

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

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

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

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Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

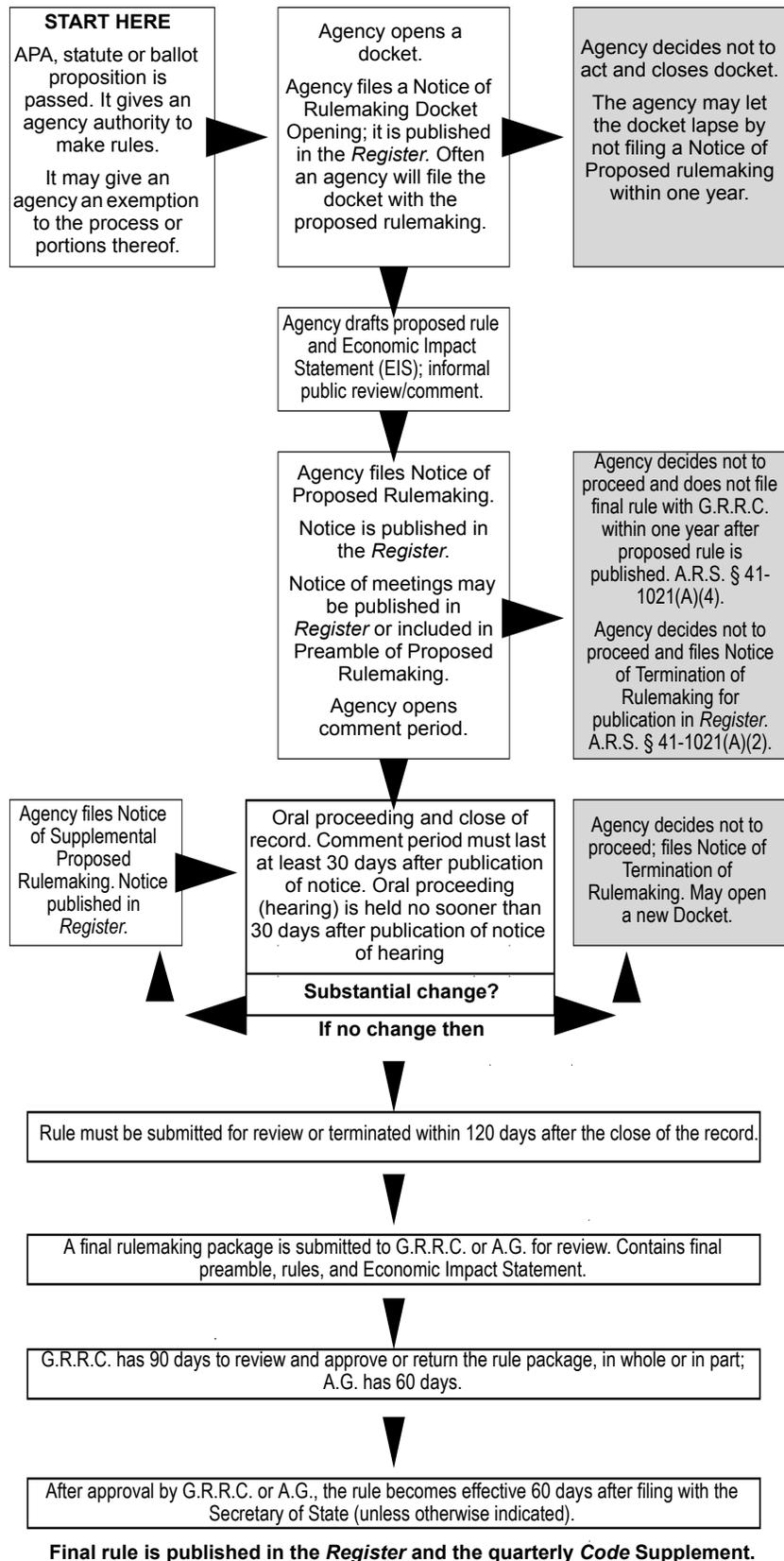
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

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

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

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

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

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency 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 10. DEPARTMENT OF ADMINISTRATION
RISK MANAGEMENT DIVISION**

[R17-79]

PREAMBLE

- | | |
|---|---------------------------------|
| 1. <u>Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R2-10-101 | Amend |
| R2-10-106 | Amend |
| R2-10-107 | Amend |
| R2-10-108 | Amend |
| R2-10-201 | Amend |
| R2-10-202 | Amend |
| R2-10-207 | Amend |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 41-703(3)
 Implementing statute: A.R.S. § 41-621
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 23 A.A.R. 873, April 21, 2017
- 4. The agency’s contact person who can answer questions about the rulemaking:**
- Name: Ray DiCiccio, Risk Manager
 Risk Management Division
- Address: Arizona Department of Administration
 100 N. 15th Ave., 3rd Floor, Suite 301
 Phoenix, AZ 85007
- Telephone: (602) 542-1791
 Fax: (602) 382-2300
 E-mail: ray.diciccio@azdoa.gov
 Web site: www.staterisk.az.gov
- Or
- Name: Julie Cruse, Administrative Manager
 Risk Management Division
- Address: Arizona Department of Administration
 100 N. 15th Avenue, 3rd Floor, Suite 301
 Phoenix, AZ 85007
- Telephone: (602) 542-1492
 Fax: (602) 382-2300
 E-mail: Julie.cruse@azdoa.gov
 Web site: www.staterisk.az.gov



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

Staff is proposing amendments to Articles 1 – Coverage and Claims Procedure and 2 – Loss Prevention. The amendments will incorporate changes to definitions, ensure clarity, concise and understandable language on other rules that are being amended and will renumber appropriate section(s) that are being amended.

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

The agency did not utilize a study for evaluating or justifying the rulemaking.

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:

This proposed rulemaking is an update to Title 2, Chapter 10, Article 1, "Coverage and Claims Procedure" and Article 2, "Loss Prevention." The subject matter of R2-10-101 is to define specific terms relating to Risk Management. The proposed rulemaking will update the definitions to add "Occurrence" and renumber in the sequence and will meet the requirements of the Executive's budget. The subject matter of R2-10-106 establishes the valuation basis for property coverage and a deductible for reported property claims. The proposed rulemaking is to increase the deductible from \$100 disappearing deductible to a \$2,500 per occurrence deductible. The subject matter of R2-10-107 removes an unnecessary action for state agencies and renumbers the sequence. The subject matter of R2-10-108 makes a clarification to the deductible language relating to settlements. The subject matter of R2-10-201 updates the language to reflect when agencies must submit building plans for review. The subject matter for R2-10-202 updates language to reflect when an agency must contact Risk Management when purchasing specialized safety or security equipment. The subject matter of R2-10-207 updates, clarifies and repeals agency tracking requirements.

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

Name: Ray DiCiccio, Risk Manager
Address: Arizona Department of Administration
100 N. 15th Ave., Suite 301
Phoenix, AZ 85007
Telephone: (602) 542-1791
Fax: (602) 382-2300
E-mail: ray.diciccio@azdoa.gov
Web site: www.staterisk.az.gov

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

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

Date: Tuesday, July 18, 2017
Time: 1:00 p.m.
Location: Arizona Department of Administration
100 N. 15th Ave., Conference Room 300
Phoenix, AZ 85007

The close of record date for this rulemaking is August 18, 2017, at 5:00 p.m.

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:
Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:
Not applicable

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

None

13. The full text of the rules follows:



TITLE 2. ADMINISTRATION
CHAPTER 10. DEPARTMENT OF ADMINISTRATION
RISK MANAGEMENT DIVISION

ARTICLE 1. COVERAGE AND CLAIMS PROCEDURE

Section	
R2-10-101.	Definitions
R2-10-106.	State-owned Property Coverage and Limitations
R2-10-107.	Liability Coverage and Limitations
R2-10-108.	Deductibles and Waivers

ARTICLE 2. LOSS PREVENTION

Section	
R2-10-201.	Submission of Building Plans
R2-10-202.	Purchase of Specialized Hazard Control Equipment
R2-10-207.	Agency Loss Prevention Program Elements

ARTICLE 1. COVERAGE AND CLAIMS PROCEDURE

R2-10-101. Definitions

The following definitions apply in this Chapter unless the context otherwise requires:

1. "Agency" means a state department, board, or commission.
2. "Agency loss prevention committee" means a panel of individuals established by the head of an agency to develop and oversee the agency's loss prevention program.
3. "Agency loss prevention coordinator" means an individual chosen by the head of an agency to implement the agency's loss prevention program and who is the agency's liaison with Risk Management.
4. "Attorney General's Office" means the Liability Management Section of the Attorney General's Office assigned to defend claims covered by A.R.S. § 41-621.
5. "Client" means an individual in custodial care of a provider through contract or court order with a state agency through programs listed in A.R.S. § 41-621(B).
6. "Confined space" has the meaning of 29 CFR 1910.146(b) Occupational Safety and Health Standards for General Industry, The Industrial Commission of Arizona, Division of Occupational Safety and Health, February 1, 1998, which is incorporated by reference in this rule. This incorporation by reference does not include any later amendments or editions. Copies of the incorporation by reference are available for inspection at the Industrial Commission of Arizona, 800 West Washington, Phoenix, Arizona and in the Office of the Secretary of State, Public Service Department, 1700 West Washington, Phoenix, Arizona.
7. "Contaminant" means a substance that is radioactive, infectious, carcinogenic, toxic, irritant, corrosive, sensitizer or an agent that damages the lungs, skin, eyes, mucous membranes, and other body organs.
8. "Deductible" means the amount of a loss that the agency will pay before Risk Management is obligated to pay anything.
9. "Department" means the Department of Administration, an agency of the State of Arizona.
10. "Emergency" means an immediate health threat.
11. "Environment" means navigable waters, surface waters, groundwater, drinking water supply, land surface or subsurface strata, and ambient air, within or bordering on this state.
12. "Environmental Contractor" means a company hired by the state to conduct environmental site investigations and remediation work.
13. "Environmental property claim" means a demand or payment resulting from chemical or biological damage to the environment.
14. "Ergonomics" means a science of the relationship between human capability and the work environment, which the Department uses to design a job, task, equipment, or tool to conform comfortably within the limits of human capability.
15. "Feasibility study" means a remediation plan based upon a site investigation to clean up a contaminated site by an environmental contractor.
16. "Geophysical survey" means a radar, magnetic, electric, gravity, thermal, or seismic survey.
17. "Groundwater" means water beneath the ground in sediments or permeable bedrock.
18. "Hazardous substance or waste" means hazardous waste as defined in A.R.S. § 49-921(5).
19. "Health threat" means evidence that exposure to a specific type and concentration of contaminant is harmful to human health. This evidence shall be based on at least 1 study conducted by the National Institute of Occupational Safety and Health or the Environmental Protection Agency in accordance with established scientific principles.
20. "Incident" means an event involving an agency employee, facility, or equipment that results in an occupational injury or illness, personal injury, or loss of or damage to state property, or an event involving the public that exposes the state to a liability loss.
21. "Loss prevention" means any action or plan intended to reduce the frequency and severity of property, liability, or workers' compensation losses.
22. "Occurrence" means an accident, incident or a series of accidents or incidents arising out of a single event or originating cause and includes all resultant or concomitant insured losses.
- ~~22-23.~~ "Passenger van" means any motor vehicle designed, modified, or otherwise capable of being configured to carry not less than 8 passengers and no more than 15 passengers.



- 23-24. "Personal protective equipment" means any clothing, material, device, or equipment worn to protect a person from exposure to, or contact with, any harmful material or force.
- 24-25. "Provider" means an individual or entity licensed to provide services to state clients as outlined in A.R.S. § 41-621(B) that is not contractually required to indemnify and hold the state harmless.
- 25-26. "Remedial action" or "remediation" means the process of cleaning up a hazardous substance or waste site by an environmental contractor.
- 26-27. "Risk Manager" means the Administrator for the State Risk Management Program.
- 27-28. "Risk Management" or "RM" means the State Risk Management Program.
- 28-29. "Self-insurance" means state provided loss protection for an agency or employee funded through RM's revolving fund.
- 29-30. "Site assessment" means the process of completing and assessing a site investigation and a feasibility study.
- 30-31. "Site investigation" means a detailed examination by an environmental contractor of an area of a building or ground suspected of being contaminated with a hazardous substance or waste.

R2-10-106. State-owned Property Coverage and Limitations

- A. The Department provides property loss coverage for state-owned buildings on a replacement-cost basis for items actually replaced or repaired. Property loss coverage for state-owned personal property is replacement cost less depreciation. For agencies with a total appropriated and non-appropriated budget of less than \$1 million Personal Property claims less than \$100 are not covered will be subjected to a \$100 deductible. A property deductible of \$2,500 per occurrence shall apply to all other agencies.
 - a. Subrogation collections shall reimburse the fund from which a deductible was paid up to the amount of the deductible and on a primary basis.
 - b. No deductible shall apply to property loss coverage afforded in accordance with A.R.S § 41-621(B).
- B. RM shall not include the cost of labor in property loss reimbursement if state employee labor cost for repair or replacement is allocated from appropriated funds. RM shall determine whether to use state employees or contractors for repair work based upon availability.
- C. Property loss coverage includes all state-owned property except: roads, bridges, tunnels, dams, dikes, and retaining walls.

R2-10-107. Liability Coverage and Limitations

- A. The following coverage and limitations apply in this Chapter:
 - 1. The Department provides liability coverage within the limitations of A.R.S. § 41-621 for an officer, agent, or employee while driving a state-owned or other vehicle in the course and scope of employment.
 - a. ~~Each agency shall ensure that an individual operating a vehicle on state business has a valid driver's license.~~
 - ba. Coverage shall be on a primary basis for a state-owned, leased, or rented vehicle and on an excess basis for any other vehicle.
 - e-b. The state shall not provide coverage for damage or loss of a personal vehicle.
 - 2. An officer, agent, or employee operates a state-owned vehicle within the course and scope of employment if driving:
 - a. On authorized state business,
 - b. To and from work,
 - c. To and from lunch on a working day,
 - d. To and from meals while on out-of-town travel.
 - 3. An officer, agent, or employee does not operate a personal vehicle within the course and scope of employment when driving:
 - a. To and from work,
 - b. To and from lunch in the area of employment and not on authorized state business,
 - c. On other than state-authorized business.

