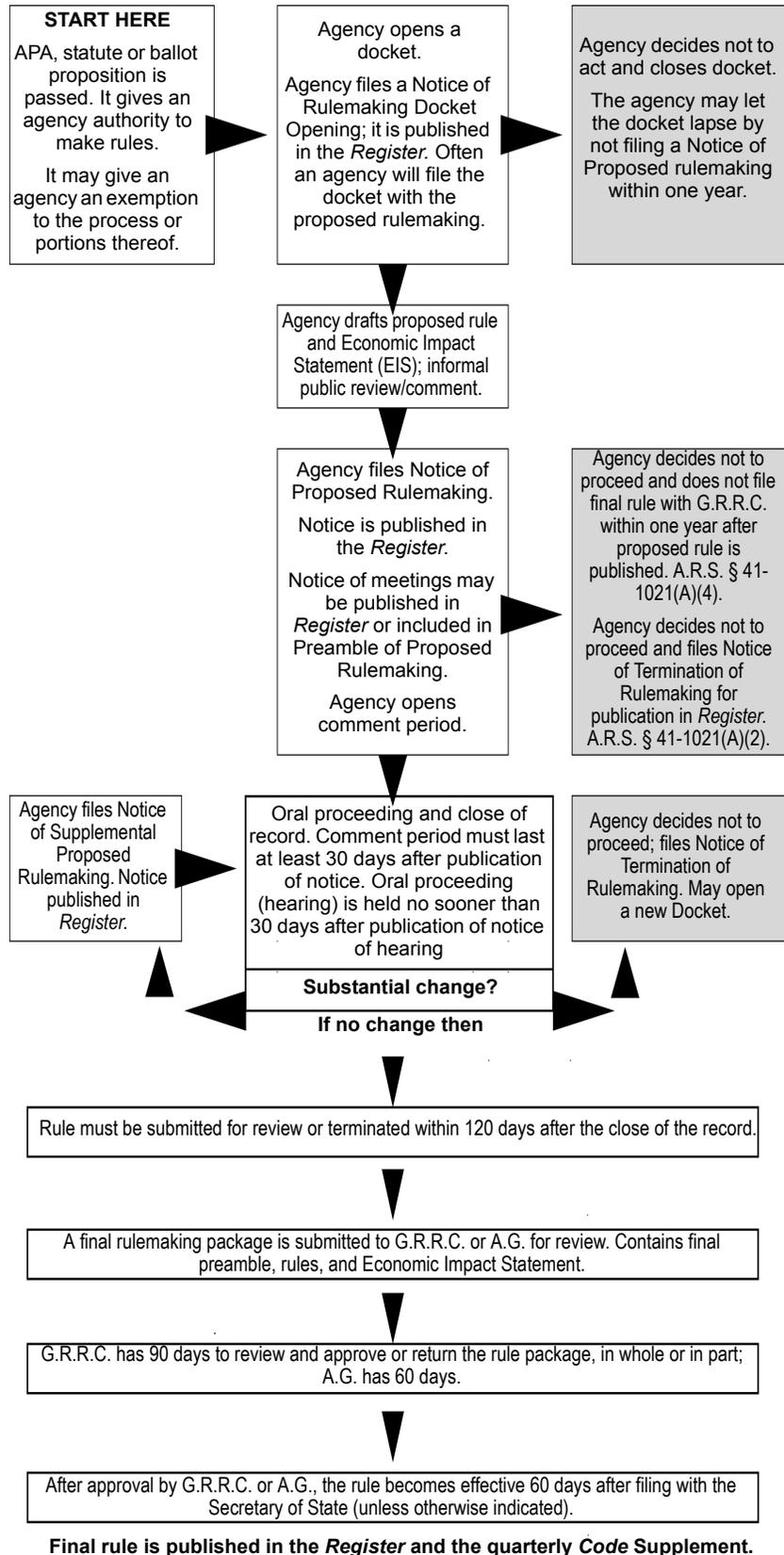
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## 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 2. ADMINISTRATION  
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

[R17-32]

**PREAMBLE**

- |   |  |
|---|--|
| <p><b>1. <u>Article, Part or Section Affected (as applicable)</u></b><br/>R2-8-124<br/>R2-8-125</p> | <p><b><u>Rulemaking Action</u></b><br/>New Section<br/>New Section</p> |
|---|--|
- 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. § 38-714(E)(4)  
Implementing statutes: A.R.S. § 38-749
- 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 rules:**  
Notice of Rulemaking Docket Opening: 23 A.A.R. 667, March 24, 2017 (*in this issue*).
- 4. The agency's contact person who can answer questions about the rulemaking:**  
Name: Jessica A.R. Thomas, Rule Writer  
Address: Arizona State Retirement System  
3300 N. Central Ave., Suite 1400  
Phoenix, AZ 85012-0250  
Telephone: (602) 240-2039  
E-mail: JessicaT@azasrs.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 ASRS needs to adopt approximately two rules to clarify various aspects of how the ASRS assesses and collects an unfunded liability that is created by an Employer implementing a Termination Incentive Program pursuant to A.R.S. § 38-749(D). Clarifying these aspects will ensure Employers have notice about how a potential termination incentive program may create an unfunded liability and how the ASRS collects the unfunded liability from the Employer.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.**  
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:**  
There is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rules will have minimal economic impact, if any, because the rulemaking simply clarifies statutory requirements that already exist. There may be some economic impact to provide the documentation necessary for the ASRS to assess and collect an unfunded liability from an Employer. Clarifying what documentation must be submitted will increase understandability of how the ASRS determines and collects an unfunded liability, thereby reducing the regulatory burden imposed on the public. This clarifica-



tion will ensure that ASRS Employers have notice about how the ASRS enforces A.R.S. § 38-749. Thus, the economic impact is minimized.

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

Name: Jessica A.R. Thomas, Rules Writer  
Address: Arizona State Retirement System  
3300 N. Central Ave., Suite 1400  
Phoenix, AZ 85012-0250  
Telephone: (602) 240-2039  
E-mail: JessicaT@azasrs.gov

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

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

Date: May 2, 2017  
Time: 9:00 a.m.  
Location: Arizona State Retirement System  
10th Floor Board Room  
3300 N. Central Ave.  
Phoenix, AZ 85012-0250

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

None

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

None of the rules requires a permit.

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

Federal law applies to retirement programs, but no federal law specifically applies to this rulemaking.

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

No analysis was submitted.

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

None

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

**TITLE 2. ADMINISTRATION  
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD  
ARTICLE 1. RETIREMENT SYSTEM**

Section

- R2-8-124. Termination Incentive Program by Agreement; Unfunded Liability Calculations
- R2-8-125. Termination Incentive Program by 30% Salary Increase; Unfunded Liability Calculations

**ARTICLE 1. RETIREMENT SYSTEM**

**R2-8-124. Termination Incentive Program by Agreement; Unfunded Liability Calculations**

**A. The following definitions apply to this Section unless otherwise specified:**

- 1. "Compensation" means the same as in A.R.S. § 38-711(7).
- 2. "Termination Incentive Program" means the same as in A.R.S. § 38-749(D)(2).

**B. An Employer that intends to implement a Termination Incentive Program shall provide the following information to the ASRS through the Employer's secure ASRS account:**

- 1. Within 90 days before implementation of the program, a complete description of the program terms and conditions, including the program contract, understanding, or agreement; and
- 2. Within 90 days before implementation of the program, the following information for each member who may be eligible to participate in the program:
  - a. The member's full name;
  - b. The member's date of birth; and
  - c. The member's current Compensation;

**C. The ASRS may use the information provided by the Employer pursuant to subsection (B) and the information on file with the ASRS to determine an estimated unfunded liability amount in consultation with the ASRS actuary, which may result from the implementation of the Employer's Termination Incentive Program.**



- D.** If the ASRS determines an estimated unfunded liability amount pursuant to subsection (C), the ASRS may send a Notice of Estimated Liability to the Employer through the Employer's secure ASRS account, in order to notify the Employer of the estimated unfunded liability amount the Employer may owe to the ASRS as a result of implementing the Termination Incentive Program identified under subsection (B). An Employer may owe the ASRS more or less than the estimated unfunded liability amount based on actual employee participation in the Employer's Termination Incentive Program pursuant to subsection (F).
- E.** Within 30 days of termination of employment of each member who participated in a Termination Incentive Program identified under subsection (B), the Employer shall provide the following information to the ASRS through the Employer's secure ASRS account:
1. The member's full name;
  2. The member's date of birth;
  3. The member's Compensation at termination;
  4. The date the member terminated employment; and
  5. The amount and type of any additional pay the member received, or was entitled to receive, from the Employer as a result of participating in the Employer's Termination Incentive Program.
- F.** Upon receipt of all the information identified in subsection (E) and in consultation with the ASRS actuary, the ASRS shall calculate the actual unfunded liability amount which resulted from the implementation of the Employer's Termination Incentive Program.
- G.** If the ASRS calculates an unfunded liability of less than \$0.00 for any member who participated in the Employer's Termination Incentive Program, the amount will be applied against the aggregate unfunded liability of the Employer.
- H.** Upon calculating the unfunded liability pursuant to subsections (F) and (G), the ASRS shall send the Employer a Termination Incentive Program Liability Invoice through the Employer's secure ASRS account.
- I.** An Employer that owes an unfunded liability amount to the ASRS pursuant to A.R.S. § 38-749, shall remit full payment of the unfunded liability amount by the due date specified in the Termination Incentive Program Liability Invoice.
- J.** Pursuant to A.R.S. § 38-735(C), if the ASRS does not receive full payment from the Employer of the unfunded liability amount by the due date specified in the Termination Incentive Program Liability Invoice, the unpaid portion of the unfunded liability amount shall accrue interest at the assumed actuarial interest and investment rate contained in R2-8-118(A).
- K.** The ASRS may collect any unfunded liability amount pursuant to A.R.S. §§ 38-723 and 38-735(C).

