



# Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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# From the Publisher

## ABOUT THIS PUBLICATION

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

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

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

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

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

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

## LEGAL CITATIONS AND FILING NUMBERS

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

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

# Arizona Administrative REGISTER

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

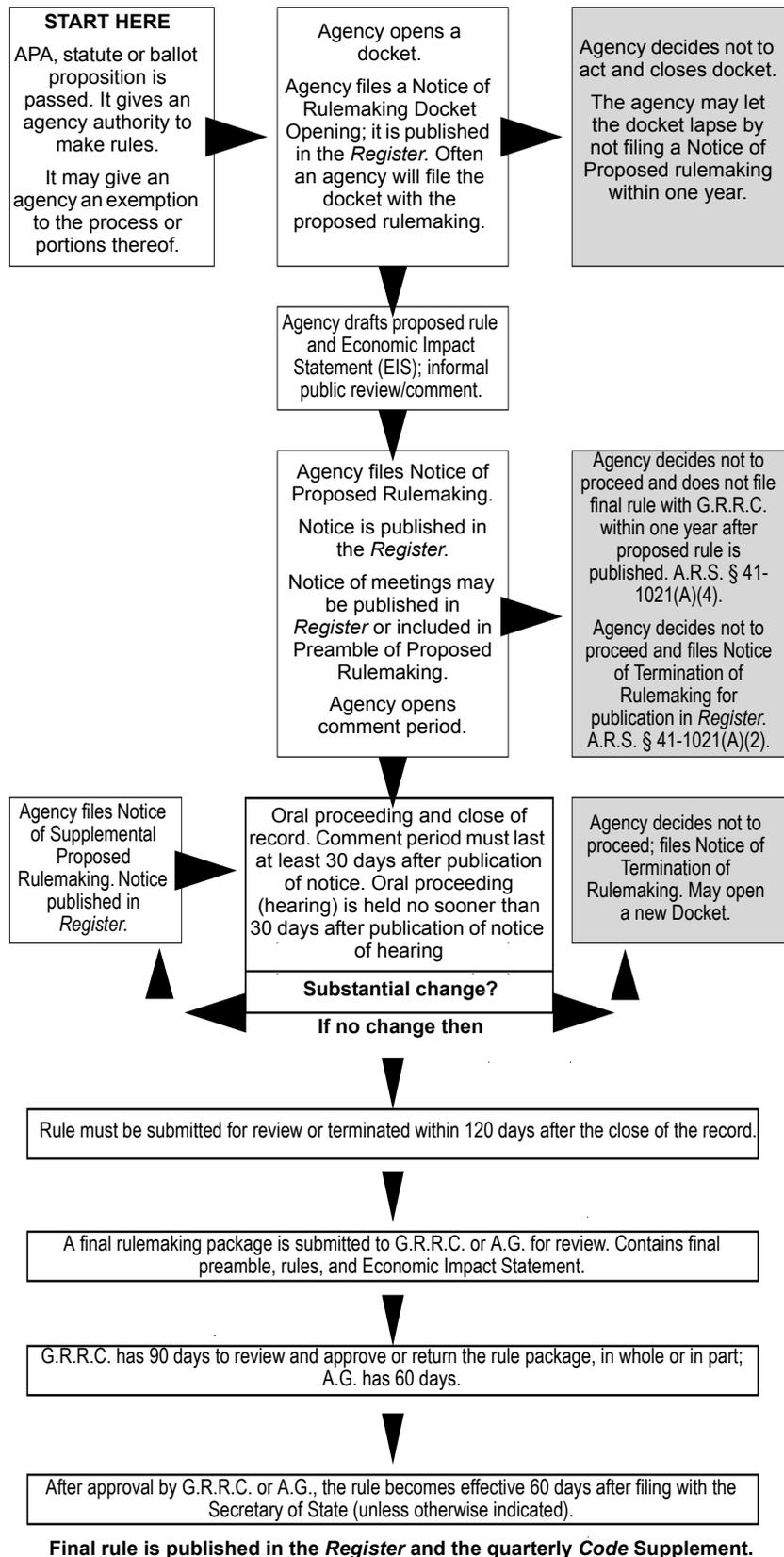
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