- B. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 8. No change
 - 9. No change
 - 10. No change
 - 11. No change

R2-10-108. Deductibles and Waivers

- A. Agency Claim Settlement or Judgment More Than \$150,000.
 - 1. The Department shall charge each agency a deductible of not more than \$10,000 on each claim settlement or judgment approved for payment of ~~\$150,000.00~~ more than \$150,000.



2. RM shall waive the deductible if the agency provides a response to RM containing an agency action plan to be taken to eliminate or limit similar future risk to the state, and:
 - a. The agency action plan is submitted to RM within 60 days of the agency's notification of claim approval or payment. The agency action plan shall include the following:
 - i. Findings outlining the cause or causes of the claim;
 - ii. Actions that will be implemented to prevent recurrence of similar losses or claims;
 - iii. Development of action items and time lines for completion; and
 - iv. Appointment of an agency contact to act as a liaison for all matters relating to the plan.
 - b. RM approves the agency action plan as reasonable and effective; and
 - c. The agency implements the plan within 30 days of RM approval, and provides periodic status reports as outlined in the approved Agency Action Plan.
 3. If the agency fails to comply with all the conditions outlined in subsection (A)(2), RM shall charge a deductible of \$10,000 on the subject judgment or claim payment as well as each subsequent claim resulting from that cause or exposure until the agency fully complies with subsection (A)(2).
- B.** RM may waive any deductible to any agency for just cause. Just cause may exist when the application of a deductible is not warranted due to the circumstances of the claim, or is in the best interest of the state.
- C.** If a dispute arises between RM and the agency pertaining to this Section, one or more meetings shall be held at progressively upward, incremental Department of Administration management levels until the agency and RM reach a solution.

ARTICLE 2. LOSS PREVENTION

R2-10-201. Submission of Building Plans

If an agency anticipates the cost to construct, alter, or repair a state-owned or leased building to exceed ~~\$25,000~~\$100,000, the agency shall submit building plans to RM prior to a pre-planning conference with an architect to allow RM to offer recommendations for loss prevention measures.

R2-10-202. Purchase of Specialized Hazard Control Equipment

- A.** An agency shall notify the RM Loss Prevention Manager prior to starting the procurement process for any specialized safety or security equipment or system exceeding ~~\$10,000~~\$50,000. RM shall assist each agency to determine whether the equipment or system will adequately perform its specialized function and is in compliance with applicable codes.
- B.** No change

R2-10-207. Agency Loss Prevention Program Elements

Each agency loss prevention committee or individuals designated by the agency head shall develop, implement, and monitor the following loss prevention program elements of an occupational health and safety program (as applicable to their agency):

- ~~1.~~ ~~The agency loss prevention policy statement;~~
- ~~2.~~1. New employee and continuous in-service training programs that include:
 - a. Safety and loss prevention education regarding property protection, liability exposure, and workplace safety;
 - b. Agency-specific safety training regarding emergency plans, actions, and first-aid; and
 - c. Job-specific safety training to employees performing tasks where:
 - i. Frequent or severe accidents have occurred; or
 - ii. There is a potential for frequent or severe accidents.
- ~~3.~~2. Documentation and recordkeeping of employee training;
- ~~4.~~3. An emergency plan for each agency location that establishes procedures to follow in the event of serious injury, fire, or other emergency that can be reasonably foreseen at the specific agency location. The emergency plan shall:
 - a. Designate an employee responsible for formulating, implementing, testing, and maintaining the emergency plan;
 - b. Contain procedures for notification of emergency response personnel and safe evacuation of personnel from the location, including an evacuation diagram that shall be visibly posted throughout each location;
 - c. Contain procedures for obtaining first-aid, medical treatment, and emergency transportation in the event of serious injury; and
 - d. Require that the plan be periodically tested and evaluated and identified deficiencies corrected;
- ~~5.~~4. Procedures for scheduled safety inspections of buildings, grounds, equipment, and machinery. An agency shall document the results of each inspection and forward notice of any deficiencies to the loss prevention coordinator for corrective action. The agency loss prevention committee or coordinator shall follow-up on inspection recommendations to ensure action is taken to remedy a noted deficiency. The agency loss prevention committee or coordinator shall bring an uncorrected deficiency to the attention of the agency head;
- ~~6.~~5. Procedures for accident and incident investigations:
 - a. An agency shall develop procedures for reporting an accident or incident involving personnel, property, automobile, liability, industrial injury, environmental damage, and a mishap or near miss to the agency's loss prevention coordinator or loss prevention committee. The loss prevention coordinator and loss prevention committee shall review the accident and incident reports and identify the corrective action necessary to prevent recurrence;
 - b. Procedures for reporting, investigating, and recording maintenance of a work-related accident or incident shall include:
 - i. Timely and accurate reporting of each work-related accident or incident;
 - ii. Investigation of each accident or incident to gather pertinent information, determine cause, and recommend a solution to prevent recurrence of a similar accident or incident;
 - iii. Compiling, analyzing, and evaluating all data derived from the investigation to determine the frequency, severity, and location of an accident or incident and communicating the information to appropriate agency personnel; and
 - iv. Maintaining records of employee injury under A.A.C. R20-5-629;



- 7-6. A maintenance program for state-owned vehicles, equipment, and grounds under the control of that agency that includes:
 - a. A preventive maintenance program with a written schedule of routine inspection, adjustment, cleaning, lubrication, and testing of equipment including boilers and machinery, fire protection, security and emergency equipment, and motor vehicles;
 - b. Safety procedures such as “lock-out-tagout” and “buddy procedures” for jobs subject to a serious accident such as those involving working in a confined space, operating dangerous equipment and machinery, and working on electrical equipment; and
 - c. Personal protective equipment for a specific job or area including training on proper fit, use, care, maintenance, inspection, cleaning, and storage;
- 8-7. A fire protection program that complies with the Arizona State Fire Code, located in A.A.C. Title 4, Chapter 36. This program shall incorporate best practices and standards that protect state of Arizona employees, the general public, and resources entrusted to the agency.
- 9-8. Systems and procedures to protect the personal security of each employee and prevent loss of or damage to state property, including:
 - a. Security escorts, exterior lighting, identification badges, and electronic access systems;
 - b. Labeling systems, inventory control procedures, property removal procedures, and key control systems; and
 - c. Building and ground security systems, alarms systems, electronic surveillance, perimeter fencing, and security patrol services.
- 10-9. A land, facility, equipment, or process environmental protection program that includes:
 - a. Procedures to ensure compliance with all applicable local, state, and federal environmental laws;
 - b. Identification of equipment, processes, and practices that may cause water pollution, air pollution, or land and property contamination;
 - c. Procedures to prevent or control emissions and discharges in excess of local, state, and federal laws and rules; and
 - d. Procedures to investigate, report, and remediate any discharge or contamination in excess of local, state, or federal laws and rules;
- 11-10. An industrial hygiene program that encompasses an existing or potential health hazard within an agency, or that agency personnel may be exposed to during the course of work. The program shall include a documented survey of agency facilities and work practices to identify areas of concern such as noise, air contamination, ergonomic factors, lighting and confined spaces. The program shall include procedures to notify employees of health hazards, medical monitoring when applicable, and personal protective equipment requirements including training, fit testing, and care. The industrial hygiene program shall include the following program elements as applicable:
 - a. Hazard communication;
 - b. Laboratory safety (Chemical Hygiene Plan);
 - c. Hearing conservation;
 - d. Confined space entry;
 - e. Handling and disposing of hazardous waste;
 - f. Back protection;
 - g. Ergonomics;
 - h. Asbestos management;
 - i. Building air quality;
 - j. Chemical exposure assessment;
 - k. Personal protective equipment;
 - l. Respiratory protection;
 - m. Bloodborne pathogen protection; and
 - n. Tuberculosis protection;
- 12-11. Motor vehicle safety program. For the purpose of this Section, an authorized driver is an employee whose job position description questionnaire or similar document requires the use of a vehicle; an employee who operates a state vehicle; or an employee who operates a leased, rented or personal vehicle where the state provides 100% of that vehicle lease, rental or operational costs.
 - a. Standards: Each agency shall develop standards to ensure that an authorized driver who drives on state business is capable of operating a motor vehicle in a safe manner. At a minimum, the program shall include the following standards:
 - i. An authorized driver shall use and ensure use of seat belts by all occupants, as required by law.
 - ii. An authorized driver shall possess a valid driver’s license of the appropriate class with any required endorsements.
 - iii. An authorized driver who operates a personally owned vehicle on state business shall maintain the statutorily required liability insurance.
 - b. Defensive driver training: The agency shall develop and implement programs and procedures to ensure that authorized drivers attend defensive driver training no later than three months from initial hire date or appointment to a position requiring the operation of a motor vehicle. All other authorized drivers who have not attended defensive driver training within the 36 months prior to August 5, 2007 shall attend defensive driver training within 12 months of this date. Defensive driver training and defensive driver refresher training shall cover, at a minimum, the following topics:
 - i. Defensive driving techniques,
 - ii. Traffic and vehicle regulations,
 - iii. Driver and passenger restraints,
 - iv. Inclement weather and night-vision driving hazards,
 - v. Dealing with emergencies,
 - vi. Alcohol and drug use hazards and laws,
 - vii. Vehicle insurance and financial responsibility, and



- viii. Motor Vehicle Record (MVR) Check.
RM may provide Defensive Driver/Van Safety training assistance or coordination upon request of the agency or the agency may elect to develop and implement agency-specific training.
- ~~e.~~ ~~Defensive driver refresher training: The agency shall have a designated responsible party to ensure that authorized drivers attend defensive driver refresher training at a minimum every four years.~~
- ~~d-c.~~ Records: The agency shall ensure records are maintained regarding training under subsections (b), (c) and (e) that reflect topics, date of training, instructor name and qualifications of instructor, length of training, location of training, participant's name, and job title.
- ~~e-d.~~ Passenger van and specialty vehicle training: In addition to subsection (b), the agency shall include a training element for drivers of passenger or cargo vans that are designed, modified, or could otherwise be configured for an occupancy of nine to 15 persons (including the driver). The training component for vans shall include: classroom instruction, behind-the-wheel instruction (on the road, on a closed course or using a driving simulator) and a certificate or card of completion. For a motorized specialty vehicle or specialty mobile equipment, the agency shall ensure that instruction is conducted before initial operation of the vehicle or equipment. The instruction shall be based on nationally recognized industry standards and training time lines or manufacturer's operator instructions. For the purpose of this subsection, a motorized "specialty vehicle" or "specialty mobile equipment" means a conveyance designed for the transport of people or cargo that is not licensed or intended for use on public roadways.
- ~~f.~~ ~~Vehicle maintenance and inspections: The agency shall develop and implement a preventive maintenance and inspection element for vehicles. At a minimum, the agency shall ensure that maintenance and inspection staff use preventive maintenance schedules and repair records. Vehicle inspections shall comply with all state and federal inspection standards for the vehicles being inspected. The agency shall ensure that all state-owned motor vehicles utilized for state business are inspected and maintained in a safe operating condition.~~
- ~~g-c.~~ Vehicle incident review: An agency shall ensure that the motor fleet safety program includes a vehicle incident review element. A Vehicle Incident Review Committee shall conduct a review of each incident that involves collision or damage to determine the cause and preventability of the incident, and recommend any corrective action to prevent recurrence. If the committee determines the incident was preventable, the driver shall attend defensive driver refresher training within three months of committee determination. Based on the circumstances, the agency head may direct additional corrective action. An authorized driver involved in any motor vehicle collision on state business shall promptly notify the authorized driver's immediate supervisor.
- ~~h-f.~~ Driving record review: An agency shall develop and implement procedures for the review of an authorized driver's record maintained by the Motor Vehicle Division (MVD) of the Arizona Department of Transportation (ADOT). The agency shall establish a schedule for reviewing driving records based on agency-specific exposures and RM claims history data. The agency shall ensure that the driving record of each authorized driver is reviewed at least annually. The review shall cover the most recent 39-month period. For driving record reviews, each authorized driver shall, upon request, provide name, driver license number, expiration date and date of birth. A copy of a driving record release form is available upon request from RM. An authorized driver shall promptly notify the authorized driver's immediate supervisor of any license suspension, revocation, or restriction placed on the driver's license or privilege to drive a motor vehicle. If the license of an authorized driver is suspended or revoked, authorization to drive on state business is suspended on the date of driver's license suspension or revocation and remains suspended until the date of driver's license reinstatement. If a review of a driving record reveals one or more convictions totaling six or more points for the 39-month period, the appropriate agency management shall be notified. The driver shall attend defensive driver training or similar action designed to improve the person's driving skills. For the purpose of this Section, RM considers similar action to be successful completion of the MVD Traffic Survival School within 12 months of the record review.
- ~~i-g.~~ Driving record review guidelines and criteria: Agencies may develop criteria that meet or exceed the requirements of this Section relating to accumulated MVD points or driving behavior. At a minimum, the following criteria are to be followed when evaluating a 39-month driving record and recommending agency action:
- i. 5 or fewer points = Acceptable record: Continue annual driving record and driver insurance status checks.
 - ii. 6 to 7 points = Conditional record: Conduct driving record and driver insurance status checks at least twice a year. Driver attends defensive driver training or similar action designed to improve driving skill.
 - iii. 8 or more points = High-risk record: Request that the agency head limit driving on state business. If an agency head allows the authorized driver to drive on state business, the agency head shall provide to the driver, in writing, the limitations and the duration of the authorization to drive. An agency head shall not circumvent an order or action of the Motor Vehicle Division or any court.
- ~~13-12.A~~ A safety and security standard for a construction site where state employees work, that includes:
- a. Site-specific safety rules and procedures for the type of risks expected to be encountered on the site;
 - b. Routine inspection of construction sites to ensure compliance with local, state, and federal safety laws and rules;
 - c. Training of each employee in safe practices and procedures;
 - d. Availability of first-aid, medical, and emergency equipment and services at the construction site, including arrangements for emergency transportation;
 - e. Procedures to prevent theft, vandalism, and other losses at the construction site; and
 - f. Periodic testing and evaluation of the plan and correction of identified deficiencies.