**R2-8-125. Termination Incentive Program by 30% Salary Increase; Unfunded Liability Calculations**

- A.** The following definitions apply to this Section unless otherwise specified:
1. "Average monthly compensation" means the same as in A.R.S. § 38-711(5).
  2. "Baseline salary" means a member's Average Monthly Compensation during the 12 consecutive months in which the member received Compensation immediately preceding the first month of Compensation used to calculate the member's retirement benefit. The Baseline Salary shall include only Compensation from the Same Employer that paid the Compensation used in the calculation of a member's retirement benefit. If the member has less than 12 consecutive months in which the member received Compensation immediately preceding the first month of Compensation used to calculate the member's retirement benefit, then the ASRS will calculate the member's Baseline Salary as the total of the 12 months of Compensation the member received:
    - a. Starting with the first month of Compensation the member received in the 12 months immediately preceding the member's Average Monthly Compensation, or within the Average Monthly Compensation; and
    - b. Ending with the 12th month of Compensation the member received after the first month of Compensation used in subsection (A)(2)(a).
  3. "Compensation" means the same as in A.R.S. § 38-711(7).
  4. "Job reclassification" means a change in the classification of an employment position made by the Employer when it finds the duties and responsibilities of the position have changed significantly, materially, and permanently from when the position was last classified.
  5. "Promotion" means, excluding a Salary Regrade or Job Reclassification, the act of advancing an employee to a higher salary or higher rank within the organization, which is characterized by:
    - a. A change in the employee's primary job responsibilities; and
    - b. A pay increase that is supported by a standard salary administration practice that is documented by the Employer; and
    - c. A competitive selection process or a noncompetitive selection process supported by a standard hiring practice that is documented by the Employer.
  6. "Salary regrade" means a change in the salary scale of an employment position made by the Employer in order to align the position's salary scale with market factors and/or the Employer's current salary practices.
  7. "Same employer" means the Employer has the same ownership as another Employer, except that for purposes of this section, each agency, board, commission, and department of the State of Arizona shall be considered a separate Employer.
  8. "Termination Incentive Program" means the same as in A.R.S. § 38-749(D)(1).
- B.** Upon a member's retirement on or after January 1, 2018, the ASRS shall compare the member's Baseline Salary to the Average Monthly Compensation for each consecutive 12 months of Compensation used to calculate the member's retirement benefit in order to determine whether an Employer utilized a Termination Incentive Program as defined in A.R.S. § 38-749(D)(1). This subsection only applies to members who earned the Compensation used to calculate the member's Baseline Salary, on or after July 1, 2005.
- C.** Upon determining that a Termination Incentive Program exists under subsection (B), the ASRS shall send a Request for Documentation to the Employer through the Employer's secure ASRS account, in order to notify the Employer that the ASRS has identified a Termination Incentive Program for a particular member and the Employer may be required to pay the ASRS for the unfunded liability resulting from the Termination Incentive Program, unless the Employer can prove the increase in the member's salary was the result of a Promotion.
- D.** Within 90 days of the date on the Request for Documentation, the Employer shall respond to the Request for Documentation by:
1. Submitting documentation through the Employer's secure ASRS account that shows the member's increase in Compensation was the result of a Promotion; or
  2. Acknowledging in writing that the increase in the member's salary was not the result of a



- Promotion.
- E.** Pursuant to subsection (D), the Employer bears the burden of producing evidence that a Promotion has occurred as defined in subsection (A)(5).
- F.** The ASRS shall use any evidence the Employer submits to the ASRS pursuant to subsection (D) to determine whether a Promotion occurred.
- G.** If the Employer does not respond to the Request for Documentation within 90 days of the date on the Request for Documentation, the ASRS shall determine that the increase in the member’s salary was not the result of a Promotion.
- H.** If the ASRS determines that the increase in the member’s salary was not the result of a Promotion pursuant to subsections (F) or (G), the ASRS shall calculate the unfunded liability amount pursuant to subsection (I).
- I.** In consultation with the ASRS actuary, the ASRS shall use a determination under subsection (B) to calculate the unfunded liability resulting from the implementation of the Employer’s Termination Incentive Program.
- J.** Upon calculating an unfunded liability amount pursuant to subsection (I), the ASRS shall send a Termination Incentive Program Liability Invoice to the Employer through the Employer’s secure ASRS account, in order to notify the Employer of the unfunded liability amount the Employer shall owe to the ASRS as a result of implementing the Termination Incentive Program identified under subsection (B).
- K.** An Employer that owes an unfunded liability amount to the ASRS pursuant to A.R.S. § 38-749, shall remit full payment of the unfunded liability amount by the due date specified in the Termination Incentive Program Liability Invoice.
- L.** Pursuant to A.R.S. § 38-735(C), if the ASRS does not receive full payment from the Employer of the unfunded liability amount by the due date specified in the Termination Incentive Program Liability Invoice, the unpaid portion of the unfunded liability amount shall accrue interest at the assumed actuarial interest and investment rate contained in R2-8-118(A).
- M.** The ASRS may collect any unfunded liability amount pursuant to A.R.S. §§ 38-723 and 38-735(C).

**NOTICE OF PROPOSED RULEMAKING  
TITLE 12. NATURAL RESOURCES  
CHAPTER 15. DEPARTMENT OF WATER RESOURCES**

[R17-33]

**PREAMBLE**

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

R12-15-105	Amend
R12-15-401	Amend
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statutes: A.R.S. §§ 45-105(B)(1) and 45-113(B).  
 Implementing statute: A.R.S. §§ 41-1073, 45-113 and 45-1212(A).
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**  
 Notice of Rulemaking Docket Opening: 23A.A.R. 667, March 24, 2017 (*in this issue*).
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
 Name: Kelly Brown, Deputy Counsel  
 Address: Arizona Department of Water Resources  
 1110 W. Washington St., Suite 310  
 Phoenix, AZ 85007  
 Telephone: (602) 771-8472  
 Fax: (602) 771-8686  
 E-mail: kbrown@azwater.gov
- 5. An explanation of the rule, including the agency’s reasons for initiating the rule:**

**Reasons for Initiating the Rulemaking**

Executive Order 2015-01 (“Executive Order”) required most state agencies, including the Arizona Department of Water Resources (“Department”) to evaluate their rules and provide the Governor’s Office with recommendations for which rules could be amended or repealed consistent with the priorities and principles set forth in the Executive Order. Those priorities and principles included reducing the regulatory burden, administrative delay and legal uncertainty associated with government regulation. The Executive Order required the evaluation to include a summary of the agency’s licensing time-frames and whether any of those licensing time-frames could be reduced.

The Department conducted an evaluation of its rules in accordance with the Executive Order and on August 31, 2015, provided the evaluation to the Governor’s Office in a report entitled “Evaluation of Rules and Licensing Time Frames” (“August 31, 2015 Report”). The August 31, 2015 Report recommended several rule amendments consistent with the priorities and principles in the Executive Order. The purpose of this rulemaking is to make several of those rule amendments.

**Explanation of the Rules**

**A. R12-15-105(B) and (D)**

The Department conducts a dam safety inspection of each dam classified as a low or very low hazard potential dam once every five years. In place of the Department conducting the inspection, the dam owner may have its own engineer conduct the inspection and



submit a dam safety inspection report to the Department. The Department is proposing to amend Rule R12-15-105(B) to reduce the fee an owner of a low or very low hazard potential dam must pay to the Department for a dam safety inspection from \$1,000.00 to \$250.00. The Department is also proposing to amend Rule R12-15-105(D) to reduce the fee an owner of a low or very low hazard potential dam must pay to submit a dam safety inspection report from \$750.00 to \$250.00.

The Department is proposing these rule amendments in response to negative feedback from owners of low and very low hazard dams regarding the current dam safety inspection fees and to increase compliance with the low and very low hazard dam inspection requirements. The rule amendments proposed by the Department would not change the fees for high or significant hazard potential dams or the frequency of inspection for either high or significant hazard potential dams or low or very low hazard potential dams.

#### B. R12-15-401, Table A

In its August 31, 2015 Report, the Department identified eight applications for which the licensing time-frames could be reduced without substantially impacting the mission and goals of the Department.

The Department proposes to amend its licensing time frame rule, R12-15-401, Table A, to reduce the existing licensing time-frames for those applications. The following is a list of the applications and the proposed reduction in the licensing time-frames:

- Application for type 1 non-irrigation grandfathered right associated with irrigation land retired 1965-1980 (reduce substantive review time-frame from 90 days to 60 days and overall time-frame from 120 days to 90 days).
- Application for type 2 non-irrigation grandfathered right (reduce substantive review time-frame from 90 days to 60 days and overall time-frame from 120 days to 90 days).
- Application for irrigation grandfathered right (reduce substantive review time-frame from 90 days to 60 days and overall time-frame from 120 days to 90 days).
- Application for revised certificate for new or additional points of withdrawal for a Type 2 right (reduce substantive review time-frame from 135 days to 45 days and overall time-frame from 180 days to 90 days).
- Application for issuance/renewal/modification of a hydrologic testing permit (reduce the substantive review time-frame from 30 days to 15 days and the overall time-frame from 60 days to 45 days).
- Request for variance from well construction requirements (reduce the substantive review time-frame from 35 days to 30 days and the overall time-frame from 50 days to 45 days).
- Application for well driller license (reduce substantive review time-frame from 105 days to 65 days and overall time-frame from 130 days to 90 days).
- Application for single well license (reduce substantive review time-frame from 105 days to 65 days and overall time-frame from 130 days to 90 days).

These amendments are based on the actual time the Department requires to process these permits.

The Department also proposes to amend its licensing time-frame rule, R12-15-401, Table A, to repeal the licensing time-frames established for the application for an assured water supply determination for State lands and the application for an adequate water supply determination for State lands. These time-frames are antiquated and no longer pertinent to the Department's administration of state water laws. There is no longer a license associated with either time-frame because the licenses no longer exist. The rules establishing the licenses were repealed effective September 12, 2006. The Department recommended repealing these licensing time-frames in its August 31, 2015 Report.

Additionally, the Department proposes to amend its licensing time-frame rule to correct the legal authorities cited for several applications and licenses in the rule and to correct the names of several applications and licenses that are not correctly stated in the rule. The Department recommended these corrections in its August 31, 2015 Report.

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

None

**7. 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

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

**A. B. R12-15-105(B) and (D):**

The low and very low hazard potential dams under the jurisdiction of the Department are typically owned by farmers and ranchers, many of whom have provided negative feedback in response to the current inspection fee of \$1,000.00 for low and very low hazard potential dams. These dam owners will directly benefit from the proposed fee reductions. The Department does not foresee a negative impact to dam owners, or the public in general resulting, resulting from the proposed reduction in inspection fees.

Although the reduction in dam safety inspection fees for low and very low hazard potential dams will result in reduced revenue for the Department, the reduction is not significant.