**NOTICES OF PROPOSED RULEMAKING**

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

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

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

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

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

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

[R17-84]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| Article 9   | New Article                     |
| R2-8-901  | New Section                     |
| R2-8-902  | New Section                     |
| R2-8-903  | New Section                     |
| R2-8-904  | New Section                     |
| R2-8-905  | New Section                     |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 38-714(E)(4)  
 Implementing statutes: A.R.S. §§ 38-613, 38-711, 38-736, 38-737, 38-739, 38-746, 38-769, 38-797.05, 41-192
  - 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:**  
 Notice of Rulemaking Docket Opening: 22 A.A.R. 2055, August 5, 2016
  - 4. 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
  - 5. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**  
 The ASRS needs to adopt approximately five rules to clarify how it defines “compensation” for various members and uses different types of compensation for certain calculations. The rules also need to clarify how the ASRS may use compensation from a separate Employer for certain calculations depending on the date of membership. These rules will clarify which compensation the ASRS will use for contribution accounting and pension calculations. These rules will increase understandability of how the ASRS uses compensation in its calculations, but the rules do not impose any additional requirements or burdens on members.
  - 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.**  
 None
  - 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**  
 Not applicable
  - 8. The preliminary summary of the economic, small business, and consumer impact:**



There is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rules will have minimal economic impact, if any, because the rulemaking simply clarifies statutory requirements that already exist. There may be some economic impact to members and Employers with regard to the contributions they are required to submit for eligible compensation. Clarifying which compensation is eligible for ASRS purposes will increase understandability of how contributions must be remitted to the ASRS and how the ASRS shall calculate a pension, thereby reducing the regulatory burden imposed on the public. This clarification will ensure that ASRS members and Employers have notice about how the ASRS administers its retirement program. Thus, the economic impact is minimized.

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

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

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

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

Date: July 18, 2017  
Time: 9:00 a.m.  
Location: Arizona State Retirement System  
10th Floor Board Room  
3300 N. Central Ave.  
Phoenix, AZ 85012-0250

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

None

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

None of the rules requires a permit.

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

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

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

No analysis was submitted.

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

None

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

**TITLE 2. ADMINISTRATION**

**CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

**ARTICLE 9. COMPENSATION**

Section

- R2-8-901. Definitions
- R2-8-902. Compensation for Remitting Contributions
- R2-8-903. Compensation for Pension Calculations
- R2-8-904. Accrual of Credited Service
- R2-8-905. Compensation from an Additional Employer

**ARTICLE 9. COMPENSATION**

**R2-8-901. Definitions**

The following definitions apply to this Article unless otherwise specified:

1. “Base pay” or “regular pay” means the amount of pay at a salary or hourly rate which the Employer agrees to provide to the member in exchange for rendering services to the Employer, including pay the member receives, or was entitled to receive, from the Employer while on a paid leave status.



2. “Services rendered” means the duties which an employee performs for an Employer as required by the employee’s employment with the Employer.
3. “Service year” means the same as in A.R.S. § 38-711(31).
4. “Terminating employment” means to end the employment relationship between a member and an Employer.

**R2-8-902. Compensation for Remitting Contributions**

- A.** Pursuant to A.R.S. §§ 38-736, 38-737, and 38-797.05, an Employer shall remit contributions to the ASRS through the Employer’s secure ASRS account for any payment the Employer provides to the member that is eligible to be included as compensation under this section.
- B.** For a member whose membership began prior to January 1, 1984, compensation includes:
1. Base pay or regular pay the member receives from one or more Employers regardless of when the member receives the pay, if the member meets the requirements of membership pursuant to A.R.S. § 38-711(23) and R2-8-906;
  2. Pay the member receives from an Employer as a result of the member terminating employment with that Employer;
  3. Pay the member was entitled to receive based on services rendered, but which is deferred into another retirement or investment account, or which is withheld from the member’s pay pursuant to other legal requirements;
  4. Pay the member receives from an Employer at the completion of an employment contract by which the contract amount is paid in full for services rendered;
  5. Unless otherwise indicated by law, pay the member receives from an Employer in excess of the member’s base pay and which is intended to reward the member for the member’s performance of services rendered, regardless of when the member receives the pay;
  6. Pay the member receives from an Employer in excess of the member’s base pay as a result of hours during which the member did not work, but was required to be available to provide services to the Employer if necessary;
  7. Pay the member receives from an Employer in excess of the member’s base pay as a result of working hours:
    - a. During a specific time period; or
    - b. To perform duties involving physical hardship; or
    - c. To complete a specific assignment; or
    - d. In excess of 40 hours per week.
  8. Pay the member receives from an additional Employer pursuant to R2-8-906.
- C.** Notwithstanding subsection (B), pay the member receives from an Employer in excess of the limitations contained in A.R.S. § 38-746 is not included as compensation.
- D.** For a member whose membership began on or after January 1, 1984, compensation includes the pay identified in subsection (B) except for pay identified in subsection (B)(2).