NOTICES OF FINAL RULEMAKING

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

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

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

NOTICE OF FINAL RULEMAKING TITLE 2. ADMINISTRATION CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

[R17-80]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| Article 2 | New Article |
| R2-8-201 | New Section |
| R2-8-202 | New Section |
| R2-8-203 | New Section |
| R2-8-204 | New Section |
| R2-8-205 | New Section |
| R2-8-206 | New Section |
| R2-8-207 | New Section |
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 38-714(E)(4)
Implementing statutes: A.R.S. §§ 38-766, 38-782, and 38-783
- 3. The effective date for the rules:**
July 3, 2017
- a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
Not applicable
- b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
Not applicable
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
Notice of Rulemaking Docket Opening: 22 A.A.R. 822, April 15, 2017
Notice of Proposed Rulemaking: 22 A.A.R. 3469, December 16, 2016
- 5. The agency's contact person who can answer questions about the rulemaking:**
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
- 6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
The ASRS needs to adopt seven rules to clarify various aspects of the health insurance Premium Benefit, including the following:
- Definitions relating to the health insurance Premium Benefit;
 - Eligibility for the health insurance Premium Benefit;
 - Calculation and supporting documentation for the health insurance Premium Benefit;
 - Payment of the health insurance Premium Benefit;
 - The Six-Month Reimbursement Program for the health insurance Premium Benefit; and



- The optional health insurance Premium Benefit

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

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

No study was reviewed.

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

Not applicable

9. A summary of the economic, small business, and consumer impact:

There is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rules will have minimal economic impact, if any, because the rulemaking simply clarifies statutory requirements that already exist. There may be some economic impact to provide the documentation necessary for the ASRS to administer the Health Insurance Premium Benefit program. However, identifying what documentation must be submitted and when it must be submitted to the ASRS will clarify the requirements of the Health Insurance Premium Benefit program, thereby reducing the regulatory burden imposed on the public. Such clarification will ensure that ASRS retirees and Employers have notice about how to participate in the program. Thus, the economic impact is minimized.

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

- The ASRS made the following formatting and grammatical changes:

- Capitalized defined terms throughout the rule language.
- Changed “becomes” to “became” in R2-8-202(E).
- Changed “select” to “elect” in R2-8-207(D)(9)(b).

In order to be clear, the ASRS made the following changes:

- Added definitions for:
 - Single Calculation;
 - Family Calculation;
 - Contingent Annuitant
 - Joint & Survivor; and
 - Period-Certain;
- Corrected the citation in R2-8-203(E) to reflect R2-8-206.
- Referenced Coverage and removed “covered” in R2-8-204(B).
- Reworded R2-8-207(E) to reflect active voice.
- Changed “continues to be enrolled” to “is enrolled” in R2-8-207(E)(2).
- In order to be clear, the ASRS reworded R2-8-207(H) to reflect that the contingent annuitant must be eligible to receive the Optional Premium Benefit at the member’s death.
- Changed the reference in R2-8-207(F) to reflect subsection (E) instead of (D).
- Changed the reference in R2-8-207(G) to reflect subsection (F) instead of (E).
- Removed “dependent” from R2-8-204.
- Added “to be effective on the date of the retired member’s retirement” to R2-8-207(A).
- Changed R2-8-207(E)(2) to read “the contingent annuitant is enrolled in a Coverage plan at the time of the member’s death or the contingent annuitant enrolls in a Coverage plan within six months of the retired member’s death pursuant to A.R.S. § 38-782(A); and.”
- Added a new subsection (E) to R2-8-207 indicating when the Optional Premium Benefit Program Election or Termination form must be submitted and reorganized the rule accordingly.
- Added two new subsections, (E) and (F), to R2-8-203 and reorganized the rule accordingly.
- Reorganized R2-8-203(E) to appear as R2-8-203(A) and then included the language “notwithstanding subsection (A),” to R2-8-203(B), (C), (D), and (E).
- Removed R2-8-207(A)(2).
- Changed “beneficiary” to “contingent annuitant.”
- In order to be consistent, the ASRS made the following changes:
 - Added “or re-electing” to R2-8-207(D)(8) in order to be consistent with R2-8-207(D).
 - Changed R2-8-207(F)(3) to read “the Contingent Annuitant is eligible to receive at least one monthly payment” in order to be consistent with A.R.S. § 38-783.
 - Removed “other than a straight life annuity” from R2-8-207(A)(1) in order to be consistent with A.R.S. § 38-760.



- Added the language referencing R2-8-202 and removed references to “eligible retired member,” “eligible Disabled member,” and “eligible dependent beneficiary” in R2-8-203(A), (C), (D), (E), (F), and (G) and made similar changes to R2-8-204, R2-8-205, R2-8-206, and R2-8-207 in order to be consistent with R2-8-203(B).
- Removed R2-8-205(C)(12) and added “dated” to R2-8-205(C)(11) in order to be consistent with R2-8-206(D)(14),
- Removed R2-8-207(I) in order to be consistent with R2-8-207(A).

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

The ASRS received no written comments regarding the rulemaking. No one attended the oral proceeding on January 24, 2017.

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

None

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

The rules do not require a permit.

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

There are no federal laws applicable to these rules.

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

No analysis was submitted.

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

No materials are incorporated by reference.

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

Not applicable

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

ARTICLE 2. HEALTH INSURANCE PREMIUM BENEFIT

Section

<u>R2-8-201.</u>	<u>Definitions</u>
<u>R2-8-202.</u>	<u>Premium Benefit Eligibility and Determination</u>
<u>R2-8-203.</u>	<u>Payment of Premium Benefit</u>
<u>R2-8-204.</u>	<u>Premium Benefit Calculation</u>
<u>R2-8-205.</u>	<u>Premium Benefit Documentation</u>
<u>R2-8-206.</u>	<u>Six-Month Reimbursement Program</u>
<u>R2-8-207.</u>	<u>Optional Premium Benefit</u>

ARTICLE 2. HEALTH INSURANCE PREMIUM BENEFIT

R2-8-201. Definitions

The following definitions apply to this Article unless otherwise specified:

1. “Coverage” means a medical and/or dental insurance plan a retired member, Disabled member, or contingent annuitant obtains through the ASRS or an Employer.
2. “Contingent annuitant” means the same as in A.R.S. § 38-711(8) and the person is eligible for Coverage.
3. “Disabled” means the member has a disability and is receiving long-term disability benefits pursuant to A.R.S. § 38-797 et seq.
4. “Family calculation” means the family Coverage premium described in A.R.S. § 38-783(B).
5. “Joint & survivor” means the annuity option described in A.R.S. § 38-760(B)(1).
6. “Net premium” means the amount of the Coverage premium reduced by the amount of the Premium Benefit provided by the ASRS.
7. “Original retirement date” means the same as in R2-8-126.
8. “Optional premium benefit” means the election, upon retirement, to have the Premium Benefit paid on behalf of the member’s Contingent Annuitant upon death of the member pursuant to A.R.S. § 38-783.
9. “Period-certain” means the annuity option described in A.R.S. § 38-760(B)(2).
10. “Premium benefit” means the amount the ASRS provides on behalf of a retired member or Disabled member in order to offset the Coverage premium of the retired or Disabled member pursuant to A.R.S. § 38-783.
11. “Single calculation” means the single Coverage premium calculation described in A.R.S. § 38-783(A).
12. “Subsidized” means the same as in A.R.S. § 38-783(M)(4).

R2-8-202. Premium Benefit Eligibility and Benefit Determination



- A.** A retired member or Disabled member who has five or more years of service and who elects to maintain Coverage is eligible for a Premium Benefit as follows:
1. A retired member or Disabled member who elects to maintain Coverage for the retired member or Disabled member only, is eligible for a Single Calculation of the Premium Benefit as described in R2-8-204(A);
 2. A retired member or Disabled member who elects to maintain Coverage for the retired member or Disabled member and a dependent who is not a retired member or Disabled member is eligible for a Family Calculation of the Premium Benefit as described in R2-8-204(B).
 3. A retired member or Disabled member who elects to maintain Coverage for the retired member or Disabled member and a dependent who is a retired member or Disabled member is eligible for the greater of:
 - a. Two Single Calculations of the Premium Benefit described in R2-8-204(A); or
 - b. One Family Calculation of the Premium Benefit described in R2-8-204(B).
 4. A retired member or Disabled member who is enrolled as a dependent on an active member's insurance plan is eligible for a Single Calculation of the Premium Benefit described in R2-8-204(A) if:
 - a. The retired member has an Original Retirement Date prior to August 2, 2012; or
 - b. The Disabled member became Disabled prior to August 2, 2012;
 5. A retired member or Disabled member who elects to maintain Coverage for the retired member or Disabled member and multiple dependents, some of whom are retired members or Disabled members, is eligible for the greater of:
 - a. Two Single Calculations of the Premium Benefit described in R2-8-204(A); or
 - b. One Family Calculation of the Premium Benefit described in R2-8-204(B).
- B.** Pursuant to A.R.S. § 38-783(E), a retired member who returns to work as an active member with an Employer and elects to maintain Coverage is eligible to receive a Premium Benefit if the member has an Original Retirement Date prior to August 2, 2012.
- C.** Pursuant to A.R.S. § 38-783(E), a Disabled member who elects to maintain Coverage is eligible to receive a Premium Benefit if the Disabled member became Disabled prior to August 2, 2012.
- D.** A member who receives a lump sum distribution from the ASRS upon retirement is eligible to receive a Premium Benefit pursuant to this Article.
- E.** Notwithstanding any other section, a retired member who has an Original Retirement Date on or after August 2, 2012, or a Disabled member who became Disabled on or after August 2, 2012 is eligible to receive a Premium Benefit pursuant to this Article, only if Coverage is not Subsidized.

R2-8-203. Payment of Premium Benefit

- A.** Every month, the ASRS shall provide a Premium Benefit to the Employer on behalf of a retired member, Disabled member, or Contingent Annuitant who maintains Coverage and is eligible to receive a Premium Benefit pursuant to R2-8-202.
- B.** Notwithstanding subsection (A), if a retired member who is eligible to receive a Premium Benefit pursuant to R2-8-202 elects to maintain Coverage with the Arizona Department of Administration or the ASRS, the ASRS shall reduce the retired member's pension amount by the amount of the retired member's Net Premium for Coverage pursuant to this Article, unless the Net Premium exceeds the pension amount.
- C.** Notwithstanding subsection (A), if a retired member who is eligible to receive a Premium Benefit pursuant to R2-8-202 elects to maintain Coverage with the ASRS and the Net Premium exceeds the retired member's pension amount, the retired member shall be responsible for remitting the Net Premium to the retired member's insurance company and the ASRS shall:
1. Not reduce the retired member's pension amount; and
 2. Remit payment of the Premium Benefit to the retired member's insurance company.
- D.** Notwithstanding subsection (A), if a retired member who is eligible to receive a Premium Benefit pursuant to R2-8-202 elects to maintain Coverage with the Arizona Department of Administration and the Net Premium exceeds the retired member's pension amount, the retired member shall be responsible for remitting the Net Premium to the Arizona Department of Administration and the ASRS shall:
1. Not reduce the retired member's pension amount; and
 2. Remit payment of the Premium Benefit to the Arizona Department of Administration.
- E.** If a Disabled member who is eligible to receive a Premium benefit pursuant to R2-8-202 maintains Coverage with the Arizona Department of Administration, the ASRS shall remit the Premium Benefit to the Arizona Department of Administration, unless the Disabled member is participating in the Six-Month Reimbursement Program pursuant to R2-8-206.
- F.** If a Disabled member who is eligible to receive a Premium Benefit pursuant to R2-8-202 maintains Coverage with the ASRS, the ASRS shall remit the Premium Benefit to the Disabled member's insurance company and the Disabled member shall be responsible for remitting the Net Premium to the Disabled member's insurance company.
- G.** If a retired member or Disabled member who is eligible to receive a Premium Benefit pursuant to R2-8-202 maintains Coverage with an Employer other than the ASRS or the Arizona Department of Administration, the ASRS shall remit the Premium Benefit to the retired member's or Disabled member's Employer, unless the retired member or Disabled member is participating in the Six-Month Reimbursement Program pursuant to R2-8-206.
- H.** If a retired member or Disabled member is eligible to receive a Premium Benefit pursuant to R2-8-202, the ASRS shall provide the lesser of the following for any one retired member or Disabled member:
1. The actual cost of the Coverage premium; or
 2. The greatest Premium Benefit calculation for which the retired member or Disabled member is eligible pursuant to R2-8-202.
- I.** If a retired member is eligible to receive a Premium Benefit pursuant to R2-8-202 and the member retires from the ASRS in addition to retiring from another State retirement system or plan described in A.R.S. § 38-921, each month, the ASRS shall remit any Premium Benefit for which the retired member is eligible under this Article to the other State retirement system or plan from which the member retired.



R2-8-204. Premium Benefit Calculation

- A.** A Single Calculation for a Premium Benefit is based on the retired member’s or Disabled member’s Coverage election, years of service, and Medicare or non-Medicare status.
- B.** A Family Calculation for a Premium Benefit is based on the retired member’s or Disabled member’s Coverage election, years of service, and Medicare or Non-Medicare status, and the Medicare or Non-Medicare status of any dependents for which the retired member or disabled member has obtained Coverage.
- C.** A Contingent Annuitant who is eligible to receive an Optional Premium Benefit pursuant to R2-8-207 shall receive an Optional Premium Benefit amount based on:
 - 1. The retired member’s years of service and optional retirement benefit election pursuant to A.R.S. § 38-760; and
 - 2. The Contingent Annuitant’s Coverage and Medicare or non-Medicare status.
- D.** Notwithstanding R2-8-203(H), if a Contingent Annuitant is a retired member, the Contingent Annuitant may be entitled to receive more than one Premium Benefit.