For example, in 2013, the Department inspected 124 dams. Of this total, 101 dams were high and significant hazard potential dams, and 23 were low and very low hazard potential dams. The dam inspection fees for 2013 were \$252,726.00, but only \$21,000.00 of this amount was attributed to low and very low hazard potential dams. Assuming the same collection rate for low and very low hazard potential dams at the next inspection date, a \$250.00 inspection fee would reduce the amount collected by the



Department by \$15,250.00. This is the most current data on file with the Department. The Department has not inspected low or very low hazard dams since 2013. Low and very low hazard potential dams are to be inspected once every five years pursuant to A.A.C. R12-15-1219(A).

Although the amount of fees collected by the Department will be reduced, the reduction is not significant and will be outweighed by the benefits to the dam owners. Additionally, it is probable the lower fee will result in increased compliance with inspection requirements by low and very low hazard dam owners which could result in additional fees to the Department. Further, the Department anticipates no additional costs to the Department or any other State agencies because of the proposed modifications.

The Department believes that the proposed rule modifications are the most direct way to reduce the financial burden related to dam safety inspection fees on the owners of low and very low hazard potential dams. While the same reduction in costs could be achieved over the long-term by reducing the frequency of inspections for low and very low hazard potential dams, such reduction may have an adverse impact of the safety of these dams.

B. R12-15-401, Table A

The proposed amendments to these rules have no economic impact as they are not associated with any fees or costs. The amendments can, however, impact small businesses and consumers. The Department identified eight licensing time-frame that could be reduced without substantially impacting the mission and goals of the Department’s water resources management and allow the regulated community to obtain the permit or license requested in less time. Further, the proposed amendments repealing two licensing time-frames will have no economic impact because the licenses to which the time-frames applied were repealed in 2006.

**9. The name and address of the agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Ravi Murthy  
Telephone: (602) 771-8656  
Fax: (602) 771-8686  
E-mail: rmurthy@azwater.gov

**10. The time, place, and nature of the proceedings for the making, amendment, or receipt of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Department will hold an oral proceeding on the proposed rulemaking on May 15, 2017, at 9:00 a.m., at the following location:

Arizona Department of Water Resources  
1110 W. Washington St., Suite 310  
Phoenix, AZ 85007

Written comments may be submitted at any time prior to the close of the public record on May 15, 2017, at 5:00 p.m. Written comments not submitted at the oral proceeding described above should be submitted to:

Name: Sharon Scantlebury, Docket Supervisor  
Address: Arizona Department of Water Resources  
1110 W. Washington St., Suite 310  
Phoenix, AZ 85007  
Telephone: (602) 771-8472  
Fax: (602) 771-8686  
E-mail: sscantlebury@azwater.gov

**11. Any other matters prescribed by statute that are 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 12. NATURAL RESOURCES  
CHAPTER 15. DEPARTMENT OF WATER RESOURCES**

**ARTICLE 1. FEES**

Section  
R12-15-105. Fee for Dam Safety Inspection; Fee for Review of Dam Safety Inspection Report

**ARTICLE 4. LICENSING TIME-FRAMES**

Section  
R12-15-401. Licensing Time-frames

**ARTICLE 1. FEES**

**R12-15-105. Fee for Dam Safety Inspection; Fee for Review of Dam Safety Inspection Report**

A. No Change



- B. The owner of a low or very low hazard potential dam shall pay a fee for the Department’s dam safety inspection report pursuant to R12-15-1219(A). The fee shall be ~~\$1,000.00~~ \$250.00.
- C. No Change
- D. The owner of a dam who submits a dam safety inspection report pursuant to R12-15-1219(E) shall pay a fee of \$750.00 if the dam is a high or significant hazard potential dam or a fee of \$250 if the dam is a low or very low hazard potential dam. The Department shall not accept a dam safety inspection report unless the fee is submitted with the report.

**ARTICLE 4. LICENSING TIME-FRAMES**

**R12-15-401. Licensing Time-frames**

The following time-frames apply to licenses issued by the Department. In this Article, “license” has the meaning prescribed in A.R.S. § 41-1001. The licensing time-frames consist of an administrative completeness review time-frame, a substantive review time-frame, and an overall time-frame.

- 1. No Change
- 2. No Change
- 3. No Change
- 4. No Change
- 5. No Change
- 6. No Change
- 7. No Change

**Table A. Licensing Time-frames**

No.	License	Legal Authority	Completeness Review (Days)*	Substantive Review (Days)*	Overall Time-frame (Days)*
1	Filling a body of water with poor quality water	A.R.S. § 45-132(C)	30	60	90
2	Interim water use in body of water	A.R.S. § 45-133	30	60	90
3	Temporary emergency permit for use of surface water or groundwater in body of water	A.R.S. § 45-134	10	20	30
4	Permit to appropriate water (non-instream flow)	A.R.S. §§ 45-151, <del>and 45-152</del> and 45-153	30	420	450
5	Permit to appropriate water (instream flow)	A.R.S. §§ 45-151, <u>45-151-.01</u> and 45-153	50	530	580
6	Change in use of water	A.R.S. § 45-156(B)	30	375	405
7	Exception to limitation on time of completion of construction	A.R.S. § 45-160	5	15	20
8	Primary reservoir permit	A.R.S. § 45-161	30	420	450
9	Secondary reservoir permit	A.R.S. § 45-161	30	420	450
10	Certificate of water right (non-instream flow)	A.R.S. § 45-162	20	100	120
11	Certificate of water right (instream flow)	A.R.S. § 45-162	20	190	210
12	Reissuance of permit or certificate held by the United States or State of Arizona	A.R.S. § 45-164(C)	10	80	90
13	Severance and transfer	A.R.S. § 45-172 (excluding 172(A)6)	30	390	420
14	Stockpond certificate	A.R.S. § 45-273	30	190	220



No.	License	Legal Authority	Completeness Review (Days)*	Substantive Review (Days)*	Overall Time-frame (Days)*
15	Transporting water from this state **	A.R.S. § 45-292	120	300	420
16	Waiver of water conserving plumbing fixture requirement	A.R.S. § 45-315	10	3	13
17	Irrigated acreage in an irrigation non-expansion area	A.R.S. § 45-437	30	90	120
18	Substitution of acres in an irrigation non-expansion area/flood damage	A.R.S. § 45-437.02	30	90	120
19	Substitution of acres in an irrigation non-expansion area/impediments to efficient irrigation	A.R.S. § 45-437.03	30	90	120
20	Reversal of substitution of acres irrigated with Central Arizona Project water	A.R.S. § 45-452(G) and (F)	30	90	120
21	Type 1 non-irrigation grandfathered right associated with irrigation land retired 1965-1980	A.R.S. §§ 45-463, 45-476.01, and 45-476	30	<del>90</del> <u>60</u>	<del>120</del> <u>90</u>
22	Type 2 non-irrigation grandfathered right	A.R.S. §§ 45-464, 45-476.01, and 45-476	30	<del>90</del> <u>60</u>	<del>120</del> <u>90</u>
23	Irrigation grandfathered right	A.R.S. §§ 45-465, 45-476.01, and 45-476	30	<del>90</del> <u>60</u>	<del>120</del> <u>90</u>
24	Substitution of acres in an active management area/flood damaged acres	A.R.S. § 45-465.01	30	90	120
25	Substitution of acres in an active management area/impediments to efficient irrigation	A.R.S. § 45-465.02	30	90	120
26	Type 1 non-irrigation right retired after 6/12/80	A.R.S. § 45-469	30	90	120
27	Restoration of retired irrigation grandfathered right	A.R.S. § 45-469(O)	30	90	120
28	Revised certificate for new or additional points of withdrawal for a Type 2 right	A.R.S. § 45-471(C)	45	<del>135</del> <u>45</u>	<del>180</del> <u>90</u>
29	Conveyance of irrigation grandfathered right for electrical energy generation	A.R.S. § 45-472(B)(2)	30	90	120
30	Conveyance of irrigation grandfathered right for non-irrigation use within service area	A.R.S. § 45-472(C)	30	90	120
31	Contract to supply groundwater	A.R.S. § 45-492(C)	15	90	105



No.	License	Legal Authority	Completeness Review (Days)*	Substantive Review (Days)*	Overall Time-frame (Days)*
32	Extension of service area to provide disproportionately large amount of water to large user	A.R.S. § 45-493(A)(2)	15	90	105
33	Addition/exclusion of acres by irrigation district	A.R.S. § 45-494.01(A)	30	90	120
34	Delivery of groundwater from an irrigation district to a general industrial use permit holder	A.R.S. § 45-497(B)	15	60	75
35	Issuance/renewal/modification of dewatering permit	A.R.S. §§ 45-513 and 45-527	30	70	100
36	Issuance/renewal/modification of mineral extraction and metallurgical processing permit	A.R.S. §§ 45-514 and 45-527	30	70	100
37	Issuance/renewal/modification of general industrial use permit	A.R.S. §§ 45-515, 45-521, 45-522, 45-523, 45-524, and 45-527	30	70	100
38	Issuance/renewal/modification of poor quality groundwater withdrawal permit	A.R.S. §§ 45-516 and 45-527	30	70	100
39	Issuance/renewal/modification of temporary permit for electrical energy generation	A.R.S. §§ 45-517 and 45-527	30	70	100
40	Issuance/extension/ modification of temporary dewatering permit	A.R.S. §§ 45-518 and 45-527	30	70	100
41	Emergency temporary dewatering permit	A.R.S. § 45-518(D)	3	7	10
42	Issuance/renewal/modification of drainage water withdrawal permit	A.R.S. §§ 45-519 and 45-527	30	70	100
43	Issuance/renewal/modification of hydrologic testing permit	A.R.S. §§ 45-519.01, 45-521, 45-522, 45-	30	<del>30</del> 15	<del>60</del> 45
44	Change of location of use	A.R.S. §§ 45-520(A), 45-521, and 45-527	30	30	60
45	Conveyance of a groundwater withdrawal permit	A.R.S. § 45-520(B)	30	30	60
46	Transportation of groundwater withdrawn in McMullen Valley Basin to an active management area	A.R.S. § 45-552(B)	45	105	150
47	Transportation of groundwater withdrawn in Harquahala irrigation non-expansion area to an initial active management area	A.R.S. § 45-554(B)	45	105	150