**R2-8-903. Compensation for Pension Calculations**

- A.** A 60 month pension calculation pursuant to A.R.S. § 38-711(5)(a)(ii), shall be based on the compensation identified in R2-8-902(B).
- B.** A 36 month pension calculation pursuant to A.R.S. § 38-711(5)(a)(i) or A.R.S. § 38-711(5)(b), shall be based on the compensation identified in R2-8-902(B), except for pay identified in R2-8-902(B)(2).
- C.** A 60 month pension calculation pursuant to A.R.S. § 38-711(5)(c), shall be based on the compensation identified in R2-8-902(B), except for pay identified in R2-8-902(B)(2).

**R2-8-904. Accrual of Credited Service**

- A.** Pursuant to A.R.S. § 38-739(B), a member shall receive a proportionate amount of credited service based on the length of the member’s service year.
- B.** A member shall accrue service credits pursuant to subsection (A) for each month in which the Employer’s pay period ends and for which contributions have been remitted to the ASRS, except for pay the member receives from the Employer for services rendered in a prior pay period for which contributions were remitted pursuant to R2-8-902(A).
- C.** Notwithstanding subsection (B), a member shall not accrue additional service credit for contributions remitted on compensation identified in R2-8-902(B)(7), if the member has previously accrued service credit for the pay period to which the compensation identified in R2-8-902(B)(7) is attributable.
- D.** Regardless of whether the member meets membership requirements with more than one Employer, a member may not earn more than one month of service credit in a calendar month and not more than one year of service credit during a fiscal year.

**R2-8-905. Compensation from An Additional Employer**

- A.** For purposes of remitting contributions pursuant to R2-8-902, compensation includes pay the member receives from an additional Employer if:
1. The member meets membership pursuant to A.R.S. § 38-711(23) with at least one Employer; and
  2. The member was employed with the additional Employer and did not meet membership with the additional Employer pursuant to A.R.S. § 38-711(23) between January 1, 2005 through December 31, 2009; and
  3. The member resumed or continued employment with the additional Employer and did not meet membership with the additional Employer prior to January 1, 2012; and
  4. The member does not leave employment with an Employer or the additional Employer in an unpaid status for more than 30 consecutive days during the member’s service year.
- B.** For purposes of pension calculations pursuant to R2-8-903, compensation includes the pay identified in subsection (A).
- C.** Notwithstanding any other subsection, for a member whose membership began after December 31, 2009, compensation includes pay the member receives from an additional Employer if the member meets membership pursuant to A.R.S. § 38-711(23) with the additional Employer.



NOTICE OF PROPOSED RULEMAKING
TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION

[R17-85]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R12-4-414 Amend
2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 17-231(A)(1)
Implementing statute: A.R.S. §§ 17-231(A)(3), 17-231(B)(8), 17-238(A), 17-240(A), 17-306, 17-307(C), 17-332, 17-333, and 41-1005
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. 1489, June 2, 2017 (in this issue)
4. The agency's contact person who can answer questions about the rulemaking:
Name: Wade Zarlingo, Small Game Program Manager
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (623) 236-7503
Fax: (623) 236-7929
E-mail: WZarlingo@azgfd.gov

Please visit the AZGFD website to track the progress of this rule; view the regulatory agenda and all previous Five-year Review Reports; and learn about any other agency rulemaking matters at https://www.azgfd.com/agency/rulemaking/.

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

An exemption from Executive Order 2015-01 was provided for this rulemaking by Hunter Moore, Natural Resource Policy Advisor, Governor's Office, in an email dated April 14, 2017.

The objective of the rule is to establish requirements that allow a person to possess, propagate, release, and take pen-reared game birds, to include lists of game bird species that may be held under the license, the various activities authorized under the license, administrative compliance requirements, and the restrictions and prohibitions that are necessary to protect existing habitat and wildlife resources.