R2-8-205. Premium Benefit Documentation

- A.** Every year, prior to the effective date of Coverage, an Employer shall report to the ASRS all the Coverage plans and premium rates the Employer offers to its retired or Disabled employees.
- B.** An Employer shall inform the ASRS of any changes to the retired member’s, Disabled member’s, or Contingent Annuitant’s Coverage, including enrollment in Coverage, maintained through the Employer within 30 days of the changes taking effect.
- C.** Using the Employer’s secure ASRS website account, or another ASRS approved method, an Employer shall submit the following health insurance enrollment, change, and/or deletion information pursuant to subsection (B):
 - 1. The retired member’s, Disabled member’s, or Contingent Annuitant’s social security number;
 - 2. The retired member’s, Disabled member’s, or Contingent Annuitant’s full name;
 - 3. The retired member’s, Disabled member’s, or Contingent Annuitant’s residential mailing address and telephone number;
 - 4. The retired member’s, Disabled member’s, or Contingent Annuitant’s date of birth;
 - 5. The Coverage in which the retired member, Disabled member, or Contingent Annuitant is enrolling;
 - 6. The type of change that is being made to the Coverage;
 - 7. The following information for each dependent enrolled in, or to be enrolled in, Coverage:
 - a. First and last name;
 - b. Social security number;
 - c. Date of birth; and
 - d. Medicare number, if applicable.
 - 8. The old and new premium amounts for Coverage;
 - 9. The effective date of the change, deletion, and/or enrollment;
 - 10. The Employer’s name and telephone number;
 - 11. A certification by the Employer representative’s dated signature that the information is current and correct.

R2-8-206. Six-Month Reimbursement Program

- A.** For a retired member or Disabled member who is eligible for a Premium Benefit pursuant to R2-8-202(A)(4) or (B), the ASRS shall remit the Premium Benefit to the retired member or Disabled member pursuant to subsection (B).
- B.** Pursuant to subsection (A), the ASRS shall remit the Premium Benefit to the retired member or Disabled member every six months, payable in July and January. For purposes of this section, the Premium Benefit shall be the aggregate amounts of the Premium Benefit the retired member or Disabled member is entitled to receive during the previous six months.
- C.** In order to receive a Premium Benefit payment pursuant to subsection (B), a retired member or Disabled member shall submit to the ASRS the Reimbursement of Medical and/or Dental Cost (Six-Month Reimbursement Program) form after the last day of the last month for which the retired member or Disabled member is seeking reimbursement.
- D.** The Reimbursement of Medical and/or Dental Cost (Six-Month Reimbursement Program) form that a retired member or Disabled member submits pursuant to subsection (C) shall include the following information:
 - 1. The retired member’s or Disabled member’s social security number;
 - 2. The retired member’s or Disabled member’s full name;
 - 3. The retired member’s or Disabled member’s mailing address and phone number;
 - 4. The retired member’s or Disabled member’s date of birth;
 - 5. The retired member’s or Disabled member’s status with the ASRS
 - 6. The retired member’s or Disabled member’s status with the retired member’s or Disabled member’s Employer.
 - 7. The following Coverage information for the Coverage policy holder:
 - a. First and last names;
 - b. Social security number;
 - c. Date of birth;
 - d. Effective date of Coverage;
 - 8. The following information for each dependent enrolled in, or to be enrolled in, Coverage:
 - a. First and last name;
 - b. Social security number;
 - c. Date of birth;
 - d. Effective date of Coverage;
 - 9. Six-month reimbursement totals identified by:
 - a. The month and year the premium is due for Coverage;
 - b. The total medical plan premium per month;
 - c. The total dental plan premium per month;



- d. The employee's out-of-pocket payroll deduction for a medical premium per month;
- e. The employee's out-of-pocket payroll deduction for a dental premium per month;
- f. The employee's total out-of-pocket payroll deduction for medical and dental premiums per month;
- 10. The Employer's name;
- 11. The Employer's phone number;
- 12. The Employer's email address;
- 13. The name of the Employer's representative; and
- 14. The dated signature of the Employer's representative.

R2-8-207. Optional Premium Benefit

- A. A member who retires on or after January 1, 2004 is eligible to elect the Optional Premium Benefit to be effective on the date of the retired member's retirement and may designate a Contingent Annuitant to receive the Optional Premium Benefit upon the death of the retired member if:
 - 1. The retired member elects a retirement option under A.R.S. § 38-760; and
 - 2. The retired member elects to maintain Coverage.
- B. A retired member who returns to active membership for 60 consecutive months or more before retiring again, may elect or re-elect the Optional Premium Benefit pursuant to subsection (A).
- C. A retired member who does not return to active membership for 60 consecutive months or more before retiring again is not eligible to elect the Optional Premium Benefit pursuant to subsection (A) unless the retired member elected the Optional Premium Benefit to be effective on the date of the retired member's Original Retirement Date.
- D. In order to elect, re-elect, or terminate the Optional Premium Benefit pursuant to subsection (A), the retired member shall submit to the ASRS the Optional Premium Benefit Program Election or Termination form containing the following information:
 - 1. The retired member's Social Security Number;
 - 2. The retired member's full name and gender;
 - 3. The retired member's current mailing address;
 - 4. The retired member's date of birth;
 - 5. The retired member's email address;
 - 6. The retired member's phone number;
 - 7. Whether the retired member is electing, declining, or terminating the Optional Premium Benefit;
 - 8. The following information for the Contingent Annuitant if the retired member is electing or re-electing the Optional Premium Benefit:
 - a. The Social Security Number;
 - b. The full name;
 - c. The mailing address;
 - d. The phone number;
 - e. The date of birth; and
 - f. The gender and relationship to the retired member; and
 - 9. Certification of understanding by the retired member's dated signature of the following statements:
 - a. I have a one-time election at the time of retirement for this benefit, and have a retirement date on or after January 1, 2004;
 - b. I must elect a Joint & Survivor or Period-Certain annuity option;
 - c. If I elect to participate, my Contingent Annuitant must either be participating or eligible to participate in my retiree health care plan at the time of my death;
 - d. I must provide a Social Security Number and proof of birth date for my Contingent Annuitant;
 - e. The Premium Benefit will be actuarially reduced for the remainder of my benefit and my Contingent Annuitant's benefit as long as the Optional Premium Benefit is elected; and
 - f. I may rescind the election at any time and be eligible for the unreduced Premium Benefit payable as provided by law.
- E. In order to elect or re-elect the Optional Premium Benefit, a member shall submit the Optional Premium Benefit Program Election or Termination form to the ASRS prior to the member's retirement date.
- F. A Contingent Annuitant the retired member designates to receive the Optional Premium Benefit upon the retired member's death is eligible to receive a Premium Benefit if:
 - 1. The retired member designates the Contingent Annuitant as the primary beneficiary on the member's retirement account;
 - 2. The Contingent Annuitant is enrolled in a Coverage plan at the time of the member's death or the Contingent Annuitant enrolls in a Coverage plan within six months of the retired member's death pursuant to A.R.S. § 38-782(A); and
 - 3. The Contingent Annuitant is eligible to receive at least one monthly payment.
- G. Upon the death of a retired member who elected the Optional Premium Benefit pursuant to subsection (A), the ASRS shall provide the Optional Premium Benefit on behalf of the retired member's Contingent Annuitant who is eligible to receive the Optional Premium Benefit pursuant to subsection (F).
- H. Notwithstanding subsection (G), the amount of the Optional Premium Benefit the ASRS provides on behalf of a Contingent Annuitant shall not exceed the actual amount of the Coverage premium.
- I. Unless otherwise indicated by law, the Optional Premium Benefit shall not terminate upon the death of the retired member if a Contingent Annuitant is eligible for the Optional Premium Benefit pursuant to subsection (F).

**R4-19-209. Nursing Program Change**

References to limitations on program admissions were deleted from these rules because they were rendered obsolete by HB2634 (52nd Legislature, Second Regular Session) which prohibits state agencies from limiting enrollments in any school or program.

R4-19-216. Refresher Programs

The Board amended the language for bonding and fire inspections to be consistent with R4-19-802 which decreased the bond rating from A to A-minus.

R4-19-301. Licensure by Examination

The Board amended this Section to require applicants to provide an e-mail address. This provision would apply to applicants by exam and endorsement because R4-19-303 (Licensure by Endorsement) references this Section. Having an e-mail address allows the Board to communicate with its licensing base with timeliness and efficiency. This will increase communications with licensees and simultaneously decrease costs associated with mailing.

R4-19-305. License Renewal

The Board amended this Section to require renewal applicants to provide an e-mail address. Having a means to efficiently communicate with licensees allows the Board to inform nurses of renewal, request additional applicant information and provide pertinent information that affects licensure or nursing practice. This will decrease Board costs associated with mailing and may improve licensure time-frames.

R4-19-312. Practice Requirement

The Board amended this Section to allow graduates of international nursing programs to meet the same practice requirement as domestic graduates.

R4-19-511. Prescribing and Dispensing Authority; Prohibited Acts

The Board amended this Section for the purpose of prohibiting nurse practitioners from prescribing controlled substances to family members, and to prohibit prescribing of controlled substances to any person with whom the nurse has a relationship that could affect the nurse practitioner's judgment when prescribing.

R4-19-801. Common Standards for Certified Nursing Assistants (CNA) and Certified Medication Assistants (CMA)

The Board amended this section to reduce regulatory burdens on schools related to clinical agreements and to correct subsection (A) (6) which relates to the felony bar for CNAs which was rendered obsolete by House Bill 2196 which was adopted by the 52nd Legislature, First Regular Session and signed by the Governor. Regarding clinical agreements, while Board staff believes that the presence of a written agreement is necessary to obtain clinical placement, the details of the agreement are best left to the parties bound by the agreement. Regardless of the contents of any agreement, schools and programs are responsible to obtaining appropriate clinical experiences for each enrolled student.

R4-19-802. CNA Program Requirements

The Board added an option for private businesses who operate CNA programs to hold insurance in lieu of a bond. This is consistent with R4-19-216 which allows an insurance option for refresher program owners.

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

There are no studies that Board either relied on or did not rely on in its evaluation or justification for the rules.

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

Not applicable

9. A summary of the economic, small business, and consumer impact:

The Board does not anticipate a substantial economic impact from the majority of the amendments in this rulemaking. The Board regulates approximately 85,000 RNs, 6,000 Registered Nurse Practitioners, 11,000 LPNs, 27,000 CNAs and 23 CMAs. The Board regulates five LPN programs, 31 RN programs, 101 CNA programs, 2 CMA programs and 13 refresher programs. The Board, regulated parties, and the public are all expected to benefit from the clarity and reduced regulatory burden of this rulemaking.

The following amendments are not expected to have a substantial economic impact on the Board, regulated parties, or the general public:

- R4-19-101 was amended to provide a definition of family and is not expected to have an economic impact.
- R4-19-201 and R4-19-801 may have a modest economic benefit for programs by decreasing costs of negotiating contracts related to Board requirements. These amendments will also decrease administrative burdens on Board staff for ensuring these elements are included in all contracts. Amendments to R4-19-801 clarify NA a program's responsibility related to felony bar information provided to students.
- R4-19-216 was amended to ensure consistency with R4-19-802 and may decrease costs for refresher programs.
- R4-19-511 clarifies prohibitions against prescribing controlled substances to family members and others with whom a nurse practitioner may have a relationship and is not expected to have an economic impact.
- R4-19-301 and R4-19-305, requires applicants to furnish an e-mail address consistent with current requirements for advanced practice RNs and CNAs and will allow the Board to efficiently communicate with its licensees regarding renewal dates and other pertinent information related to practice and regulation. With timely notification of more nurses, the Board may experience decreased revenues from late fines, however processing late applications utilizes more Board resources, so overall effects will be negligible. In FY 2014 the Board collected approximately \$13,650 in late fees from RN/LPN appli-



cants. Additionally the Board may save in mailing costs to applicants, although most applicants now voluntarily include their e-mail address, so savings are estimated to be minimal.

- R4-19-312 Clarifies that foreign-educated nurses are under the same practice requirements and U.S. Educated nurses and is not expected to have an economic impact.
- R4-19-802 may have a modest economic benefit for programs by allowing programs a choice of a bond or insurance.

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

R4-19-207(D) was corrected to state “no change,” as this rulemaking does not modify this rule. Additional clarifying and technical changes were made at the request of Council staff.

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

The agency did not receive any public or stakeholder comments about the rulemaking.

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:

There are no other matters prescribed by statute applicable to the Board or this specific class of rules.

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

This rulemaking does not require a permit however R4-19-201, R4-19-203, R4-19-204, R4-19-207, R4-19-209, R4-19-216, R4-19-301, R4-19-305, R4-19-312, and R4-19-801 relate to issuing licenses, certificates and approvals all of which can be considered a general permit under A.R.S. § 41-1001(10).

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

Federal laws (42 CFR 483.150, 42 CFR 483.151, 42 CFR 483.152, 42 CFR 483.154, 42 CFR 483.156, 42 CFR 483.158.) contain the federal minimum requirements for nursing assistant programs and inclusion on the nursing assistant register. Except for proof of legal presence, as required under A.R.S. §41-1080, the requirements to be listed on the nursing assistant registry are no more stringent than minimal federal requirements.

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

No analysis was submitted

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

There is no material incorporated by reference.