No.	License	Legal Authority	Completeness Review (Days)*	Substantive Review (Days)*	Overall Time-frame (Days)*
48	Transportation of groundwater withdrawn in Big Chino subbasin to an initial active management area	A.R.S. § 45-555(B)	45	105	150
49	Well spacing requirements for withdrawing groundwater for transportation to an active management area	A.R.S. § 45-559	45	105	150
50	Groundwater replenishment district's preliminary or long-term replenishment plan **	A.R.S. § 45-576.03	As prescribed by A.R.S. § 45-576.03(A)	As prescribed by A.R.S. § 45-576.03 (B), (C), (D), and (E)	As prescribed by A.R.S. § 45-576.03
51	Conservation district or water district long-term replenishment plan **	A.R.S. §§ 45-576.03, 45-576.02(C), and	As prescribed by A.R.S. § 45-576.03(I)	As prescribed by A.R.S. § 45-576.03(J), (K), (L), and (M)	As prescribed by A.R.S. § 45-576.03
52	Notice of intent to abandon a well	A.R.S. § 45-594 and A.A.C. R12-15-816	15	15	30
53	Well construction request for variance	A.R.S. §§ 45-594, 45-596(D), and A.A.C. R12-15-820	15	<del>35</del> <u>30</u>	<del>50</del> <u>45</u>
54	Well driller license	A.R.S. § 45-595(C)	25	<del>105</del> <u>65</u>	<del>130</del> <u>90</u>
55	Single well license	A.R.S. § 45-595(D)	25	<del>105</del> <u>65</u>	<del>130</del> <u>90</u>
56	Renewal or reactivation of well drilling license	A.R.S. § 45-595(C) A.A.C. R12-15-806	25	15	40
57	Notice of intent to drill	A.R.S. § 45-596, and	15	0	15
58	Well construction permit	A.R.S. § 45-599	30	60	90
59	Alternative water measuring devices	A.R.S. § 45-604 and A.A.C. R12-15-909	15	60	75
60	Underground storage facility permit	A.R.S. §§ 45-811.01 and 45-871.01	As prescribed by A.R.S. § 45-871.01(B)	As prescribed by A.R.S. § 45-871.01(D), (G), and (H)	As prescribed by A.R.S. § 45-871.01
61	Groundwater savings facility permit	A.R.S. §§ 45-812.01 and 45-871.01	As prescribed by A.R.S. § 45-871.01(B)	As prescribed by A.R.S. § 45-871.01(D), (G), and	As prescribed by A.R.S. § 45-871.01
62	Storage facility permit renewal/conveyance/ modification	A.R.S. §§ 45-814.01 and 45-871.01	As prescribed by A.R.S. § 45-871.01(B)	As prescribed by A.R.S. § 45-871.01(D), (G), and	As prescribed by A.R.S. § 45-871.01
63	Water storage permit modification/conveyance	A.R.S. §§ 45-831.01 and 45-871.01	As prescribed by A.R.S. §§ 45-831.01(G) and 45-871.01(B) and (E)	As prescribed by A.R.S. §§ 45-831.01(G) and 45-871.01(D), (E), (G), and (H)	As prescribed by A.R.S. §§ 45-831.01(G) and 45-871.01
64	Recovery well permit	A.R.S. §§ 45-834.01 and 45-871.01	As prescribed by A.R.S. § 45-871.01(B)	As prescribed by A.R.S. § 45-871.01(F), (G), and	As prescribed by A.R.S. § 45-871.01
65	Emergency temporary recovery well permit	A.R.S. § 45-834.01(D)	5	10	15



No.	License	Legal Authority	Completeness Review (Days)*	Substantive Review (Days)*	Overall Time-frame (Days)*
66	Issuance/renewal/modification of water exchange permit	A.R.S. §§ 45-1041, 45-1042, and 45-1045	As prescribed by A.R.S. § 45-1042(A)	As prescribed by A.R.S. § 45-1042(B), (C), and (D)	As prescribed by A.R.S. § 45-1042
67	Modification of previously enrolled or permitted water exchange/non-Colorado River	A.R.S. § 45-1041(B)	60	90	150
68	Construction, enlargement, repair, alteration, or removal of a dam	A.R.S. §§ 45-1203, 45-1206, and 45-1207	120	60	180
69	Weather modification license	A.R.S. § 45-1601	15	60	75
70	Certificate of Assured Water Supply (CAWS)	A.A.C. R12-15- <del>702</del> 704, A.R.S. §§ 45-576 and 45-578	150	60	210
71	Designation or Modification of Designation of Assured Water Supply (DAWS)	A.A.C. R12-15- <del>702</del> 710 and R12-15-714; A.R.S. § 45-576	150	60	210
72	Analysis of Assured Water Supply/ <del>unplatted development plan</del>	A.A.C. R12-15- <del>712</del> 703, A.R.S. § 45-576(H)	150	30	180
73	<del>Assured Water Supply for State lands</del>	<del>A.A.C. R12-15-713, A.R.S. § 37-334(F)</del>	30	60	90
74 73	<del>Water adequacy report</del> Report	A.A.C. R12-15- <del>716</del> 713, A.R.S. § 45-108	60	60	120
75 74	Designation or Modification of Designation of Adequate Water Supply	A.A.C. R12-15- <del>716</del> 714, A.A.C. R12-15- <del>725</del> 715, A.R.S. § 45-108	150	60	210
76 75	Analysis of Adequate Water Supply <del>water adequacy/unplatted</del>	A.R.S. § 45-108, A.A.C. R12-15- <del>723</del> 712	60	60	120
77	<del>Adequate Water Supply for State lands</del>	<del>A.R.S. § 45-108, A.A.C. R12-15-724</del>	30	60	90

\* The computation of days is prescribed by subsection (4).

\*\* Hearing is required.



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 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R17-34]

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):
3. The effective date of the rules:
4. A list of all previous notices appearing in the Register addressing the exempt rule:
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:
7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:



- 8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 9. **The summary of the economic, small business, and consumer impact:**  
Not applicable
- 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:**  
On February 23, 2017, the Commission approved the proposed amendments for publication on the Commission’s website and in the *Administrative Register*. The Commission is soliciting public comment until May 12, 2017. No action has been taken on the proposed amendments.
- 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 rules follows:**

TITLE 2. ADMINISTRATION  
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section  
R2-20-702. Use of Campaign Funds

ARTICLE 7. USE OF FUNDS AND REPAYMENT

**R2-20-702. Use of Campaign Funds**

- A. No change
- B. A participating candidate’s payment from a campaign bank account to a political committee or civic organization including a person with tax exempt status under section 501(a) of the internal revenue code or an unincorporated association entity is not a contribution if the payment is reasonable in relation to the value received. Payment of customary charges for services rendered, such as for printing and obtaining voter or telephone lists, and payment of not more than \$200 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received. No other payments are permitted to political parties with clean elections funding.
- C. No change
  - 1. No change
  - 2. No change
  - 3. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
      - i. No change
      - ii. No change
    - e. No change
    - f. No change
    - g. No change
    - h. No change
  - 4. No change
- D. No change
- E. No change
  - 1. No change
  - 2. No change
- F. No change
  - 1. No change
  - 2. No change
- G. No change
  - 1. No change
  - 2. No change
    - a. No change



- b. No change
- 3. No change
  - a. No change
  - b. No change
- 4. No change





believed that district schools cannot cap enrollment and would therefore not be able to have a waiting list. However, it was determined that both charter and district schools will be able to participate because district schools can exceed enrollment availability through open enrollment and other student demand.

Another educator commented that he was concerned about rural schools being able to qualify to become an achievement district school given the distance between schools in rural areas and the perceived unlikelihood that a rural school would ever have an enrollment demand. He also noted that in the event of growth due to enrollment demand, the school would hire more staff rather than create a wait list. It was determined that the qualifications to become an achievement district school are not too onerous or burdensome for rural schools.

Multiple educators submitted comments suggesting that “C” schools should not qualify as “underperforming” because a “C” grade is a passing grade for students. It was determined that the goal of the program is to be more inclusive rather than less inclusive and that “C” schools can still improve, so including “C” schools as an underperforming school that can receive assistance from an achievement district school will be beneficial to all schools.

A comment was also received which urged the credit enhancement program funds to be used for achievement district schools who wish to undertake a lease-purchase of the school facility to be purchased or improved with program funds. Because the draft rules already permit use of program funds for a lease purchase, no revisions to the rules was necessary.

A comment was received suggesting that both charter schools and district schools be required to pay the same participation fee. However, because the enabling legislation does require a minimum participation fee for district schools, the rules follow the requirements of the statute and give the board discretion to set district school participation fees, if any.

A comment was received suggesting that charter school applicants should disclose any ongoing or potential litigation involving the charter school so that the board can properly evaluate the potential risk of applicants. Because the rules already require charter school applicants to disclose ongoing and threatened litigation over, no revisions to the rules was necessary.

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

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

The rules do not require issuance of a regulatory permit or license

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

Not applicable

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

No analysis was submitted

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

Not applicable

**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 process:**

Not applicable

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

**TITLE 7. EDUCATION**

**CHAPTER 8. ACHIEVEMENT DISTRICT SCHOOLS**

**ARTICLE 1. ACHIEVEMENT DISTRICT SCHOOL QUALIFICATIONS**

Section  
R7-8-101. Achievement District Schools

**ARTICLE 2. CREDIT ENHANCEMENT**

Section  
R7-8-201. Arizona Public School Credit Enhancement Program

**ARTICLE 1. ACHIEVEMENT DISTRICT SCHOOL QUALIFICATIONS**

**R7-8-101. Achievement District Schools**

**A. Authority.** This rule is adopted pursuant to A.R.S. § 15-2153(B)(9).

**B. Purpose.** The purpose of this rule is to implement the legislative intent, as expressed in Chapter 129, Laws of 2016, to administer the Achievement District Schools program.