The rule requires license holders to report on the number of birds held, released, and the locations of the release. In part, this is to aid the Department in the detection and assessment of impacts, positive or negative, to native wildlife and habitat. The Department's Wildlife Health Program receives and responds to reports of wildlife mortality across the state. In the past 10 years, the Department has detected multiple outbreaks of trichomonas in mourning doves and pigeon paramyxovirus in Eurasian collared doves. This virus also affects mourning doves. The Department has also identified psittacosis in nonnative rosy-cheeked lovebirds in the Phoenix area. Additional diseases known to occur in captive pen-reared game birds are avian influenza, avian cholera, duck cholera, quail bronchitis, and ulcerative enteritis. The impact of the introduction of these diseases into a wild population is unknown; however, researchers have examined the impact of the introduction of nonnative species and identified disease, hybridization, and competition as risks for the native populations.

On April 7, 2017, as a result of a rulemaking petition, the Commission directed the Department to work with identified stakeholders to develop rule amendments that result in an improved process and customer friendly approach for administering game bird licenses.

The Commission proposes to amend the rule to make the rule more understandable. The last rulemaking combined four game bird licenses into one over-arching game bird rule that addressed all of the activities authorized under the original four rules: Game Bird Shooting Preserve, Game Bird Field Trial, Game Bird Field Training, and Game Bird Hobby. Members of the public and the Department have stated the rule is confusing as written and should be amended to speak more clearly to the different species of game bird and different activities allowed under each type of license.

The Commission proposes to amend the rule to clarify the Game Bird License only authorizes the license holder to use captive pen-reared game birds for any of the activities authorized under the license. As written, the rule could be interpreted to mean wild-caught game birds may be possessed under the license, which is not the intent of the rule.

The Commission proposes to amend the rule to establish a person conducting activities under a Game Bird Field Training license is not required to possess a hunting license in order to take captive pen-reared game birds to increase consistency between the activities authorized under the rule. Currently, a person taking a captive pen-reared game bird under a valid Game Bird Shooting Preserve or Game Bird Field Trial license is not required to possess a hunting license when taking a captive pen-reared game bird under the license. The Commission believes that because the taking of captive pen-reared game birds is authorized under the license, a hunting license should not be required when training dogs with captive pen-reared game birds.

The Commission proposes to amend the rule to offer a Game Bird Field Training license that is valid until December 31 of the year



in which it was issued. The last rulemaking reduced the period of time in which the license was valid to ten consecutive days to increase consistency between the Game Bird Field Trial and Field Training licenses. In reviewing information provided on previous years Game Bird Field Training license applications, the ten day time-frame appeared to be consistent with the time-frames indicated on the applications. However, persons who petitioned the Commission requested the rule be amended to revert back to the December 31 expiration date.

The Commission proposes to amend the rule to remove the requirement that an applicant submit a separate application when applying for a Game Bird Shooting Preserve, Game Bird Field Training, or Game Bird Hobby license when the applicant proposes to use more than one location to conduct activities authorized under the license. The Commission anticipates revising the Game Bird License Application to allow an applicant to list multiple locations on one application. The Game Bird Field Trial license applicant will continue to submit a separate application for each location. This is because the Game Bird Field Trial license is only valid for a specific field trial event.

The Commission proposes to amend the rule to remove the requirement that an applicant provide the game bird supplier's Federal Tax Identification Number and the applicant's Federal Tax Identification Number on the application when the applicant will use the captive pen-reared game birds for a commercial purpose. The Commission has determined this information, while helpful, is not essential to the application review.

The Commission proposes to amend the rule to clarify that only a person applying for a Game Bird Hobby or Game Bird Shooting Preserve License provide a detailed description or diagram of the facilities where the applicant will hold game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section. Game birds possessed by Game Bird Field Trial and Training License holders are typically housed in boxes at the site where the event or training will take place and the requirements for transporting an animal humanely are addressed under R12-4-428 (Captivity Standards).

The Commission proposes to amend the rule to remove the requirement that a Game Bird License holder have their facility inspected by a veterinarian at least once every year. Because the Arizona Model Veterinary Practice Act requires a veterinarian to visit a facility regularly in order to stay within practice act rules and the captivity standards rule (R12-4-428) requires a special license holder who possesses an animal for more than one-year to have their facility inspected annually by a veterinarian licensed to practice in Arizona, the Commission determined it is not necessary to include this requirement in the Game Bird License rule.

The Commission proposes to amend the rule to remove the requirement that a Game Bird License holder retain records of copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the game bird activity because having this language in rule implies the Department verifies that the applicant possesses all of the necessary approvals and/or permits in place and that those approvals and/or permits are valid. The Department believes it is the applicant's responsibility to ensure they apply for and obtain all required licenses, permits, and authorizations.