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

Not applicable

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

ARTICLE 1. DEFINITIONS AND TIME-FRAMES

Section	
R4-19-101.	Definitions
Table 1.	Time-frames

ARTICLE 2. ARIZONA REGISTERED AND PRACTICAL NURSING PROGRAMS; REFRESHER PROGRAMS

R4-19-201.	Organization and Administration
R4-19-205.	Students; Policies and Admissions
R4-19-207.	New Programs; Proposal Approval; Provisional Approval
R4-19-209.	Nursing Program Change
R4-19-216.	Approval of a Refresher Program

ARTICLE 3. LICENSURE

R4-19-301.	Licensure by Examination
R4-19-305.	License Renewal
R4-19-312.	Practice Requirement

ARTICLE 5. ADVANCED PRACTICE REGISTERED NURSING

R4-19-511.	Prescribing and Dispensing Authority; Prohibited Acts
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**ARTICLE 8. CERTIFIED AND LICENSED NURSING ASSISTANTS AND CERTIFIED MEDICATION ASSISTANTS**

- R4-19-801. Common Standards for Certified Nursing Assistant (CNA) and Certified Medication Assistant (CMA) Training Programs
R4-19-802. CNA Program Requirements

ARTICLE 1. DEFINITIONS AND TIME-FRAMES**R4-19-101. Definitions**

In addition to the definitions in A.R.S. § 32-1601, in this Chapter:

- “Abuse” No change
- “Administer” No change
- “Admission cohort” No change
- “Applicant” No change
- “Approved national nursing accrediting agency” No change
- “Assign” No change
- “Certificate or diploma in practical nursing” No change
- “CES” No change
- “Client” No change
- “Clinical instruction” No change
- “CMA” No change
- “CNA” No change
- “CNS” No change
- “Collaborate” No change
- “Contact hour” No change
- “Continuing education activity” No change
- “CRNA” No change
- “DEA” No change
- “Dispense” No change
- “Dual relationship” No change
- “Eligibility for graduation” No change
- “Endorsement” No change
- “Episodic nursing care” No change
- “Failure to maintain professional boundaries” No change
- “Family” means individuals who are related by blood, marriage, cohabitation and adoption including direct ancestors and descendants, any parent, sibling, child, grandparent, grandchild, spouse, sibling of a parent and children of a sibling, domestic partners, significant others, or persons sharing a residence including in a guardian or other supervisory relationship.
- “Full approval” No change
- “Good standing” No change
- “Independent nursing activities” No change
- “Initial approval” No change
- “Licensure by examination” No change
- “LPN” No change
- “NATCEP” No change
- “NCLEX” No change
- “Nurse” No change
- “Nursing diagnosis” No change
- “Nursing practice” No change
- “Nursing process” No change
- “Nursing program” No change
- “Nursing program administrator” No change
- “Nursing program faculty member” No change
- “Nursing-related activities or duties” No change
- “P & D” No change
- “Parent institution” No change
- “Patient” No change
- “Pharmacology” No change
- “Physician” No change
- “Preceptor” No change
- “Preceptorship” No change
- “Prescribe” No change
- “Proposal approval” No change
- “Provisional approval” No change
- “Refresher program” No change
- “Regionally accredited” No change
- “Register” No change
- “Resident” No change
- “RN” No change
- “RNP” No change
- “SBTPE” No change
- “School nurse” No change
- “Self-study” No change
- “Standards related to scope of practice” No change
- “Substance use disorder” No change
- “Supervision” No change



“Traineeship” No change
 “Unlicensed assistive personnel” or “UAP” No change
 “Verified application” No change

Table 1. Time-frames

Time-frames (in days)								
Type of License, Certificate, or Approval	Applicable Statute and Section	Board Overall Time-frame Without Investigation	Board Overall Time-frame With Investigation	Board Administrative Completeness Review Time-frame	Applicant Time to Respond to Deficiency Notice	Board Substantive Review Time-frame Without Investigation	Board Substantive Review Time-frame With Investigation	Applicant Time to Respond to Comprehensive Written Request
Nursing Program Proposal Approval	A.R.S. §§ 32-1606(B)(2), 32-1644; R4-19-207	150	Not applicable	60	180	90	Not applicable	120
Nursing Program Provisional Approval	A.R.S. §§ 32-1606(B)(2), 32-1644; R4-19-207	150	Not applicable	60	180	90	Not applicable	120
Nursing Program Full Approval or Re-approval	A.R.S. §§ 32-1606(B)(2), 32-1644; R4-19-208, R4-19-210	150	Not applicable	60	180	90	Not applicable	120
Nursing Program Change	A.R.S. § 32-1606(B)(1); R4-19-209	150	Not applicable	60	180	90	Not applicable	120
Refresher Program Approval or Re-approval	A.R.S. § 32-1606(B)(21); R4-19-216	150	Not applicable	60	180	90	No applicable	120
CNS or RNP Nursing Program Approval or Re-approval	A.R.S. §§ 32-1606(B)(18), 32-1644; R4-19-503	150	Not applicable	60	180	90	Not applicable	120
Credential Evaluation Service Approval or Re-approval	A.R.S. §§ 32-1634.01(A)(1), 32-1634.02(A)(1), 32-1639.01(1), 32-1639.02(1); R4-19-303	150 90	Not applicable	60 30	180	90 60	Not applicable	120
Licensure by Exam	A.R.S. §§ 32-1606(B)(5), 32-1633, 32-1638, and R4-19-301	150	270	30	270	120	240	150
Licensure by Endorsement	A.R.S. §§ 32-1606(B)(5), 32-1634, 32-1639, and R4-19-302	150	270	30	270	120	240	150
Temporary License or Renewal	A.R.S. §§ 32-1605.01(B)(3), 32-1635, 32-1640; R4-19-304	60	90	30	60	30	60	90
License Renewal	A.R.S. §§ 32-1606(B)(5), 32-1642; R4-19-305	120	270	30	270	90	240	150
School Nurse Certification or Renewal	A.R.S. §§ 32-1606 (B)(13), 32-1643 (A)(8); R4-19-309	150	270	30	270	120	240	150
Re-issuance or Subsequent Issuance of License	A.R.S. § 32-1664(O); R4-19-404	150	270	30	270	120	240	150



Registered Nurse Practitioner Certification or Renewal	A.R.S. §§ 32-1601(19), 32-1606(B)(21); R4-19-505, R4-19-506	150	270	30	270	120	240	150
RNP Prescribing and Dispensing Privilege	A.R.S. § 32-1601(19); R4-19-511	150	270	30	270	120	240	150
CNS Certification or Renewal	A.R.S. §§ 32-1601(6), 32-1606(B)(21); R4-19-505, R4-19-506	150	270	30	270	120	240	150
CRNA Certification or Renewal	A.R.S. § 32-1634-.03; R4-19-505; R4-19-506	150	270	30	270	120	240	150
Temporary RNP, CRNA or CNS Certificate or Renewal	A.R.S. § 32-1635.01, 32-1634.03; R4-19-507	60	Not applicable	30	60	30	Not applicable	60
Nursing Assistant and Medication Assistant Training Programs Approval or Re-approval	A.R.S. § 32-1606(B)(11), 32-1650.01; R4-19-803, R4-19-804	120	Not applicable	30	180	90	Not applicable	120
Licensed or Certified Nursing Assistant and Medication Assistant Certification by Examination	A.R.S. §§ 32-1606(B)(11), 32-1647, 32-1650.02, 32-1650.03; R4-19-806	150	270	30	270	120	240	150
Licensed or Certified Nursing Assistant and Medication Assistant Certification by Endorsement	A.R.S. §§ 32-1606(B)(11), 32-1648, 32-1650.04; R4-19-807	150	270	30	270	120	240	150
Temporary CNA or CMA Certificate or Renewal	A.R.S. §§ 32-1646(A)(5), 32-1650, R4-19-808	60	Not applicable	30	60	30	Not applicable	60
Licensed or Certified Nursing Assistant and Certified Medication Assistant Certificate Renewal	A.R.S. § 32-1606(B)(11); R4-19-809	120	270	30	270	90	240	150
Re-issuance or Subsequent Issuance of a Nursing Assistant Certificate License	A.R.S. § 32-1664(O); R4-19-815	150	270	30	270	120	240	150

ARTICLE 2. ARIZONA REGISTERED AND PRACTICAL NURSING PROGRAMS; REFRESHER PROGRAMS

R4-19-201. Organization and Administration

- A. No change
- B. No change
- C. No change
- D. No change



- E. No change
- F. A nursing program shall have a written agreement between the program and each clinical agency where clinical experience is provided to the program's students, ~~that~~
 - 1. ~~Defines the rights and responsibilities of both the clinical agency and the nursing program;~~
 - 2. ~~Lists the role and authority of the governing bodies of both the clinical agency and the nursing program;~~
 - 3. ~~Allows faculty members of the program the right to participate in selecting learning experiences for students, and~~
 - 4. ~~Contains a termination clause that provides sufficient time for enrolled students to complete the clinical experience upon termination of the agreement.~~

- G. No change
- H. No change
- I. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - a. No change
 - b. No change
 - c. No change
 - 8. No change
 - 9. No change
 - 10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change

- J. No change
- K. No change
- L. No change
 - 1. No change
 - 2. No change
- M. No change
- N. No change

R4-19-205. Students; Policies and Admissions

- A. The number of students admitted to a nursing program shall be determined by the number of qualified faculty, the size, number and availability of educational facilities and resources, and the availability of the appropriate clinical learning experiences for students. ~~The number of students admitted shall not exceed the number for which the program was approved plus minor increases allowed under R4-19-209 without Board approval.~~
- B. No change
- C. No change
- D. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- F. No change

R4-19-207. New Programs; Proposal Approval; Provisional Approval

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - i. No change
 - ii. No change
 - iii. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change



- i. No change
 - ii. No change
 - iii. No change
- B. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - 4. No change
 - 5. Final program implementation plan including dates and number of planned student admissions ~~not to exceed 60 per calendar year~~, recruitment and hire dates for didactic and clinical faculty for the period of provisional approval. ~~An increase in student admissions may be sought under subsection (H) of this Section;~~
 - 6. No change
 - 7. No change
 - a. No change
 - b. No change
 - c. No change
- E. No change
- F. No change
- G. No change
 - 1. No change
 - 2. No change
- H. Following receipt of the report, a representative of the Board shall conduct a site survey visit under A.R.S. § 41-1009 to determine compliance with this Article. A report of the site visit shall be provided to the Board. ~~After reviewing the consultant report and at the request of the program under R4-19-209, the Board may grant permission to increase admissions.~~
- I. No change
- ~~J.~~ ~~A nursing program or the parent institution or governing body of a nursing program under provisional approval may not admit additional students other than those specifically provided for in the application or subsequently approved by the Board under subsection (H) of this Section and R4-19-209 and may not expand to another geographical location.~~
- ~~K.~~ ~~A nursing program whose provisional approval is rescinded may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding the provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.~~

R4-19-209. Nursing Program Change

- A. The program administrator shall ensure that the following changes to a nursing education program are evidence-based and supported by rationale. A nursing program administrator shall receive approval from the Board before implementing any of the following nursing program changes:
 - 1. Substantive change in the mission or goals of the program that requires revision of curriculum or program delivery method;
 - 2. Increasing or decreasing the academic credits or units of the program excluding pre-requisite credits;
 - 3. Adding a geographical location of the program;
 - 4. ~~Increasing the student admission capacity annually by more than 30 students;~~
 - 5. ~~Changing the level of educational preparation provided;~~
 - 6. ~~Transferring the nursing program from one institution to another; or~~
 - 7. ~~Establishing different admission, progression or graduation requirements for specific cohorts of the program.~~
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- C. No change

R4-19-216. Approval of a Refresher Program

- A. No change
 - 1. No change
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 - 6. No change
- B. No change
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 - h. No change
 - i. No change



- j. No change
- k. No change
- l. No change
- 2. No change
 - a. No change
 - b. No change
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- 3. No change
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 - d. No change
- C. No change
 - 1. No change
 - a. No change
 - b. No change
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 - a. No change
 - b. No change
 - 3. No change
 - 4. No change
 - 5. No change
- D. Program types; bonding
 - 1. A refresher program may be offered by:
 - a. ~~A private educational institution that is accredited by the private post-secondary board;~~ An educational institution licensed by the State Board for Private Postsecondary Education;
 - b. ~~A public post-secondary educational institution;~~ A public post-secondary educational institution;
 - c. ~~A licensed health care institution;~~ A health care institution licensed by the Arizona Department of Health Services or a health care institution authorized by the Centers for Medicare and Medicaid Services; or
 - d. ~~A private individual, partnership or corporation business that meets the requirements of this Section and all other legal requirements to operate a business in Arizona;~~
 - e. A program funded by a local state or federal governmental agency, such as a program within a technical school or a school of nursing.
 - 2. If the refresher program is offered by a private ~~individual, partnership or corporation;~~ business, the program shall meet the following requirements:
 - a. ~~Submit proof of insurance covering any potential or future claims for damages resulting from any aspect of the program or provide evidence of a surety bond from a surety~~ Hold a minimum of \$15,000 of insurance covering any potential or future claims for damages resulting from any aspect of the program or a hold a surety bond from a surety company with a rating of "A" "A minus" or better by either Best's Credit Ratings, Moody's Investor Service, or Standard and Poor's rating service. The program shall ensure that:
 - i. Bond or insurance distributions are limited to students or former students with a valid claim for instructional or program deficiencies;
 - ii. The amount of the bond or insurance coverage is sufficient to reimburse the full amount of collected tuition and fees for all students during all enrollment periods of the program; and
 - iii. The bond or insurance is maintained for an additional 24 months after program closure.
 - b. For programs offering on-ground instruction, provide a fire inspection report of the classroom and building by the Arizona State Fire Marshall or an entity approved by the Arizona State Fire Marshall for each program location.
 - e. ~~Subsection (D) is effective immediately for new programs and within one year of the effective date for approved programs.~~
- E. No change
- F. No change
- G. No change
 - 1. No change
 - 2. No change
 - 3. No change
- H. No change
- I. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- J. No change

ARTICLE 3. LICENSURE

R4-19-301. Licensure by Examination

- A. An applicant for licensure by examination shall:
 - 1. Submit a verified application to the Board on a form furnished by the Board that provides the following information about the applicant:
 - a. No change
 - b. Mailing address, including declared primary state of residence, e-mail address, and telephone number;
 - c. No change
 - d. Ethnic category; and marital status ~~and e-mail address,~~ at the applicant's discretion;



- e. No change
- f. No change
- g. No change
- h. No change
- i. No change
- j. No change
- k. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
- l. No change
- m. No change
- 2. No change
- 3. No change
- 4. No change
- B.** No change
 - 1. No change
 - a. No change
 - b. No change
 - 2. No change
 - a. No change
 - b. No change
- C.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
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 - f. No change
 - g. No change
- D.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- E.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- F.** No change
- G.** No change
 - 1. No change
 - 2. No change
 - 3. No change

R4-19-305. License Renewal

- A.** An applicant for renewal of a registered or practical nursing license shall:
 - 1. Submit a verified application to the Board on a form furnished by the Board that provides all of the following information about the applicant:
 - a. Full legal name, mailing address, e-mail address, telephone number and declared primary state of residence;
 - b. No change
 - c. Marital status; and ethnic category and e-mail address, at the applicant's discretion;
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - e. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change



- vii. No change
- f. No change
- g. No change
- h. No change
- i. No change
- 2. No change
- 3. No change
- B. No change
- C. No change
- D. No change
- E. No change