**C. Scope.**



1. The scope of this Rule is the scope of A.R.S. Title 15, chapter 16, article 10 as it relates to Achievement District Schools. This rule is applicable to any district public school or charter public school operating in the State of Arizona that seeks qualification as an Achievement District School.
  2. The statutory authority for this rule, A.R.S. Title 15, chapter 16, article 10, does not provide for exemptions therefrom for person or agents of persons subject thereto, and no such exemption is intended or should be presumed by this rule or any provision thereof.
- D.** Repeal. This rule does not repeal any known prior rule, memorandum, bulletin, directive or opinion on this subject matter. If such prior rule or directive exists and is in conflict herewith, the same is repealed hereby.
- E.** Definitions
1. “Achievement District School” is any district public school or charter public school operating in the State of Arizona that meets all of the requirements set forth in A.R.S. § 15-2141(B) and that has applied for and has been designated by the Board as an Achievement District School.
  2. “Applicant” means a School that is applying to become an Achievement District School, either directly or through its charter holder or operator or school district.
  3. “Application” means an application for designation as an Achievement District School.
  4. “Board” has the meaning of A.R.S. § 15-2151(2).
  5. “School” means a district public school or a charter public school that qualifies as a “school” pursuant to section 15-101(22).
  6. “Underperforming” school means a school that has received a letter grade of C, D or F pursuant to A.R.S. § 15-241, or the equivalent under any replacement school evaluation system.
  7. “Unaffiliated” means two entities that do not have any common ownership or control and are not under the control or ownership of the same entity.
- F.** Achievement District Schools - Application
1. A School seeking designation as an Achievement District School, pursuant to A.R.S. § 15-2141, shall file an Application with the Board on Form A, which may be modified from time to time by the Board. The Application may be submitted either in paper format or electronically through the Governor’s Office of Education website.
  2. Applications failing to comply with the requirements of A.R.S. § 15-2141 shall be denied without prejudice to the subsequent filing by such School of an application complying with such requirements.
  3. The accuracy and completeness of the information contained in an Application shall be certified to by the Chief Executive Officer or Chief Financial Officer of the School. Electronic Applications shall include a section for the provision of an electronic signature.
- G.** Achievement District Schools- Application Criteria. In completing Applications, Applicants must explain or provide the following information:
1. For proving receipt of a letter grade of A, or an equivalent successor classification, pursuant to A.R.S. § 15-2141(B)(1), certification that the School has received such grade at the time of submitting the Application. Charter public schools shall also provide certification that they are in material compliance with all requirements and their charter is not subject to revocation.
  2. For the proven instructional strategies and curricula that demonstrate high academic outcomes required by A.R.S. § 15-2141(B)(2), a short narrative describing the School’s strategies that may include the School’s core programs, areas of instruction, pedagogy utilized and educational philosophies.
  3. For verifiable enrollment demand required by A.R.S. § 15-2141(B)(3), certification that the School has demonstrated enrollment demand, such as a wait list or open enrollment demand, including the methodology used to evaluate enrollment demand.
  4. For a sound financial plan that contemplates operational costs and future enrollment growth, required by A.R.S. § 15-2141(B)(4), the Applicant’s annual audited financial statements for the immediate past fiscal year, or if audited financial statements are not yet available, unaudited financial statements for the immediate past fiscal year, as well as year-to-date actual expenditures as compared to budget.
  5. For a commitment to provide technical assistance to an Underperforming school in the State, as required by required by A.R.S. § 15-2141(B)(5), a letter from an Unaffiliated and Underperforming school that confirms the applicant School’s commitment and that identifies the areas of support being or to be provided.
  6. Pursuant to A.R.S. § 15-2141(B)(6), Applicants shall also provide information concerning any poverty indicators of its student population, including the ratio of students eligible for a free or reduced cost lunch program.
- H.** Achievement District Schools – Evaluation of Applications
1. Applications shall be reviewed to confirm that all required information has been received and the application is administratively complete. Within 30 days of submission of an application, the Applicant will be notified of any deficiencies in the Application.
  2. Once an Application is determined to be administratively complete, the Board shall evaluate each Application and either approve or deny the Application within 60 days of this determination.
  3. The Board shall meet no less than once every other month to decide upon Applications and for the conduct of any and all other business before the Board. The Board is authorized to call additional meetings in order to evaluate Applications or conduct other business and to cancel meetings if there is no business pending before the Board.
  4. Applicants shall be notified of the Board’s decision to grant or deny Achievement District School status within 10 business days of the Board’s decision in writing, either by letter, facsimile or electronic mail.

## **ARTICLE 2. CREDIT ENHANCEMENT**

### **R7-8-201. Arizona Public School Credit Enhancement Program**

- A.** Authority. This rule is adopted pursuant to A.R.S. § 15-2153(B)(9).
- B.** Purpose. The purpose of this rule is to implement the legislative intent, as expressed in Chapter 129, Laws of 2016, to administer the Arizona Public School Credit Enhancement Program.
- C.** Scope.



- 1. The scope of this Rule is the scope of A.R.S. Title 15, chapter 16, article 11 as it relates to Arizona public school credit enhancement. This rule is applicable to any district public school or charter public school operating in the State of Arizona that applies for a Guaranteed Financing from the Board.
- 2. The statutory authority for this rule, A.R.S. Title 15, chapter 16, article 11, does not provide for exemptions therefrom for person or agents of persons subject thereto, and no such exemption is intended or should be presumed by this rule or any provision thereof.
- D.** Repeal. This rule does not repeal any known prior rule, memorandum, bulletin, directive or opinion on this subject matter. If such prior rule or directive exists and is in conflict herewith, the same is repealed hereby.
- E.** Definitions
  - 1. “Achievement District School” has the meaning of A.R.S. § 15-2151(1).
  - 2. “Applicant” means an Achievement District School that has submitted an Application to the Board, either directly or through its charter holder or operator or school district.
  - 3. “Application” means an application for a Guaranteed Financing submitted by an Achievement District School to the Board.
  - 4. “Board” has the meaning of A.R.S. § 15-2151(2).
  - 5. “Guaranteed Financing” has the meaning of A.R.S. § 15-2151(4).
  - 6. “School” means a district public school or a charter public school that qualifies as a “school” pursuant to section 15-101(22).
- F.** Arizona Public School Credit Enhancement – Application
  - 1. An Achievement District School seeking a Guaranteed Financing, pursuant to A.R.S. § 15-2155, shall file an Application with the Board on Form B, which may be modified from time to time by the Board. In the alternative, a School may apply to become an Achievement District School and for a Guaranteed Financing contemporaneously by filing an Application with the Board on Form C. Applications may be submitted either in paper format or electronically through the Governor’s Office of Education website.
  - 2. Applications failing to comply with the requirements of A.R.S. § 15-2155 shall be denied without prejudice to the subsequent filing by such School of an application complying with such requirements.
  - 3. The accuracy and completeness of information in an Application shall be certified to by the Chief Executive Officer or Chief Financial Officer of the School. Electronic Applications shall include a section for the provision of an electronic signature.
- G.** Arizona Public School Credit Enhancement - Application Criteria. In completing Applications, Applicants must explain or provide the following information:
  - 1. Unless the Application is a combined Application, for proof as approval as an Achievement District School, certification that the information previously submitted to the Board in the Applicant’s Achievement District School application pursuant to A.R.S. § 15-2155(B)(1) is still accurate in all respects.
  - 2. For exhibited sustainability of the Achievement District School’s financial operations, in addition to the items required by A.R.S. § 15-2155(B)(2), the following documents:
    - a. At least the two immediate past years’ audited financial statements. The audits must include an unqualified opinion and may not identify any “going concern” issues. If an audit has not been completed for the most recent year, internally generated financial statements, including at least a statement of revenues and expenditures or a balance sheet by line-item or category totals that align with the submitted financial statements must be provided. The Board may request an additional year of audited financials
    - b. The School’s current year budget with line items or category totals that align with the submitted audited financial statements. For applications made after the first quarter of a fiscal year, a current balance sheet and year-to-date revenues and expenditures compared to budget by budget category.
    - c. Additionally, for charter public schools:
      - i. The Applicant must include a listing of the names, positions and experience of the charter public school’s corporate board of directors and its senior staff.
      - ii. The Applicant must include information on any material or substantial lawsuits, threatened or potential litigation brought by any outside party, either currently or in the past three years, or any failure to have its charter re-approved, if any.
      - iii. The Applicant must include a projection of revenues, expenditures and net cash flows for the ensuing three-year period.
      - iv. The Applicant shall also provide student enrollment statistics by grade for each grade level served, for the shorter of either the period the School has been in operation or for the most recent five years, for the current year, and projected student enrollment for the next five years.
      - v. The Applicant must demonstrate sufficient liquidity as evidenced by providing a statement showing the School has either:
        - a. At least 45 days unrestricted cash on hand based on the most recently completed fiscal year and for each of the years under the projections provided; or
        - b. At least 30 days cash on hand based on the most recently completed fiscal year, a net increase in cash and cash equivalents for such year compared to the prior fiscal year, and that its days cash on hand is projected to increase to 45 days cash on hand within two fiscal years based on the provided projections.
        - vi. If the Applicant has outstanding debt that is rated by a municipal bond rating agency, documentation showing the rating.
        - vii. A list of all of its current outstanding debts, accompanied by a statement that the Applicant is not currently in default on any outstanding debt.
  - 3. For a charter Achievement District School’s demonstrated experience in operating and managing charter public schools with high academic outcomes for at least two consecutive years, as required by A.R.S. § 15-2155(B)(3), a narrative history covering at least the two most recent years of the Applicant’s historical academic outcomes and operations.