The Commission proposes to amend the rule to clarify that any activities authorized under the license may occur only at the locations and dates specified on the license and require a license holder who wishes to conduct activities authorized under the license at a new location or a different date to submit an application to the Department. Because the special license administrator needs to determine whether training a dog will conflict with other activities or projects occurring in that area, it is necessary for the applicant to submit an application providing the information required to determine whether the Game Bird License may be amended to include the new location and date.

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

The agency did not rely on any study in its evaluation of or justification for the rules.

**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:**

The Commission's rule protects native wildlife in many ways, including preventing the spread of disease, reducing the risk of released animals competing with native wildlife, discouraging illegal trade of native wildlife, and preventing interactions between humans and wildlife that may threaten public health or safety. The Wildlife Health Program in the Department receives and responds to reports of wildlife mortality across the state. In the past 10 years, the Department has detected multiple outbreaks of trichomonas in mourning doves and pigeon paramyxovirus in Eurasian collared doves. This virus also affects mourning doves. The Department has also identified psittacosis in nonnative rosy-cheeked lovebirds in the Phoenix area. Additional diseases known to occur in captive pen-reared game birds are avian influenza, avian cholera, duck cholera, quail bronchitis, and ulcerative enteritis. The impact of introduction of these diseases into a wild population is unknown; however, researchers have examined the impact of the introduction of nonnative species and identified disease, hybridization, and competition as risks for the native populations.

The Commission anticipates the rulemaking will benefit the Department by increasing efficiency in administering game bird licenses.

The Commission anticipates the rulemaking will result in an overall benefit to the persons regulated by the rule by reducing the burdens and costs associated with the rule and providing better customer-service to persons seeking to conduct activities with Game Birds in Arizona.

The Commission anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions; or state revenues.

The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the



rulemaking. Other than the regular cost of rulemaking, there are no costs associated with the rulemaking. Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

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

See item #4.

**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:**

- Date: July 17, 2017
- Time: The time will be noted in the July 17, 2017 Commission Meeting Agenda
- Location: Arizona Game and Fish Department  
5000 W. Carefree Hwy.  
Phoenix, AZ 85086
- Close of record: July 17, 2017

**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:**

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

The rule complies with A.R.S. § 41-1037. The Game Bird License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

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

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**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:**

The agency has not received an analysis that compares the rule's impact of competitiveness of business in this state to the impact on business in other states.

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

Not applicable

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

**TITLE 12. NATURAL RESOURCES  
CHAPTER 4. GAME AND FISH COMMISSION**

**ARTICLE 4. LIVE WILDLIFE**

Section  
R12-4-414. Game Bird License

**ARTICLE 4. LIVE WILDLIFE**

**R12-4-414. Game Bird License**

A. A game bird license authorizes a person to ~~display for sale, export, give as a gift, import, offer for sale, possess, propagate, purchase, sell, trade, and transport only~~ conduct certain activities with the captive pen-reared game birds specified on the license ~~and only~~ at the location ~~or locations~~ specified on the license, ~~as described below: A person who possesses a game bird license may conduct any of the following activities when stipulated on the person's game bird license:~~

1. ~~Year-round possession of live captive reared game birds at the site specified on the license, Game Bird Hobby:~~
  - a. ~~A. Authorizes a license holder shall possess to:~~
    - i. ~~Possess no more than 50 captive pen-reared game birds at any one time; and~~
    - ii. ~~Export, gift, import, kill, possess, propagate, purchase, and transport the captive pen-reared game birds specified on the license for personal, noncommercial purposes only.~~
  - b. ~~The following captive pen-reared game bird species may be possessed by a Game Bird Hobby license holder:~~
    - i. ~~*Alectoris chukar*, Chukar;~~
    - ii. ~~*Callipepla californica*, California or valley quail;~~
    - iii. ~~*Callipepla gambelii*, Gambel's quail;~~
    - iv. ~~*Callipepla squamata*, Scaled quail;~~
    - v. ~~*Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);~~
    - vi. ~~*Cyrtonyx montezumae*, Montezuma or Mearn's quail; and~~
    - vii. ~~*Dendragapus obscurus*, Dusky grouse.~~
- ~~b.c. The Game Bird Hobby license expires on December 31 each year.~~
2. ~~Take of game birds by a person who may be charged a fee, Game Bird Shooting Preserve:~~
  - a. ~~Authorizes a license holder to:~~
    - i. ~~Release captive pen-reared game birds for the purpose of hunting or shooting.~~





- a. ~~Callipepla californica~~, California or valley quail;
- b. ~~Callipepla gambelii~~, Gambel's quail;
- e. ~~Callipepla squamata~~, Sealed quail;
- d. ~~Cyrtonyx montezumae~~, Montezuma or Mearn's quail; and
- e. ~~Dendragapus obscurus~~, Dusky grouse.