R4-19-312. Practice Requirement

- A. No change
- B. An applicant for licensure by endorsement or renewal shall either have completed a post-licensure nursing program or ~~practice prac-~~
~~ticed~~ nursing at the applicable level of licensure for a minimum of 960 hours in the five years before the date on which the application is received. This requirement is satisfied if the applicant verifies that the applicant has:
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
- C. No change
- D. An applicant for licensure by either examination or endorsement, ~~who is a graduate of a nursing program located in the U.S. or its ter-~~
~~ritories and who~~ does not meet the requirements of subsection (B), shall have completed the clinical portion of a pre-licensure nursing program within two years of the date of licensure. ~~Examination applicants who were previously licensed in an international jurisdic-~~
~~tion shall meet the applicable requirements of subsection (B) or (E).~~
- E. No change

ARTICLE 5. ADVANCED PRACTICE REGISTERED NURSING

R4-19-511. Prescribing and Dispensing Authority; Prohibited Acts

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 4. No change
 - a. No change
 - b. No change
 - 5. No change
- B. No change
- C. No change
- D. In addition to acts listed under R4-19-403, for a nurse who prescribes or dispenses a drug or device, a practice that is or might be harmful to the health of a patient or the public, includes one or more of the following:
 - 1. Prescribing a controlled substance to oneself, ~~or~~ a member of the nurse's family or any other person with whom the nurse has a relationship that may affect the nurse's ability to use independent, objective and sound nursing judgment when prescribing;
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- E. No change
- F. No change
- G. No change
- H. No change

ARTICLE 8. CERTIFIED AND LICENSED NURSING ASSISTANTS AND CERTIFIED MEDICATION ASSISTANTS

R4-19-801. Common Standards for Certified Nursing Assistant (CNA) and Certified Medication Assistant (CMA) Training Programs

- A. Program Administrative Responsibilities
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. A training program that uses external clinical facilities shall execute a written agreement with each external clinical facility. ~~that~~
~~a. Provides the program instructor the ability to assign patient care experiences to students after consultation with facility staff, and~~



- b. ~~Contains a termination clause that provides sufficient time for enrolled students to complete their clinical training upon termination of the agreement.~~
- 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 6. Before collecting any tuition or fees from a student, a training program shall notify each prospective student of Board requirements for certification and licensure including:
 - a. ~~legal~~ Legal presence in the United States; and
 - b. For licensure, criminal background check requirements, and ineligibility ~~for certification~~ under A.R.S. § 32-1606(B)(15) and (1716).
- 7. No change
- 8. No change
- 9. No change
- 10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 11. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- B.** No change
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- C.** No change
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- D. No change
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- E. No change
- F. No change
 - 1. No change
 - 2. No change

G. No change

R4-19-802. CNA Program Requirements

A. Organization and Administration

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. A private business that meets the requirements of this Article and all other legal requirements to operate a business in Arizona.
- 2. If a nursing assistant program is offered by a private business, the program shall meet the following requirements.
 - a. ~~Hold~~ Hold insurance covering any potential or future claims for damages resulting from any aspect of the program or a hold a surety bond from a surety company with a financial strength rating of "A minus" or better by Best's Credit Ratings, Moody's Investors Service, Standard and Poor's rating service or another comparable rating service as determined by the Board in the amount of a minimum of \$15,000. The program shall ensure that:
 - i. Bond or insurance distributions are limited to students or former students with a valid claim for instructional or program deficiencies;
 - ii. The amount of the bond or insurance is sufficient to reimburse the full amount of collected tuition and fees for all students during all enrollment periods of the program; and
 - iii. The bond or insurance is maintained for an additional 24 months after program closure; and
 - b. No change
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 - d. No change

- B. No change**
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- C. No change**
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- D. No change**
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- 11. No change
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 - g. No change
- 12. No change
- 13. No change
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 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 14. No change
- G. No change
- H. No change
 - 1. No change
 - 2. No change
- I. No change
- J. No change

**NOTICE OF FINAL RULEMAKING
TITLE 17. TRANSPORTATION
CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

[R17-82]

PREAMBLE

- | | |
|---|---|
| <p><u>1. Article, Part, or Section Affected (as applicable)</u></p> <p>R17-5-401
R17-5-402
R17-5-405
R17-5-406
R17-5-407
R17-5-408</p> | <p><u>Rulemaking Action</u></p> <p>New Section
Amend
Amend
Amend
Amend
Amend</p> |
|---|---|
- 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. §§ 28-366, 28-4303, and 28-4410
 Implementing statutes: A.R.S. §§ 28-2058, 28-2060, 28-4301, 28-4410.01, 28-4422
- 3. The effective date of the rules:**
 July 4, 2017
- a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 Not applicable
- b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
 Not applicable
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
 Notice of Docket Opening: 22 A.A.R. 1347, May 27, 2016
 Notice of Proposed Rulemaking: 23 A.A.R. 16, January 6, 2017
- 5. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Jane McVay
 Address: Arizona Department of Transportation
 Government Relations and Policy Development
 206 S. 17th Ave., Mail Drop 140A
 Phoenix, AZ 85007
 Telephone: (602) 712-4279
 E-mail: jmcvay@azdot.gov
 Web site: <http://www.azdot.gov/docs/default-source/libraries/current-rulemaking-activity.pdf?sfvrsn=10>
 Please visit the ADOT web site to track progress of these rules and any other agency rulemaking matters.



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

ADOT received approval from Rene Guillen at the Governor's Office on March 7, 2016 to make rule changes necessary to update the dealer rules in 17 A.A.C. 5, Article 4. These rule changes are proposed to update the dealer rules to be consistent with current dealer statutes and other agency rules, as recommended in a five-year review report approved by the Governor's Regulatory Review Council (GRRC) on April 5, 2016. The rule changes also make the rules consistent with the rulemaking requirements of the Secretary of State, update rule references, and improve the rule consistency and clarity.

The rules add a new section, R17-5-401, which defines terms for Article 4 that are applicable to the types of dealers licensed by ADOT and dealer and vehicle owner-related terminology used in this Article. A.R.S. § 28-4362 establishes a bond of at least \$20,000 for an automotive recycler and no more than \$100,000 for all other licensed dealers. The rules establish a bond amount of \$100,000 for a public consignment auction dealer. The rules clarify the signature and other requirements for bonds, and add information that is included on the dealer acquisition contract. In addition, the rules change references from the Motor Vehicle Division to the Department to conform to other agency rules. The rules clarify that if a motor vehicle is repossessed, the odometer certification statement information may be provided if required by statute, and make other technical and conforming changes.

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

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

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

This rulemaking does not diminish a previous grant of authority to political subdivisions in this state.

9. A summary of the economic, small business, and consumer impact:

As of July 31, 2016, the Department had a total of 3,824 licensed motor vehicle dealers in nine different license types, totaling 770 new vehicle dealers; 1,702 used vehicle dealers; 13 public consignment auction dealers; 26 brokers; 845 wholesale dealers; 13 wholesale auction dealers; 198 manufacturers; 60 distributors; and 197 automobile recyclers.

A.R.S. § 41-1001 defines a small business as a concern that is independently owned and operated, not dominant in its field, and which employs fewer than 100 full-time employees, or which had gross annual receipts of less than \$4,000,000 last fiscal year. Some Arizona businesses that are licensed as a dealer are small businesses while other licensed dealers generate more revenue and employ more than 100 full-time employees.

The rules make technical changes to make the dealer rules consistent with the dealer statutes and other Department rules. The rules do not impose any new fees or costs on dealers and do not increase the regulatory burden on dealers. A.R.S. § 28-4362 prescribes a bond of at least \$20,000 for an automotive recycler's license and not more than \$100,000 for all other licenses. The Department regarded public consignment auction dealers as used car dealers, which needed to post a \$100,000 bond. The current Department rules did not list the bond for public consignment auction dealers, so the rules were amended to state that a public consignment auction dealer must provide a bond of \$100,000. A broker, wholesale motor vehicle dealer or motor vehicle wholesale auction dealer pays a bond of \$25,000. An automotive recycler pays a bond of \$20,000. Due to the fact that the bond amounts for dealers are unchanged, neither the licensed dealers nor consumers will be impacted. The rules do not impose any costs on consumers, the Department, or other state or local agencies.

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

The Department made the following clarifying changes in R17-5-401:

Added a definition of "Director" to read: "Director" has the same meaning as in A.R.S. § 28-101.

Added "or Vehicle Identification Number" in the definition of "VIN".

Modified the definition of "Principal place of business" to refer to a licensed place of business from which a wholesale motor vehicle dealer or a broker conducts business and keeps the business records.

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

The Department held a public hearing on the rules on February 7, 2017, but did not receive any rule comments.

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

None

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

The rules do not require a permit, however, Title 28, Chapter 10, Arizona Revised Statutes, requires all the types of dealers to be licensed by ADOT to operate in this state. Each type of dealer license is a general permit because the activities and practices authorized by each class of licensee are the same for all licensees in each class.

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

No federal laws are applicable to the rules and the rules are not more stringent than federal law.

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

No analysis was submitted to the Department.



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

The rules do not have any incorporations by reference.

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

The rules were not previously made, amended, or repealed as emergency rules.

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

**CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

ARTICLE 4. DEALERS

Section

- R17-5-401. Definitions
- R17-5-402. Bond Amounts; ~~Motor Vehicle~~ Dealers, Brokers, and Automotive Recyclers ~~Recyclers~~' Business Licenses
- R17-5-405. ~~Motor Vehicle~~ Dealer Acquisition Contract
- R17-5-406. ~~Motor Vehicle~~ Dealer Consignment Contract
- R17-5-407. Motor Vehicle Repossession
- R17-5-408. Resale of a New Motor Vehicle

ARTICLE 4. DEALERS

R17-5-401. Definitions

In addition to the definitions in A.R.S. §§ 28-4301 and 28-4410, the following definitions apply to this Article unless otherwise specified:

"Dealer" or "motor vehicle dealer" has the same meaning as "motor vehicle dealer" in A.R.S. § 28-4301.

"Director" has the same meaning as in A.R.S. § 28-101.

"Owner" means a person who holds the legal title of a motor vehicle.

"Principal place of business" means a licensed place of business from which a wholesale motor vehicle dealer or a broker conducts business and keeps the records of the business.

"State" means the state of Arizona and all its agencies and political subdivisions, their officers and agents.

"Taxpayer identification number" means a number used for tax purposes that is assigned by the Social Security Administration or the Internal Revenue Service.

"VIN" or "Vehicle Identification Number" means the unique code, including serial number, used by an automobile manufacturer to identify a specific motor vehicle.

R17-5-402. Bond Amounts; ~~Motor Vehicle~~ Dealers, Brokers, and Automotive Recyclers ~~Recyclers~~' Business Licenses

A. As prescribed under A.R.S. § 28-4362, the ~~Division~~ Department shall require a bond in the amount specified for the following motor vehicle business license applicants:

1. \$100,000 ~~from for: a motor vehicle dealer engaged in selling new or used motor vehicles,~~
 - a. A new motor vehicle dealer,
 - b. A used motor vehicle dealer, or
 - c. A public consignment auction dealer.
2. \$25,000 ~~from a wholesale motor vehicle dealer, for:~~
 - a. A broker,
 - b. A wholesale motor vehicle dealer, or
 - c. A wholesale motor vehicle auction dealer.
3. ~~\$25,000 from a wholesale motor vehicle auction dealer,~~
4. ~~\$25,000 from a motor vehicle broker, and~~
5. ~~\$20,000 from~~ \$20,000 for an automotive recycler.

B. An applicant shall submit a bond ~~in a form on the original vehicle dealer bond form~~ prescribed by the ~~Division~~ Director: that meets the requirements in A.R.S. § 28-4362 and these rules. An applicant shall submit a separate, original bond for each application and for each county in which an applicant or licensee has an established place of business or a principle place of business. A power of attorney for the attorney-in-fact shall be attached to the dealer bond, if applicable. The Division shall not accept a handwritten bond.

C. An applicant shall sign the dealer bond, in addition to all partners for a partnership, or one officer for an incorporation.

D. The completed bond form shall contain an embossed stamp, seal, or sticker from the bond company.

E. The Department shall not accept a handwritten bond.

R17-5-405. ~~Motor Vehicle~~ Dealer Acquisition Contract

A. Definitions:

1. "Contract" or "Dealer acquisition contract" has the meaning prescribed under A.R.S. § 28-4410(G)(2).
2. "Dealer" or "Motor vehicle dealer" has the meaning prescribed in A.R.S. § 28-4301(23).
3. "Division" means the "Motor Vehicle Division" of the Arizona Department of Transportation and any authorized agent.



4. "Vehicle" or "motor vehicle" has the meaning prescribed under A.R.S. § 28-4301(22).
5. "Owner" means a person prescribed under A.R.S. § 28-101(36)(a), that has the legal right to sell or dispose of the motor vehicle.
6. "State" means the "state of Arizona" and all its agencies and political subdivisions and their officers and agents.

~~B-A.~~ General Requirements: For the purposes of A.R.S. § 28-4410, a dealer shall prepare a dealer acquisition contract on a Department form with contents as prescribed under subsection ~~(C)~~ (B).

~~C-B.~~ Content: A dealer acquisition contract shall contain the following information:

1. The heading "Dealer Acquisition Contract;"
2. The dealer's name and dealer license number;
3. The dealer's business address and telephone number;
4. The owner's name, address, ~~and~~ telephone number; driver license number or taxpayer identification number, as applicable; and type of ownership;
5. The ~~vehicle identification number~~ VIN; license plate number; licensing state; and model, make, and year of the motor vehicle that has a dealer acquisition contract;
6. If there is a lien holder; for each lien holder:
 - a. The lien holder's name, address, and telephone number;
 - b. ~~Lien~~ The lien balance;
 - c. ~~Prepayment~~ The prepayment penalties, if any; and
 - d. Other information ~~relevant to~~ on the terms and conditions of the lien repayment;
7. A statement by the owner that the motor vehicle is free and clear of all liens and encumbrances, except those disclosed under subsection ~~(C)(6)(a)~~ (B)(6)(a) and the unpaid lien balance is no greater than disclosed under subsection ~~(C)(6)(b)~~ (B)(6)(b);
8. The contracted purchase price and a recital that this amount has been either paid directly to the owner or credited to the owner against the purchase price of another motor vehicle;
9. A statement indicating that the owner is selling and transferring the described motor vehicle to the dealer;
10. An authorization by the owner permitting the dealer to obtain all information necessary to verify the accuracy of the lien balance and assure that the balance is paid and the lien is released;
11. A statement by the owner that the registration document provided to the dealer is the original and most recent registration issued for the vehicle;
12. An agreement indicating whether the owner or dealer is responsible to satisfy the lien balance;
13. An authorization by the owner permitting the dealer to obtain the original title certificate from the lien holder; endorse the owner's name on the title; and if necessary, transfer the title to the dealer;
14. A statement that if the owner receives the certificate of title, the owner shall immediately deliver the title to the dealer and provide any signature and acknowledgment necessary to complete the title transfer to the dealer;
15. The date when the dealer acquisition contract is executed by each party;
16. The dealer's signature; and
17. The owner's signature.