4. For information regarding the proposed Guaranteed Financing, the following information:
    - a. The planned timing of such financing, a schedule of estimated sources and uses of funds for such financing, the expected principal and interest payment dates and amounts by payment date for such financing, and plans for funding reserves, if any.
    - b. A description of what the Guaranteed Financing will be used for, a description of how the Guaranteed Financing will reduce or impact the Applicant's enrollment demand, whether the Guaranteed Financing will be a refinance of existing debt obligations, and if so, the estimated savings of the refinance and how the Applicant proposes to spend the monies saved as a result of the refinance.
  5. For identification of any property being pledged as collateral, as required by A.R.S. § 15-2155(B)(6), the Applicant must disclose whether any property to be financed and secured by a Guaranteed Financing will be owned or leased by the Applicant or, for charter public schools, the Applicant or its charter holder. Real property being pledged as collateral shall be identified by physical address, and a copy of an independent appraisal of the property that reflects current valuation within 90 days of submission, along with a copy of the lease for any leased collateral real property, must be provided to the Board not less than 30 calendar days and not more than 60 calendar days before the issuance of the Guaranteed Financing.
  6. Pursuant to A.R.S. § 15-2155(B)(7), information concerning the Applicant's teacher turnover rate and the results from the immediate prior two years of any parent and/or teacher satisfaction surveys conducted by the Applicant. For charter public schools, the Applicant shall also disclose whether any personal benefit will inure to any employee of the School or school operator or an immediate relative, including a parent, spouse, sibling or child, of any such employee or operator.
- H. Arizona Public School Credit Enhancement – Required Financial Provisions for Guaranteed Financings.** In order for the Board to approve a Guaranteed Financing, the proposed project must meet the following terms and requirements:
1. The debt service on the Guaranteed Financing may include interest-only payments for no more than two fiscal years following the fiscal year of issuance and must include level annual total principal and interest payments thereafter.
  2. The Guaranteed Financing must be fully amortizing over a period not to exceed 35 years.
  3. For non-general obligation, tax-supported obligations, the Guaranteed Financing must meet one of the following debt service coverage ratio requirements as estimated at the time of the Application and upon issuance of the Guaranteed Financing:
    - a. The ratio of the net cash flow (i.e. total revenues less operating expenses excluding debt or lease payments on land and facilities and non-cash expenses) for the most recently completed fiscal year to the maximum annual combined payments on existing debt, leases of land and facilities and the Guaranteed Financing must be at least 110%; or
    - b. The ratio of the net cash flow as defined above for the most recently completed fiscal year to the combined payments on existing debt and leases, but excluding the Guaranteed Financing, must be at least 110%, and the ratio of projected net cash flow as defined above for each of the subsequent five fiscal years to the combined maximum annual payments on existing debt, leases of land and facilities, and the Guaranteed Financing must be at least 110%. For this requirement, the projections must be accompanied by a report from an independent certified public accountant or a financial consultant with demonstrated expertise in public charter school financings confirming that the accountant or consultant has reviewed the Applicant's projections and deems the projections to be fair and reasonable.
  4. **Tax Base/Collections – District Public Schools**
    - a. For district public school Applicants using a district's voted general obligation bond authorization for a Guaranteed Financing, property tax collections for the three most recent fiscal years must average 90% or more.
    - b. For district public school Applicants that will not use the property tax base for a Guaranteed Financing, the Applicant must identify the authorized source of payment for the Guaranteed Financing and provide evidence of adequate ongoing dedicated or pledged revenues and budget capacity to service the minimum annual payments to be due under the Guaranteed Financing and any other parity obligations at 110% of the annual payments due.
  5. **Guaranteed Financings Secured by Real Property**
    - a. If the Guaranteed Financing will involve property or facilities that will be pledged as collateral for the Guaranteed Financing, the Applicant must provide an independent appraisal to the Board dated not less than 30 calendar days and not more than 60 calendar days before the issuance of the Guaranteed Financing indicating that the "as built" value of the pledged property is equal to or greater than the principal amount of the Guaranteed Financing, net of reserves securing the Guaranteed Financing and transaction costs for the Guaranteed Financing. At the time of Application, the Applicant shall certify that it reasonably believes this requirement will be met at the time of the Guaranteed Financing. For Guaranteed Financings that will refinance prior existing debt obligations of the Applicant, the Applicant may grant a security interest in the pledged property to secure debt obligations under the related financing that are not guaranteed by the Fund, provided that such security interest is subordinate to the security interest granted by the Applicant in such pledged property to secure the Guaranteed Financing.
    - b. The Applicant must identify or describe the ownership status of the property/facilities that will be funded by the Guaranteed Financing, including whether the property will be owned in fee simple, will be leased, or will be subject to some other control or ownership agreement.
    - c. For property being leased, the Applicant must provide a copy of the lease and identify the term, renewal options, assignment rights and the payment schedule.
    - d. For a Guaranteed Financing that will require construction of new facilities or major renovations to existing facilities of \$1,000,000.00 or more, the Applicant must acknowledge that the Guaranteed Financing is contingent upon execution of a guaranteed maximum price contract or other acceptable mechanism ensuring project completion, along with a requirement for the contractor to provide a completion bond or its equivalent.
  6. Refinancing Guaranteed Financings – for Guaranteed Financings that will refinance a prior existing debt obligation for which the originally pledged property will be pledged as collateral for the Guaranteed Financing, payments on the Guaranteed Financing may not be greater in any fiscal year than the scheduled payments on the prior obligations, and the savings to be generated on a present value basis must equal or exceed 5% of the principal amount of the refinanced obligations.



- I. Arizona Public School Credit Enhancement – Evaluation of Applications
  - 1. Applications shall be reviewed to confirm that all required information has been received and the Application is administratively complete. Within 30 days of submission of an Application, the Applicant will be notified of any deficiencies in the Application.
  - 2. Once an Application is determined to be administratively complete, the Board shall evaluate each Application and either approve or deny the Application within 60 days of this determination.
  - 3. In deciding whether to approve or deny an Application, the Board may give preference to:
    - a. Proposed Guaranteed Financings that fund projects in low socioeconomic areas or to serve low socioeconomic student populations;
    - b. Proposed Guaranteed Financings based on the geographic distribution of Guaranteed Financings throughout the state;
    - c. Proposed Guaranteed Financings that fund new classrooms or facilities to meet established enrollment demand; and
    - d. Proposed Guaranteed Financings that will maintain the overall program requirements imposed by A.R.S. § 15-2155(C).
  - 4. The Board shall meet no less than once every other month to decide upon Applications and for the conduct of any and all other business before the Board. The Board is authorized to call additional meetings in order to evaluate Applications or conduct other business and to cancel meetings if there is no business pending before the Board.
  - 5. Applicants shall be notified of the Board’s decision to grant or deny credit enhancement to a proposed Guaranteed Financing within 10 business days of the Board’s decision in writing, either by letter, facsimile or electronic mail.
- J. Deadline for Issuance of Guaranteed Financing – Once the Applicant is awarded initial approval for a Guaranteed Financing, the Applicant must issue the Guaranteed Financing within 120 days of the date of the letter granting approval for the Guaranteed Financing. The initial approval for the Guaranteed Financing will expire at the end of the 120-day period. The Applicant may request an extension for an additional 60 days by submitting a written request to the Board setting forth the reasons for the requested extension, before the expiration of the initial 120-day period.
- K. Arizona Public School Credit Enhancement Participation Fee – In setting participation fees pursuant to A.R.S. § 15-2155(E), the Board shall consider, among other things, the value and type of collateral being pledged, the term of the Guaranteed Financing, projected savings by the School through the Guaranteed Financing, the rating of the proposed Guaranteed Financing without regard to the credit enhancement to be provided, the overall amount of the Guaranteed Financing and whether the Achievement District School is a district public school or a charter public school. The Board may establish the participation fee as a percentage of the Guaranteed Financing or otherwise, depending on the specific terms of the Guaranteed Financing.



**NOTICES OF RULEMAKING DOCKET OPENING**

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

**NOTICE OF RULEMAKING DOCKET OPENING  
STATE RETIREMENT SYSTEM BOARD**

[R17-35]

- 1. Title and its heading:** 2, Administration
- Chapter and its heading:** 8, State Retirement System Board
- Article and its heading:** 1, Retirement System
- Section number:** R2-8-124, R2-8-125 (*Sections may be added, deleted, or further modified as necessary.*)
- 2. The subject matter of the proposed rule:**  
The ASRS needs to adopt approximately two rules to clarify various aspects of how the ASRS will assess and collect an unfunded liability that is created by an Employer implementing a Termination Incentive Program pursuant to A.R.S. § 38-749(D).
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 23 A.A.R. 647, March 24, 2017 (*in this issue*).
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Jessica A. Ross, Rule Writer  
Address: Arizona State Retirement System  
3300 N. Central Ave., Suite 1400  
Phoenix, AZ 85012-0250  
Telephone: (602) 240-2039  
E-mail: JessicaT@azasrs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be determined.

**NOTICE OF RULEMAKING DOCKET OPENING  
DEPARTMENT OF WATER RESOURCES**

[R17-36]

- 1. Title and its heading:** 12, Natural Resources
- Chapter and its heading:** 15, Department of Water Resources
- Articles and headings:** 1, Fees  
4, Licensing Time-Frames
- Section numbers:** R12-15-105 and R12-15-401
- 2. The subject matter of the proposed rules:**  
The Department’s proposed amendment to R12-15-105(B) and (D) will reduce the fees paid by owners of low or very low hazard potential dams for the Department’s dam safety inspections and for filing dam safety inspection reports.  
The Department also proposes amendments to R12-15-401, Table A, to reduce the licensing time-frames for eight of its applications and repeal it for two applications because the rules establishing those applications were repealed. The Department will also amend R12-15-401, Table A, to correct the legal authorities cited for a number of applications and licenses that are not correctly stated in the rule.
- 3. A citation to all published notices relating to this proceeding:**  
Notice of Proposed Rulemaking: 23 A.A.R. 650, March 24, 2017 (*in this issue*).



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

Name: Kelly Brown, Deputy Counsel  
Address: Department of Water Resources  
1110 W. Washington, Suite 310  
Phoenix, AZ 85007  
Telephone: (602) 771-8472  
Fax: (602) 771-8686  
E-mail: kbrown@azwater.gov

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

Written comments may be submitted at any time prior to the close of the public record on May 15, 2017 at 5:00 p.m. Written comments not submitted at the oral proceeding described below should be submitted to: Sharon Scantlebury, Docket Supervisor, Arizona Department of Water Resources, 1110 W. Washington Street, Suite 310, Phoenix, AZ 85007. An oral proceeding will be held on May 15, 2017, at 9:00 a.m. at the Arizona Department of Water Resources. Oral comments may be made at the oral proceeding.

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

See Notice of Proposed Rulemaking: 23 A.A.R. 650, March 24, 2017 (*in this issue*).