~~E-B.~~ In addition to the requirements established under this Section, a game bird license holder shall comply with the special license requirements established under R12-4-409.

~~D-C.~~ The license holder shall be responsible for compliance with all applicable regulatory requirements. The game bird license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

~~F-D.~~ The Department shall deny a game bird license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department may deny a game bird license when:

1. The applicant proposes to release captive pen-reared game birds:
  - a. At a location where an established wild population of the same species exists.
  - b. During nesting periods of upland game birds or waterfowl that nest in the area.
2. The applicant requests a license:
  - a. For the sole purpose described under subsection (A)(1) and proposes to possess more than 50 captive pen-reared game birds at any one time.
  - b. To possess Northern bobwhites, *Colinus virginianus*, in any one of the following game management units, as described under R12-4-108; 34A, 36A, 36B, and 36C.
3. The Department determines the:
  - a. Authorized activity listed under this Section may pose a threat to native wildlife, wildlife habitat, or public health or safety.
  - b. Escape of any species listed on the application may pose a threat to native wildlife or public health or safety.
  - c. Release of captive pen-reared game birds may interfere with a wildlife or habitat restoration program.

~~F-E.~~ A person applying for a game bird license shall submit an application to the Department. A person applying for multiple Game Bird Field Trial licenses shall submit a separate application is required for each location where the applicant proposes to use wildlife for each location where a competition will occur. The application is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov) on the Department's website. An applicant shall provide the following information on the application:

1. The applicant's information:
  - a. Name;
  - b. Mailing address, when applicable;
  - c. Physical address;
  - ~~e-d.~~ Telephone number; and,
  - ~~d-e.~~ Department ID number, when applicable;
2. ~~If the applicant will use the game birds for a commercial purpose, the applicant's business:~~
  - a. ~~Name~~;
  - b. ~~Federal Tax Identification Number~~;
  - e. ~~Mailing address~~; and
  - d. ~~Telephone number~~;
3. ~~If the applicant will use the game birds for an activity affiliated with a sponsoring organization, the organization's:~~
  - a. ~~Name~~;
  - b. ~~Mailing address~~; and
  - e. ~~Telephone number of the organization chair or local chapter~~;
- 4-2. For captive pen-reared game birds to be used under the license:
  - a. Common name of game bird species;
  - b. Number of animals for each species; and
  - c. When the applicant is renewing ~~the game bird~~ a Game Bird Hobby or Shooting Preserve license, the species and number of animals for each species currently held in captivity under the license;
- 5-3. ~~A description of how the applicant intends to use the game birds~~ The type of game bird license:
  - a. ~~For personal possession only~~ Game Bird Hobby;
  - b. ~~Charge a person a fee to take game birds~~ Game Bird Shooting Preserve;
  - c. ~~Conduct a competition to test the performance of hunting dogs~~ Game Bird Field Trial; or
  - d. ~~Train a dog or raptor to hunt~~ Game Bird Field Training;
- 6-4. For each location where captive pen-reared game birds will be used held, the owner's:
  - a. Name;
  - b. Mailing address, when applicable;
  - c. Telephone number; and
  - d. Physical address or general location description to include the and Global Positioning System location or Universal Transverse Mercator coordinates, when available;
- 7-5. For each location where captive pen-reared game birds will be released, the land owner's or agency's:
  - a. Name;