~~D-C.~~ A dealer or an owner who adds to a dealer acquisition contract a provision not described in this Section shall ensure that the provision does not conflict with or alter the meaning of a provision of this Section.

~~E-D.~~ Disposition: When a dealer prepares a dealer acquisition contract as prescribed under this Section, the dealer shall give a copy to the owner and keep the original at the dealer's established place of business for three years after the date that the contract expires or terminates, or the date the motor vehicle is sold.

~~F-E.~~ Disclaimer: In complying with this Section, a dealer shall not interpret or claim compliance to be an approval by the state of the fairness, validity, or legality of a dealer acquisition contract. This Section furnishes only information required in a dealer acquisition contract. ~~† This Section~~ does not detail any additional contractual requirements that may be defined under other Arizona statutes.

R17-5-406. Motor Vehicle Dealer Consignment Contract

~~A.~~ Definitions:

1. "Contract" or "Dealer consignment contract" has the meaning prescribed under A.R.S. § 28-4410(G)(1).
2. "Dealer" or "Motor vehicle dealer" has the meaning prescribed under A.R.S. § 28-4301(23).
3. "Division" means the "Motor Vehicle Division" of the Arizona Department of Transportation and any authorized agent.
4. "Vehicle" or "motor vehicle" has the meaning prescribed under A.R.S. § 28-4301(22).
5. "Owner" means a person prescribed under A.R.S. § 28-101(36)(a), that has the legal right to sell or dispose of the motor vehicle.
6. "State" means the "state of Arizona" and all its agencies and political subdivisions and their officers and agents.

~~B-A.~~ General Requirements: For the purposes of A.R.S. § 28-4410, a motor vehicle dealer shall prepare a dealer consignment contract on a form with contents as prescribed under subsection ~~(C)~~ (B).

~~C-B.~~ Content: A dealer consignment contract shall contain the following information:

1. The heading "Dealer Consignment Contract;"
2. The dealer's name and dealer license number;
3. The dealer's business address and telephone number;
4. The owner's name, address, ~~and~~ telephone number; driver license number or taxpayer identification number, and type of ownership;
5. The ~~vehicle identification number~~ VIN; license plate number; licensing state; and model, make, and year; of the motor vehicle that has a dealer consignment contract;
6. If there is a lien holder; for each lienholder:
 - a. The lien holder's name, address, and telephone number;
 - b. ~~Lien~~ The lien balance;
 - c. ~~Prepayment~~ The prepayment penalties, if any; and
 - d. Other information ~~relevant to~~ on the terms and conditions of the lien repayment;



7. A statement by the owner that the vehicle is free and clear of all liens and encumbrances, except those disclosed under subsection ~~(C)(6)(a)~~ (B)(6)(a) and the lien balance is no greater than that disclosed under subsection ~~(C)(6)(b)~~ (B)(6)(b);
8. An authorization by the owner permitting the dealer to market and sell the vehicle on behalf of the owner at a mutually-agreed upon, specified, minimum price;
9. An agreement by the dealer to inform any prospective purchaser that the vehicle is on consignment;
10. An agreement by the dealer that, upon receiving the sale proceeds, the dealer shall immediately satisfy all disclosed liens and ensure that the liens are released;
11. An agreement by the owner that, upon the completion of the sale and after receiving the sale proceeds, the owner shall promptly deliver and endorse the title certificate for reassignment to the purchaser;
12. The expiration date of the consignment contract;
13. An agreement by the dealer to deliver the motor vehicle to the owner at a specified location on the date that the contract expires or terminates;
14. An agreement by the owner to pay any specified fees due to the motor vehicle dealer ~~upon~~ on the return of the vehicle, after the expiration or termination of the consignment contract;
15. The date the contract is executed;
16. The dealer's signature; and
17. The owner's signature.

~~D.C.~~ A dealer or an owner who adds to a dealer consignment contract a provision not described in this Section shall ensure that the provision does not conflict with or alter the meaning of a provision of this Section.

~~E.D. Disposition.~~ When a dealer prepares a dealer consignment contract as prescribed under this Section, the dealer shall give a copy to the owner and keep the original at the dealer's established place of business for three years after the date that the dealer consignment contract expires or terminates, or the vehicle is sold.

~~F.E. Disclaimer.~~ In complying with this Section, a dealer shall not interpret or claim compliance to be an approval by the state of the fairness, validity, or legality of a dealer consignment contract. This Section furnishes only information required in a dealer consignment contract. ~~¶ This Section~~ does not detail any additional contractual requirements that may be defined under other Arizona statutes.

R17-5-407. Motor Vehicle Repossession

A. The ~~Division~~ Department shall not transfer a title when the ownership of a motor vehicle titled in this state or another state reverts through operation of state law to a lienholder of record through repossession unless the following conditions are met:

1. The motor vehicle is physically located in this state;
2. A notice of lien is filed with the ~~Division~~ Department;
3. A completed affidavit from the lienholder is submitted to the ~~Division~~ Department stating that the motor vehicle is physically located in this state and was repossessed on default pursuant to the terms of the lien and applicable law and that this state, its agencies, employees, and agents shall not be held liable for relying on the contents of the affidavit; and
4. In addition to the information required in subsection (A)(3), the affidavit contains the following information:
 - a. ~~The Vehicle Identification Number (VIN),~~
 - b. The vehicle model year,
 - c. The vehicle make,
 - d. The registered owner's name,
 - e. The date of repossession,
 - f. The state in which the vehicle is titled,
 - g. The lienholder company name,
 - h. The lienholder agent or representative name,
 - i. ~~Lienholder~~ The lienholder signature, and
 - j. ~~Notary~~ The notary or ~~Motor Vehicle Division~~ Department agent signature.

B. The ~~Division~~ Department shall accept out-of-state affidavits of repossession that comply with the requirements in subsections (A)(3), ~~and (4)(A)(4),~~ and subsection (C) if all of the following apply:

1. The affidavit is submitted by an Arizona licensed dealer, and
2. The Arizona licensed dealer is transferring the title into the dealership's name.

C. A lienholder may sell a repossessed motor vehicle without transferring the title into the lienholder's name by completing a Bill of Sale for submission to the ~~Division~~ Department. The Bill of Sale may be combined with the affidavit of repossession and shall contain the following information:

1. The buyer's name;
2. The sale date;
3. ~~Buyer's~~ The buyer's street address, including the city, state, and zip code;
4. ~~Name~~ The name of the new lienholder, if applicable;
5. ~~New~~ The new lien date, if applicable;
6. ~~Odometer~~ The odometer certification statement, if required by A.R.S. § 28-2058, including odometer reading, and an ~~area for acknowledgment with the buyer's name and signature to acknowledge the odometer certification;~~
7. A statement that the buyer is aware of the odometer certification made by the seller;
8. The seller's name;
9. The seller's notarized signature; and
10. The seller's address, including city, state, and zip code; ~~and~~

D. A completed repossession affidavit as prescribed in this Section is proof of ownership, right of possession, and right of transfer.

E. ~~Disclaimer.~~ The ~~Division~~ Department has no responsibility relating to foreclosure on real property under A.R.S Title 33, Chapter 7.

R17-5-408. Resale of a New Motor Vehicle



- A. A ~~new~~ motor vehicle dealer, ~~as defined in A.R.S. § 28-4301,~~ that sells a new motor vehicle that was delivered to a previous purchaser, shall provide written notice to the new purchaser under subsection (B).
- B. A motor vehicle dealer shall ensure that the notice under A.R.S. § 28-4422 contains the following information:
 - 1. The name of the dealership;
 - 2. A vehicle description, including year, make, and ~~vehicle identification number~~ (VIN);
 - 3. A statement that the new motor vehicle was delivered to a previous purchaser;
 - 4. The printed name of the new purchaser; and
 - 5. The signature of the new purchaser (initials are not acceptable) indicating that the new purchaser has received the notice.
- C. The ~~new~~ motor vehicle dealer shall:
 - 1. Provide a copy of the notice under subsection (B) to the new purchaser, and
 - 2. Keep a copy of the signed notice under subsection (B) at the new motor vehicle dealer's established place of business for at least three years.
- D. The ~~new~~ motor vehicle dealer is not required to submit ~~to the Division~~ the notice to the Department under subsection (B) unless otherwise required by state or federal law.
- E. A new motor vehicle dealer shall not add additional language to the notice that would conflict with, or alter, the intent of the provisions specified in subsection (B).



NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the Register.

Because of the variety of Notices of Public Information, the Office of the Secretary of State has not established a specific publishing format for these notices. We do however require agencies to use a numbered list of questions and answers and follow our filing requirements by presenting receipts with electronic and paper copies.

NOTICE OF PUBLIC INFORMATION
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M17-87]

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

2. The public information relating to the listed statute: Pursuant to A.R.S. § 49-358, the Arizona Department of Environmental Quality (Department) has developed a water system compliance assistance program to assist public water systems in complying with state and federal laws, rules and regulations regarding safe drinking water.

3. Draft Master Priority List Public water systems are identified for technical assistance on the basis of the Master Priority List (MPL) which is updated annually in April. The criteria used to determine the need for assistance include the criteria used in determining the technical, managerial and financial (TMF) capacity of existing PWSs.

Pursuant to A.A.C. R18-4-803(D), the Department is publishing the Draft 2018 Master Priority List and will hold a public meeting to provide the public with an opportunity to comment on the Master Priority List.

After completion of the 30-day review and comment period, the Department will formulate a response to submitted comments and consider modifications to the MPL in response to the comments.

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

Name: Linda Taunt, Capacity Development Coordinator
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
E-mail: lc1@azdeq.gov
Telephone: (602) 771-4416 (in Arizona: 1-800-234-5677; 771-4416)

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

An oral proceeding will be held on:

Date: June 26, 2017
Time: 9:30 a.m.



Place: Room 3100B
1110 W. Washington St.
Phoenix, AZ 85007

The Department will accept written comments on the Draft FY18 MPL until close of business on June 26, 2017.



GOVERNOR EXECUTIVE ORDERS

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

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

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

EXECUTIVE ORDER 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



GOVERNOR PROCLAMATIONS

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

ARIZONA SMOKE-FREE DAY

[M17-100]

WHEREAS, it is known that tobacco users have significantly increased likelihoods of tobacco-related disease, disability, and early death; and

WHEREAS, it is known that Arizona citizens under the age of 21 who do not initiate tobacco use are more likely to remain tobacco-free for their lifetime; and

WHEREAS, it is known that tobacco users who quit today will immediately begin to reverse its adverse effects, reduce their chance of disease, disability, and death from a tobacco-related disease, and will immediately begin to protect those around them; and

WHEREAS, youth in 28 coalitions across the state of Arizona are actively and civically engaged in educating their peers, families and communities against the harmful effects of tobacco use; and

WHEREAS, the Arizona Department of Health Services supports education, training, and encouragement of the 28 youth tobacco use prevention coalitions belonging to STAND (Students Taking A New Direction) across the State of Arizona.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 15, 2017 as

ARIZONA SMOKE-FREE DAY

and I further urge citizens to join in efforts to raise awareness of the problem of tobacco use and exposure to secondhand smoke, and to end the tobacco epidemic for good.

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 third day of March 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

ARIZONA WEIGHTS & MEASURES WEEK

[M17-101]

WHEREAS, on March 2, 1799, the Congress of the United States enacted its first Weights and Measures Law, citing the necessity of standard weights and measures, the need of weights and measures as a public service, and the need of examining weights and measures devices and the need of uniformity, since all business and commerce function on a weight or measure; and

WHEREAS, the State of Arizona has recognized this need by establishing a Weights and Measures Services Division within the Department of Agriculture to administer and enforce all laws governing the uniformity of weights and measures standards and to regulate all commercial practices in the area of quantity determination; and

WHEREAS, said Department of Agriculture, Weights and Measures Services Division has continued to perform its duties to ensure equity in all commercial transactions for the protection of all citizens of the State of Arizona, whether they are the buyer or the seller.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 1 - 7, 2017 as

ARIZONA WEIGHTS & MEASURES 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 tenth 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

**AUTO THEFT AND CRIME PREVENTION DAY**

[M17-102]

WHEREAS, the Arizona Automobile Theft Authority and statewide law enforcement officials believe several factors are impacting vehicle theft and crime rates in our state. Those include, the deployment of bait cars in high-crime areas, FREE window VIN (vehicle identification number) Etching programs, enrollment in the Watch Your Car decal program and increased public awareness and education activities; and

WHEREAS, Arizona, once ranked the #1 state for auto theft in the United States, now ranks 15th in the nation for vehicle thefts per capita. Phoenix, once ranked the #1 hot spot for vehicle thefts, dropped to #80 in 2015, while Tucson, once the #2 spot, has dropped to #99 and Yuma is #103; and

WHEREAS, increased awareness of transnational criminal organizations using Arizona stolen vehicles to conduct illicit activities on both sides of the border, along with enforcement, prosecution and theft prevention efforts, which are vital to ensure border security; and

WHEREAS, the Arizona Automobile Theft Authority and statewide law enforcement agencies have partnered to advertise March 3, 2017 as a date when citizens can build knowledge and learn methods to better prevent themselves from becoming a victim of crime; and

WHEREAS, citizens throughout the State are encouraged to participate in Auto Theft and Crime Prevention Day on March 3, 2017 and can find out more at <https://aata.az.gov/upcoming-events>.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 3, 2017 as

AUTO THEFT AND CRIME PREVENTION DAY

and further ask all citizens to increase their awareness and education about auto theft related crimes, learn more about taking responsibility for their property and work with local law enforcement agencies to continue innovative efforts to reduce crime in Arizona.