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## NOTICES OF PROPOSED DELEGATION AGREEMENTS

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

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

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

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### NOTICE OF PROPOSED DELEGATION AGREEMENT DEPARTMENT OF ENVIRONMENTAL QUALITY

[M17-60]

**1. Name of the agency proposing the delegation agreement:**

Arizona Department of Environmental Quality

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

Maricopa County Environmental Services Department and Maricopa County Air Quality Department

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

Name: Daniel L. Czecholinski  
 Title: Manager, Drinking Water Section  
 Address: Arizona Department of Environmental Quality  
 1110 W. Washington St.  
 Phoenix, AZ 85007  
 Phone: (602) 771-4617  
 E-mail: dc5@azdeq.gov

Name: Robert Barnett  
 Title: Manager, Solid Waste/Hazardous Waste Section  
 Waste Programs Division  
 Address: Arizona Department of Environmental Quality  
 1110 W. Washington St.  
 Phoenix, AZ 85007  
 Phone: (602) 771-2336  
 E-mail: rb13@azdeq.gov

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

Under A.R.S. § 49-107, the Arizona Department of Environmental Quality proposes to amend the delegation agreement with Maricopa County, the Local Agency (LA), to conform to an updated 2016 template that replaces the reference to A.R.S. § 11-952 with § 49-107; add a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments; eliminate licensing timeframe reporting requirements in Paragraph C.1 after repeal of A.R.S. § 41-1078; clarify in Paragraph D that LA employees have final sign-off on any decision and perform enforcement work; include e-verify requirements pursuant to A.R.S. §§ 44-4401(A) and 23-214(A) in Paragraph E; add Non-Discrimination language in Paragraph F; add a reference to State retention schedules to Paragraph G; clarify paragraph H. Oversight Activities; replace the word “intent” with “request” in Paragraph I.6; clarify in Paragraph J.1 that ADEQ will pay for the Office of Administrative Hearing’s costs on behalf of the County, not County costs; reduce reporting frequency from quarterly to annual in Paragraph K; add standard language concerning governing law and venue in Paragraph M; separate Amendment procedures from Termination Procedures and require termination notice to specify its effective date; add severability clause as Paragraph R; and add to signature page language to memorialize the date of approval by the County Board of Supervisors.

The proposed delegation agreement would make the following changes to Appendix A, Water Quality Management:

- Grant LA authority for the Revised Total Coliform Rule R18-4-102, -210 and -126
- Update Personnel Qualifications after revisions to A.A.C. R9-16-402 eliminated Sanitarian-In-Training and add statutory and rule citations
- Changed report submittal deadline from 15 to 30 days after end of year

It would also delegate the following functions and duties in Appendix A to Maricopa County in the Town of Queen Creek Water and Sewer areas within Pinal County, delineated in Attachment 1 Town of Queen Creek Water and Sewer Service Area maps, and Pinal County does not object:



- Application review, inspection issuance or denial of Construction and Discharge Authorizations, compliance and enforcement for the 4.01 General Aquifer Protection permit for Sewage Collection Systems
  - Certificate of Approval for Sanitary Facilities for Subdivisions (not on-site wastewater treatment facilities) including Application review, inspection, and certificate issuance or denial and compliance and enforcement
  - Public Water Facilities: Approval to Construct (ATC) and Approval of Construction (AOC) including application review, construction inspection, and certificate issuance or denial, compliance and enforcement
  - Public Water Systems: Monitoring and Reporting compliance determinations and related enforcement
- The proposed delegation agreement would make the following changes to Appendix B, Solid Waste Management:
- Update Personnel Qualifications after revisions to A.A.C. R9-16-402 eliminated Sanitarian-In-Training and add statutory and rule citations
  - Add requirement that the list of inspections of septic tank cleaners include inspection dates

It would also include Appendix C To Delegation Agreement No. EV12-0067 Maricopa County Air Quality Management, which has already been executed. All other delegated program elements remain the same as the current delegation agreement.

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

An electronic copy of the existing Agreement may be downloaded from the following web site address: <http://legacy.azdeq.gov/function/permits/delegated.html>

Or contact: Sherri Zendri, Administrative Counsel  
Arizona Department of Environmental Quality  
Office of Administrative Counsel  
1110 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 771-2242

E-mail: [slz@azdeq.gov](mailto:slz@azdeq.gov)

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

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

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

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

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or [ldb@azdeq.gov](mailto:ldb@azdeq.gov).

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 or [ldb@azdeq.gov](mailto:ldb@azdeq.gov).




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## GOVERNOR EXECUTIVE ORDERS

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

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

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

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### EXECUTIVE ORDER 2017-02

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

[M17-23]

*Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2017, as a notice to the public regarding state agencies' rulemaking activities.*

**WHEREAS**, burdensome regulations inhibit job growth and economic development;

**WHEREAS**, job creators and entrepreneurs are especially hurt by red tape and regulations;

**WHEREAS**, all government agencies of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

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

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

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

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

1. A State agency subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
  - a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
  - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
  - c. To prevent a significant threat to the public health, peace, or safety.
  - d. To avoid violating a court order or federal law that would result in sanctions by a court of the federal government against an agency for failure to conduct the rulemaking action.
  - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
  - f. To comply with a state statutory requirement.
  - g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
  - h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
  - i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
  - j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. All directors of state agencies subject to this Order shall engage their respective regulated or stakeholder communities to solicit comment on which rules the regulated community believes to be overly burdensome and not necessary to protect consumers, public health, or public safety. Each agency shall submit a report regarding the aforementioned information to the Governor's Office no later than September 1, 2017.
4. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
5. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule," and "rulemaking" have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.



6. This Executive Order expires on December 31, 2017.

**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 Eleventh day of January in the Year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**  
**SECRETARY OF STATE**




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## GOVERNOR PROCLAMATIONS

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

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### 2-1-1 ARIZONA DAY

[M17-72]

**WHEREAS**, Community Information and Referral Services has been providing health and human services information and referrals since 1964 with a mission of “CIR transforms lives by linking individuals and families to vital community services throughout Arizona”; and

**WHEREAS**, Community Information and Referral Services’ vision is for all Arizonans to be easily connected to available health and human services in their communities; and

**WHEREAS**, 2-1-1 is the federal number assigned for health and human services information and referrals since 2000; and

**WHEREAS**, 2-1-1 Arizona is a service of Community Information and Referral Services as designated by the Arizona Corporation Commission in July 2010 to provide statewide easy access to all Arizonans regarding health and human services available in their communities; and

**WHEREAS**, 2-1-1 Arizona provided over 1.2 million service requests in fiscal year 2016; and

**WHEREAS**, the available services through 2-1-1 Arizona are invaluable to the continued health and well-being of many Arizonans.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 11, 2017 as

### 2-1-1 ARIZONA 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-ninth day of November in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST**

**Michele Reagan**

**SECRETARY OF STATE**

### JIMMIE JOHNSON DAY

[M17-73]

**WHEREAS**, Jimmie Johnson celebrates his seventh all-time NASCAR Cup Series Championship, dating back to his first series title in 2006 and accomplishing a record-breaking five-straight championships through 2010; and

**WHEREAS**, by winning his seventh championship in 2016, Jimmie Johnson tied NASCAR legends Dale Earnhardt and Richard Petty for most all-time series titles and a total of 80 career Cup Series wins; and

**WHEREAS**, Jimmie Johnson earned a total of four victories at Phoenix Raceway on his way to three of his NASCAR championship titles in 2007 – 2009, including a season-swap of both NASCAR races in 2008; and

**WHEREAS**, earning the first position pole award in the 2015 Quicken Loans Race for Heroes 500, Jimmie Johnson holds the Phoenix Raceway record for qualifying with the fastest speed of 143.158 on November 15, 2015; and

**WHEREAS**, Phoenix Raceway will celebrate its 29<sup>th</sup> season of Monster Energy NASCAR Cup Series racing as just one of 13 tracks to host two races annually, generating a significant economic impact to the state of Arizona; and

**WHEREAS**, more than 200,000 guests will attend the NASCAR event weekend and millions of television viewers will be tuned in from across the country to take in views of Arizona’s sun-splashed landscape and dramatic racing action from Phoenix Raceway; and

**WHEREAS**, Phoenix Raceway has created a motorsports and entertainment haven for residents of Arizona and the Southwestern United States and will deliver once again on a display of speed and sport by hosting the Camping World 500 Monster Energy NASCAR Cup Series race on March 19, 2017.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 16, 2017 as

### JIMMIE JOHNSON 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-fourth day of January in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST**

**Michele Reagan**  
**SECRETARY OF STATE**

**RARE DISEASE DAY**

[M17-74]

**WHEREAS**, there are nearly 7,000 diseases and conditions considered rare (each affecting fewer than 200,000 Americans) in the United States, according to the National Institutes of Health (NIH); and

**WHEREAS**, while each of these diseases may affect small numbers of people, rare diseases as a group affect almost 30 million Americans; and

**WHEREAS**, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and

**WHEREAS**, while more than 450 drugs and biologics have been approved for the treatment of rare diseases according to the Food and Drug Administration (FDA), millions of Americans still have rare diseases for which there is no approved treatment; and

**WHEREAS**, individuals and families affected by rare diseases often experience problems such as diagnosis delay, difficulty finding a medical expert, and lack of access to treatments or ancillary services; and

**WHEREAS**, while the public is familiar with some rare diseases such as “Lou Gehrig’s disease” and sympathetic to those affected, many patients and families affected by less widely known rare diseases bear a large share of the burden of funding research and raising public awareness to support the search for treatments; and

**WHEREAS**, thousands of residents of Arizona are among those affected by rare diseases since nearly one in 10 Americans have rare diseases; and

**WHEREAS**, the National Organization for Rare Disorders (NORD) is organizing a nationwide observance of Rare Disease Day on February 28, 2017.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 28, 2017 as

**RARE DISEASE 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 February in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**  
**SECRETARY OF STATE**

**RONALD REAGAN DAY**

[M17-75]

**WHEREAS**, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California and President of the United States; and

**WHEREAS**, Ronald Reagan served with honor and distinction for two terms as the 40<sup>th</sup> President of the United States of America; the second of which he earned the confidence of 3/5 of the electorate and was victorious in 49 of the 50 states in the general election – a record unsurpassed in the history of American presidential elections; and

**WHEREAS**, in 1981, when Ronald Reagan was inaugurated as President of the United States, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

**WHEREAS**, President Reagan’s commitment to an active social policy agenda for the nation’s children helped lower crime and drug use in our neighborhoods; and

**WHEREAS**, President Reagan’s commitment to our Armed Forces contributed to the restoration of pride in America, values cherished by the free world, and prepared America’s Armed Forces to meet the challenges of the 21<sup>st</sup> Century; and

**WHEREAS**, President Reagan’s vision of “peace through strength” led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing human rights for millions of people; and

**WHEREAS**, February 6, 2017 marks the 106<sup>th</sup> anniversary of Ronald Reagan's birth and the thirteenth since his passing.



NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 6, 2017 as

**RONALD REAGAN 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-ninth day of November in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**  
**SECRETARY OF STATE**

**SCHOOL COUNSELING WEEK**

[M17-76]

**WHEREAS**, school counselors are employed in public and private schools to help students reach their full potential; and

**WHEREAS**, school counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

**WHEREAS**, school counselors help parents focus on ways to further the educational, personal, and social growth of their children; and

**WHEREAS**, school counselors work with teachers and other educators to help students explore their potential and set realistic goals for themselves; and

**WHEREAS**, school counselors seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students become productive members of society; and

**WHEREAS**, comprehensive developmental school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 6 - 10, 2017 as

**SCHOOL COUNSELING WEEK**

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

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

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

**ATTEST:**

**Michele Reagan**  
**SECRETARY OF STATE**

**TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH**

[M17-77]

**WHEREAS**, teen dating violence crosses race, gender, and socioeconomic lines; and

**WHEREAS**, one in three adolescents in the United States is a victim of physical, emotional, or verbal abuse from a dating partner; and

**WHEREAS**, females between the ages 16 - 24 are more vulnerable to intimate partner violence than any other age group – at a rate almost triple the national average

**WHEREAS**, 9.7% of 8th, 10th, and 12th grade students reported “being hit, slapped, pushed, shoved, kicked or any other way physically assaulted by their boyfriend or girlfriend” at least once in the past year; and

**WHEREAS**, 57% of teens know someone who has been physically, sexually, or verbally abusive in a dating relationship; and

**WHEREAS**, only 33% of affected teens tell someone they were being physically or sexually abused by a dating partner and 81% of parents surveyed believe dating violence is not a problem or admit they do not know it is a problem; and

**WHEREAS**, the Governor’s Youth Commission will unite youth across the state with a social media campaign to promote respect and healthy relationships; and

**WHEREAS**, it is essential to raise awareness among communities and to provide training for teachers, counselors, and school staff so that they may recognize when youth are exhibiting signs of dating violence.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 2017 as



**TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH**

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

**Douglas A. Ducey**

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this seventeenth day of February in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**

**TURNER SYNDROME AWARENESS MONTH**

[M17-78]

**WHEREAS**, Turner Syndrome is a non-inheritable disorder that affects one in 2,500 live female births; and

**WHEREAS**, individuals with Turner Syndrome have an increased risk of non-verbal learning disorder (NLD) and in school and work, these impairments can cause problems in math, visuospatial skills, executive function skills and job retention; and

**WHEREAS**, risk for acute aortic dissection is increased in young and middle-aged women with Turner Syndrome; and

**WHEREAS**, early diagnosis ensures a complete cardiac screening and can facilitate prevention or remediation of growth failure, hearing problems and learning difficulties; and

**WHEREAS**, with the help of medical specialists and a good support system, a woman with Turner Syndrome can live a happy, healthy life; and

**WHEREAS**, Turner Syndrome Awareness Month is an opportunity to increase public awareness and recognize the strength of those living with Turner Syndrome.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 2017 as

**TURNER SYNDROME AWARENESS MONTH**

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

**Douglas A. Ducey**

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this thirty-first day of January in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**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 “General Information” in the front of each issue for more information).

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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 RULEMAKING**

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

#### THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 11 OF VOLUME 23.

<p><b>Accountancy, Board of</b></p> <p>R4-1-101. PM-97</p> <p>R4-1-341. PM-97</p> <p>R4-1-345. PM-97</p> <p>R4-1-453. PM-97</p> <p>R4-1-454. PM-97</p> <p>R4-1-455. PM-97</p> <p>R4-1-455.01. PM-97</p> <p>R4-1-455.02. PM-97</p> <p>R4-1-455.03. PM-97</p> <p>R4-1-455.04. PM-97</p> <p><b>Administration, Department of - Benefit Services Division</b></p> <p>R2-6-101. PM-323</p> <p>R2-6-105. PM-323</p> <p>R2-6-106. PM-323</p> <p>R2-6-107. PM-323</p> <p>R2-6-108. PM-323</p> <p>R2-6-204. PM-323</p> <p>R2-6-301. PM-323</p> <p>R2-6-302. PM-323</p> <p>R2-6-303. PM-323</p> <p><b>Administration, Department of - Risk Management Division</b></p> <p>R2-10-504. EXP-448</p> <p><b>Agriculture, Department of - Animal Services Division</b></p> <p>R3-2-205. EXP-135</p> <p>R3-2-403. EXP-135</p> <p>R3-2-621. EXP-135</p> <p>R3-2-622. EXP-135</p> <p><b>Arizona Health Care Cost Contain- ment System - Administration</b></p> <p>R9-22-712.90. FN-22</p> <p><b>Barbers, Board of</b></p> <p>R4-5-103. FM-490</p> <p><b>Clean Elections Commission, Citi-</b></p>	<p><b>zens</b></p> <p>R2-20-101. FXM-113</p> <p>R2-20-104. FXM-115</p> <p>R2-20-105. FXM-117</p> <p>R2-20-107. FXM-119</p> <p>R2-20-109. FXM-121</p> <p>R2-20-110. FXM-124</p> <p>R2-20-111. FXM-126</p> <p>R2-20-112. FXM-128</p> <p>R2-20-402.01. FXM-130</p> <p>R2-20-402.02. FXN-131</p> <p>R2-20-702. PXM-610</p> <p>R2-20-703. FXM-133</p> <p>R2-20-703.01. PXN-610</p> <p><b>Economic Security, Department of - Child Support Enforcement</b></p> <p>R6-7-611. EXP-466</p> <p>R6-7-716. EXP-466</p> <p>R6-7-801. EXP-466</p> <p><b>Economic Security, Department of - Developmental Disabilities</b></p> <p>R6-6-402. EXP-465</p> <p><b>Economic Security, Department of - Social Services</b></p> <p>R6-5-5501. EXP-581</p> <p>R6-5-5502. EXP-581</p> <p>R6-5-5503. EXP-581</p> <p>R6-5-5504. EXP-581</p> <p>R6-5-5505. EXP-581</p> <p>R6-5-5506. EXP-581</p> <p>R6-5-5507. EXP-581</p> <p>R6-5-5508. EXP-581</p> <p>R6-5-5509. EXP-581</p> <p>R6-5-5510. EXP-581</p> <p>R6-5-5511. EXP-581</p> <p>R6-5-5512. EXP-581</p> <p>R6-5-5513. EXP-581</p> <p>R6-5-5514. EXP-581</p> <p>R6-5-5515. EXP-581</p> <p>R6-5-5516. EXP-581</p>	<p>R6-5-5517. EXP-581</p> <p>R6-5-5518. EXP-581</p> <p>R6-5-5519. EXP-581</p> <p>R6-5-5520. EXP-581</p> <p>R6-5-5521. EXP-581</p> <p>R6-5-5522. EXP-581</p> <p>R6-5-5523. EXP-581</p> <p>R6-5-5524. EXP-581</p> <p>R6-5-5525. EXP-581</p> <p>R6-5-5526. EXP-581</p> <p>Appendix 1. EXP-581</p> <p>Appendix 2. EXP-581</p> <p>R6-5-5601. EXP-465</p> <p>R6-5-5602. EXP-465</p> <p>R6-5-5603. EXP-465</p> <p>R6-5-5604. EXP-465</p> <p>R6-5-5605. EXP-465</p> <p>R6-5-5606. EXP-465</p> <p>R6-5-5607. EXP-465</p> <p>R6-5-5608. EXP-465</p> <p>R6-5-5609. EXP-465</p> <p>R6-5-5610. EXP-465</p> <p>R6-5-5801. EXP-581</p> <p>R6-5-5802. EXP-581</p> <p>R6-5-5803. EXP-581</p> <p>R6-5-5804. EXP-581</p> <p>R6-5-5805. EXP-581</p> <p>R6-5-5806. EXP-581</p> <p>R6-5-5807. EXP-581</p> <p>R6-5-5808. EXP-581</p> <p>R6-5-5809. EXP-581</p> <p>R6-5-5810. EXP-581</p> <p>R6-5-5811. EXP-581</p> <p>R6-5-5812. EXP-581</p> <p>R6-5-5813. EXP-581</p> <p>R6-5-5814. EXP-581</p> <p>R6-5-5815. EXP-581</p> <p>R6-5-5816. EXP-581</p> <p>R6-5-5817. EXP-581</p> <p>R6-5-5818. EXP-581</p> <p>R6-5-5819. EXP-581</p> <p>R6-5-5820. EXP-581</p> <p>R6-5-5821. EXP-581</p>
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**OTHER NOTICES AND PUBLIC RECORDS INDEX**

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number. Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

**THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 11 OF VOLUME 23.**

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RULE EFFECTIVE DATES CALENDAR

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

Table with 12 columns: January, February, March, April, May, June. Each month has sub-columns for Date Filed and Effective Date. Rows list dates from 1/1 to 1/31 and corresponding effective dates.



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
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



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 October 2016 to April 2017.



### 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 5 p.m. 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 2017

[M16-300]

DEADLINE FOR PLACEMENT ON AGENDA	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday November 22, 2016	Tuesday December 20, 2016	Wednesday December 28, 2016	Wednesday January 4, 2017
Tuesday December 27, 2016	Tuesday January 24, 2017	Tuesday January 31, 2017	Tuesday February 7, 2017
Tuesday January 24, 2017	Tuesday February 21, 2017	Tuesday February 28, 2017	Tuesday March 7, 2017
Tuesday February 21, 2017	Tuesday March 21, 2017	Tuesday March 28, 2017	Tuesday April 4, 2017
Tuesday March 21, 2017	Tuesday April 18, 2017	Tuesday April 25, 2017	Tuesday May 2, 2017
Tuesday April 25, 2017	Tuesday May 23, 2017	Wednesday May 31, 2017	Tuesday June 6, 2017
Tuesday May 23, 2017	Tuesday June 20, 2017	Tuesday June 27, 2017	Thursday July 6, 2017
Tuesday June 20, 2017	Tuesday July 18, 2017	Tuesday July 25, 2017	Tuesday August 1, 2017
Tuesday July 25, 2017	Tuesday August 22, 2017	Tuesday August 29, 2017	Wednesday September 6, 2017
Tuesday August 22, 2017	Tuesday September 19, 2017	Tuesday September 26, 2017	Tuesday October 3, 2017
Tuesday September 26, 2017	Tuesday October 24, 2017	Tuesday October 31, 2017	Tuesday November 7, 2017
Tuesday October 24, 2017	Tuesday November 21, 2017	Tuesday November 28, 2017	Tuesday December 5, 2017
Tuesday November 21, 2017	Tuesday December 19, 2017	Wednesday December 27, 2017	Wednesday January 3, 2018

\*Materials must be submitted by 5 P.M. on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.