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

CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH

[M17-103]

WHEREAS, the Association of Government Accountants (AGA) is a professional organization, which has a network of 14,000 members in 101 chapters in the United States and around the world, with both a Phoenix Chapter and a Southern Arizona Chapter consisting of approximately 229 active members representing state, federal, municipal and private sector accountants, auditors, and financial managers in Arizona; and

WHEREAS, AGA Phoenix and Southern Arizona Chapter members have responded to AGA's mission of Advancing Government Accountability, as it continues its broad educational efforts, with emphasis on high standards of conduct, honor, and character in its Code of Ethics, and are making significant advances both in professional ability and in service to the citizens of Arizona by mastering increasingly technical and complex requirements; and

WHEREAS, the Certified Government Financial Manager (CGFM) Program of AGA provides a means of demonstrating professionalism and competency by requiring CGFM candidates to have appropriate educational and employment history, to abide by AGA's Code of Ethics, and to pass three examinations requiring expertise in Governmental Environment, Governmental Financial Management and Control, and Governmental Accounting, Financial Reporting and Budgeting, and requires each CGFM holder to maintain certification by completing at least 80 hours of continuing professional education in government financial management topics or related technical subjects every two years, with 100 individuals in Arizona achieving the CGFM designation.

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

CERTIFIED GOVERNMENT FINANCIAL MANAGER 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

COLORECTAL CANCER AWARENESS MONTH

[M17-104]

WHEREAS, colorectal cancer is the second leading cause of cancer deaths in the United States among men and women combined and there is currently no cure; and

WHEREAS, every 3 minutes, someone is diagnosed with colorectal cancer and every 10 minutes someone dies from colorectal cancer; and

WHEREAS, only 39 percent of colorectal cancer patients have their cancers detected at an early stage; and

WHEREAS, the survival rate of individuals who have early stage colorectal cancer is 90 percent but is only 10 percent when diagnosed after it has spread to other organs; and

WHEREAS, the national goal established by the National Colorectal Cancer Roundtable is 80 percent of Americans ages 50 and older be screened by the year 2018; and

WHEREAS, if the majority of people in the United States age 50 and older were screened regularly for colorectal cancer, the death rate from this disease could plummet by up to 70 percent; and

WHEREAS, it is critical that all people, of all ages, know the signs and symptoms of this disease; and

WHEREAS, observing Colorectal Cancer Awareness Month would provide a special opportunity to offer education on the importance of early detection and screening.

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

COLORECTAL CANCER AWARENESS MONTH

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

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-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

CONSUMER PROTECTION WEEK

[M17-105]

WHEREAS, Arizona law defines consumer fraud as including any deception, unfair act or practice, false pretense, false promise, misrepresentation or omission made by a seller or advertiser of merchandise; and

WHEREAS, one of the responsibilities entrusted to the Attorney General of the State of Arizona is protecting the public from consumer fraud; and

WHEREAS, the Attorney General provides advocacy and public education on consumer protection issues with an emphasis on fraud and abuse

WHEREAS, according to the Attorney General’s Office, it has received more than 15,000 consumer complaints since 2016; and

WHEREAS, the Attorney General’s Office has recovered more than \$3.9 million for consumers who filed complaints with the Attorney General’s Office over this same time period; and

WHEREAS, March 5 – 11, 2017 is National Consumer Protection Week.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 5 - 11, 2017 as

CONSUMER PROTECTION WEEK

and I encourage all Arizonans to better familiarize themselves of their rights and protections as consumers, the potential for fraudulent activity in their consumer purchases and of the enforcement procedures that can be undertaken against persons who violate Arizona’s consumer protection laws.



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

DEMOLAY DAY

[M17-106]

WHEREAS, DeMolay is an organization dedicated to preparing young men to lead successful, happy and meaningful lives; and

WHEREAS, founded in 1919, DeMolay has steadily grown in popularity and now has more than 15,000 members in the United States and Canada. In addition, there are active chapters in Aruba, Australia, Bolivia, Brazil, Italy, Japan, Peru, Romania, Serbia, and the Philippines; and

WHEREAS, DeMolay instills a sense of personal responsibility and an appreciation of civic engagement in all its members. Young men age 12 to 21 learn the importance of team work, and the patience, drive and determination it takes to be a leader; and

WHEREAS, participating in DeMolay helps members become more confident and self-assured. Important bonds of friendships are made and alumni often speak of the life-changing benefits they gained from their involvement in DeMolay; and

WHEREAS, more than 90 years after it was established, DeMolay continues to make a difference in the lives of its members and in cities and towns around the world.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 26, 2017 as

DEMOLAY 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

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

[M17-107]

WHEREAS, approximately 122,000 adults and children have a developmental disability; and

WHEREAS, Arizonans with disabilities and their loved ones live and work in communities across the Grand Canyon State; and

WHEREAS, every person, regardless of ability, has valuable strengths, infinite capacity to learn and the potential to make important contributions to their local communities; and

WHEREAS, people with developmental disabilities in Arizona seek to achieve personal success through education, meaningful work, and family and community ties with more than 6 million neighbors statewide, along with the support of passionate caregivers and policymakers working towards this goal; and

WHEREAS, families and caregivers of people with developmental disabilities deserve our admiration and recognition for their caring commitment and ongoing support essential to an independent and productive life; and

WHEREAS, Developmental Disabilities Awareness Month is an opportune time to recognize Arizona's public policy accomplishments concerning people with disabilities and to continue the evolution of public policy that creates full inclusion for individuals with developmental disabilities.

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

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

and encourage all Arizona residents to join in this worthy observance.



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

DOWN SYNDROME AWARENESS DAY

[M17-108]

WHEREAS, down syndrome is the most commonly occurring genetic condition in the world; and
WHEREAS, it is estimated that one in every 600 – 700 children in the United States, from all ethnic and social backgrounds, are born with down syndrome, with approximately 160 births a year in Arizona; and
WHEREAS, each individual has their own unique personality, capabilities and talents; and
WHEREAS, with the appropriate education, therapy, social support and opportunities, the majority of individuals with down syndrome will live fulfilling and productive lives; and
WHEREAS, while individuals with down syndrome possess a wide range of abilities and are benefiting from important advances in research, education and health care, there is still a need to increase awareness and tolerance of children and adults with down syndrome.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 21, 2017 as

DOWN SYNDROME AWARENESS 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 tenth 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

LYNCH SYNDROME HEREDITARY CANCER AWARENESS DAY

[M17-109]

WHEREAS, Lynch syndrome, a part of hereditary nonpolyposis colorectal cancer (HNPCC), is a hereditary condition that causes greater risk of developing colorectal, endometrial, ovarian, stomach, hepatobiliary tract, urinary tract and other types of cancers; and
WHEREAS, Lynch syndrome creates a hereditary predisposition to a litany of cancers at a high lifetime risk and often at an early onset age – the risk includes up to 82% for colorectal cancer, up to 60% risk for endometrial cancer, up to 13% for gastric cancer, up to 12% for ovarian cancer, up to 4% for urinary tract cancer; among others; and
WHEREAS, the CDC estimates that 800,000 persons throughout the U.S. alone live with Lynch syndrome; and
WHEREAS, every person should know their family history and share it with their physician to determine if their family may be at high risk for hereditary cancers and prompt genetic testing; and
WHEREAS, every person newly diagnosed with colorectal cancer or endometrial cancer should be screened for Lynch syndrome characteristics to prompt risk assessment and genetic testing; and
WHEREAS, a positive genetic test will determine if these cancers are hereditary or familial, qualify affected individuals for regular cancer screening tests and growths, polyps, and tumors may be detected early and treated or removed before becoming life threatening; and
WHEREAS, having knowledge of a Lynch syndrome diagnosis can increase cancer prevention through regular screening measures, and lead to earlier cancer detection and treatment; and
WHEREAS, on this day, we join together to raise awareness of Lynch syndrome in Arizona and encourage all residents to learn more about this hereditary condition, to collect their family history information, and to share it with their healthcare provider in order to assess individual risk and take steps toward prevention and detection.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 22, 2017 as



LYNCH SYNDROME HEREDITARY CANCER AWARENESS 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-second day of March 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

REGISTER INDEXES

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

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

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

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FSMM = Final Summary amended Section
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PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

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

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

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PXM = Proposed Exempt amended Section
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PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

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SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

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

EMERGENCY RULEMAKING

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T# = Terminated proposed renumbered Section

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RULES EFFECTIVE DATES CALENDAR

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

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



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
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.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
March 3, 2017	March 24, 2017	April 24, 2017
March 10, 2017	March 31, 2017	May 1, 2017
March 17, 2017	April 7, 2017	May 8, 2017
March 24, 2017	April 14, 2017	May 15, 2017
March 31, 2017	April 21, 2017	May 22, 2017
April 7, 2017	April 28, 2017	May 30, 2017
April 14, 2017	May 5, 2017	June 5, 2017
April 21, 2017	May 12, 2017	June 12, 2017
April 28, 2017	May 19, 2017	June 19, 2017
May 5, 2017	May 26, 2017	June 26, 2017
May 12, 2017	June 2, 2017	July 3, 2017
May 19, 2017	June 9, 2017	July 10, 2017
May 26, 2017	June 16, 2017	July 17, 2017
June 2, 2017	June 23, 2017	July 24, 2017
June 9, 2017	June 30, 2017	July 31, 2017
June 16, 2017	July 7, 2017	August 7, 2017
June 23, 2017	July 14, 2014	August 14, 2017
June 30, 2017	July 21, 2017	August 21, 2017
July 7, 2017	July 28, 2017	August 28 2017
July 14, 2014	August 4, 2017	September 5, 2017
July 21, 2017	August 11, 2017	September 11, 2017
July 28, 2017	August 18, 2017	September 18, 2017
August 4, 2017	August 25, 2017	September 25, 2017
August 11, 2017	September 1, 2017	October 2, 2017
August 18, 2017	September 8, 2017	October 10, 2017
August 25, 2017	September 15, 2017	October 16, 2017
September 1, 2017	September 22, 2017	October 23, 2017
September 8, 2017	September 29, 2017	October 30, 2017
September 15, 2017	October 6, 2017	November 6, 2017
September 22, 2017	October 13, 2017	November 13, 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.

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.



**GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE
MAY 2, 2017 MEETING**

[M17-88]

RULES:

ARIZONA STATE RETIREMENT SYSTEM (R-17-0401)

Title 2, Chapter 8, State Retirement Board

New Article: Article 2

New Section: R2-8-201; R2-8-202; R2-8-203; R2-8-204; R2-8-205; R2-8-206;
R2-8-207

COUNCIL ACTION: **APPROVED**

DEPARTMENT OF TRANSPORTATION (R-17-0501)

Title 17, Chapter 5, Article 4, Dealers

New Section: R17-5-401

Amend: R17-5-402; R17-5-405; R17-5-406; R17-5-407; R17-5-408

COUNCIL ACTION: **APPROVED**

BOARD OF NURSING (R-17-0502)

Title 4, Chapter 19, Article 1, Definitions and Time-Frames; Article 2, Arizona Registered and Practical Nursing Programs; Refresher Programs; Article 3, Licensure; Article 5, Advanced Practice Registered Nursing; Article 8, Nursing Assistants and Certified Medication Assistants

Amend: R4-19-101; Table 1; R4-19-201; R4-19-205; R4-19-207; R4-19-209;
R4-19-216; R4-19-301; R4-19-305; R4-19-312; R4-19-511; R4-19-801; R4-19-802

COUNCIL ACTION: **APPROVED**

DEPARTMENT OF REVENUE (R-17-0503)

Title 15, Chapter 10, Article 3, Authorized Transmission of Funds

Amend: R15-10-301; R15-10-302; R15-10-303; R15-10-304; R15-10-305;
R15-10-306

COUNCIL ACTION: **APPROVED**

FIVE-YEAR-REVIEW REPORTS:

AGRICULTURAL EMPLOYMENT RELATIONS BOARD (F-17-0206)

Title 4, Chapter 2, Article 1, General Provisions; Article 2, Elections; Article 3, Unfair Labor Practices; Article 4, Hearings

COUNCIL ACTION: **APPROVED**

DEPARTMENT OF AGRICULTURE (F-17-0502)

Title 3, Chapter 7, Article 1, Administration and Procedures; Article 2, Commercial Devices; Article 3, Packaging, Labeling, and Method of Sale; Article 4, Price Verification and Price Posting; Article 5, Public Weighmasters; Article 6, Registered Service Agencies and Representatives; Article 7, Motor Fuels and Petroleum Products; Article 9, Gasoline Vapor Control for Sites with Both Stage I and Stage II Vapor Recovery Systems; Article 10, Stage I Vapor Recovery

COUNCIL ACTION: **APPROVED**



BOARD OF TAX APPEALS (F-17-0504)

Title 16, Chapter 3, Article 1, Tax Appeal Procedure

COUNCIL ACTION: **APPROVED**

LOTTERY COMMISSION (F-17-0507)

Title 19, Chapter 3, Article 5, Procurements

COUNCIL ACTION: **APPROVED**

DEPARTMENT OF HEALTH SERVICES (F-17-0508)

Title 9, Chapter 25, Article 3, Training Programs; Article 4, EMCT Certification

COUNCIL ACTION: **APPROVED**

REGISTRAR OF CONTRACTORS (F-17-0301)

Title 4, Chapter 9, Article 1, General Provision

COUNCIL ACTION: **APPROVED**

CONSIDERATION AND DISCUSSION OF THE REVIEW OF RULES OUTSIDE OF THE FIVE-YEAR-REVIEW PROCESS:

DEPARTMENT OF ADMINISTRATION

R2-7-205: Procurement Requests by Purchasing Agencies; R2-7-208: Authorization of Electronic Transactions; R2-7-701: Cost Principles; R2-7-1008: Contract Awards Directed by the Committee

COUNCIL ACTION: **REPORT REQUIRED BY MAY 9, 2017**

CONSIDERATION AND DISCUSSION OF MATTERS RELATED TO RETURNED FIVE-YEAR-REVIEW REPORTS OF THE DEPARTMENT OF HEALTH SERVICES

1. Title 9, Chapter 8, Article 6, Camp Grounds
2. Title 9, Chapter 8, Article 13, Hotels, Motels, and Tourist Courts

COUNCIL ACTION: **REQUIRED TO SUBMIT REPORT BY JULY 31, 2017**