- b. Mailing address, when applicable;
  - c. Telephone number; and
  - d. Physical address or general location description ~~to include the~~ and Global Positioning System location ~~or Universal Transverse Mercator coordinates, when available;~~ and
- ~~8.~~ A detailed description or diagram of the facilities where the applicant will hold game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
- ~~9-6.~~ For each captive pen-reared game bird supplier from whom the applicant will obtain game birds, the supplier's:
- a. Name;
  - b. ~~Federal Tax Identification Number;~~
  - e-b. Mailing address; and
  - d-c. Telephone number;
7. An applicant who is applying for a Game Bird Shooting Preserve or Field Trial license and intends to use the captive pen-reared game birds for a commercial purpose shall also provide the applicant's business:
- a. Name;
  - b. Mailing address; and
  - c. Telephone number;
8. An applicant who intends to use the captive pen-reared game birds for an activity affiliated with a sponsoring organization shall also provide the organization's:
- a. Name;
  - b. Mailing address; and
  - c. Telephone number of the organization chair or local chapter;
9. An applicant who is applying for a Game Bird Field Trial license shall also specify the range of dates within which the field trial event will take place, not to exceed a 10-day period;
10. An applicant who is applying for a Game Bird Hobby or Game Bird Shooting Preserve license shall also provide a detailed description or diagram of the facilities where the applicant will hold captive pen-reared game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
- ~~10-11.~~ Any other information required by the Department; and
- ~~11-12.~~ The certification required under ~~R12-4-409(C)~~ R12-4-409(B).
- ~~G-E.~~ An applicant for a game bird license shall pay all applicable fees established under R12-4-412.
- ~~H-G.~~ A game bird license holder shall:
- 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
  - 2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
  - 3. ~~Ensure each facility is inspected by the attending veterinarian at least once every year.~~
  - 4-3. Possess the license or legible copy of the license while conducting any activity authorized under the game bird license and ~~pres-~~ents present it for inspection upon the request of any Department employee or agent.
  - 5-4. Ensure each shipment of captive pen-reared game birds imported into the state is accompanied by a health certificate.
    - a. The certificate shall be issued no more than 30 days prior to the date on which the game birds are shipped.
    - b. A copy of the certificate shall be submitted to the Department prior to importation.
  - 6-5. Provide each person ~~that who~~ transports captive pen-reared game birds taken under the game bird license with documentation that includes all of the following:
    - a. Name of the game bird license holder;
    - b. Game bird license number;
    - c. Date the captive pen-reared game bird was ~~purchased, traded, or given as a gift obtained;~~
    - d. Number of captive pen-reared game birds, by species; and
    - e. When the captive pen-reared game birds are being shipped:
      - i. Name of the person or common carrier transporting the shipment, and
      - ii. Name of the person receiving the shipment.
  - 7-6. Maintain records of all captive pen-reared game birds possessed under the license for a period of three years. In addition to the information required under subsections ~~(H)(5)(a)~~ (G)(5)(a) through ~~(H)(5)(d)~~ (G)(5)(b), the records shall also include:
    - a. The game bird license holder's:
      - i. Name;
      - ii. Mailing address;
      - iii. Telephone number; and
      - iv. Special license number;
    - b. ~~Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the game bird activity;~~
    - e-b. Copies of the annual report required under subsection ~~(H)~~ (H);
  - 8-7. Dispose of captive pen-reared game birds only as authorized under this Section or as directed by the Department.
  - 8. Conduct license activities solely at the locations and within the timeframes approved by the Department. A Game Bird License holder may request permission to amend the license to conduct activities authorized under the license at an additional location by submitting the application required under subsection (E) to the Department.
- ~~I-H.~~ A game bird license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
- 1. A report is required regardless of whether or not activities were performed during the previous year.



- 2. The game bird license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
- 3. The Department ~~will~~ shall not process the special license holder’s renewal application until the annual report is received by the Department.
- 4. The annual report shall include all of the following information, as applicable:
  - a. Number of all captive pen-reared game birds, by species and the date ~~it was~~ obtained;
  - b. Source of all captive pen-reared game birds and the date ~~the game bird was~~ obtained;
  - c. Number of offspring propagated by all captive pen-reared game birds; and
  - d. For all captive pen-reared game birds disposed of by the license holder:
    - i. Number, species, and date of disposition; and
    - ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.

~~H.L.~~ A game bird license holder shall comply with the requirements established under R12-4-428.

~~K.~~ A game bird released under a game bird license may be taken with any method designated under R12-4-304.

~~L.J.~~ A game bird released under a game bird license and found outside of the location specified on the license shall become property of the State and is subject to the requirements prescribed under A.R.S. Title 17 and 12 A.A.C. 4, Article 3.

**NOTICE OF PROPOSED RULEMAKING**  
**TITLE 13. PUBLIC SAFETY**  
**CHAPTER 5. LAW ENFORCEMENT MERIT SYSTEM COUNCIL**

[R17-86]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| R13-5-101   | Amend                           |
| R13-5-102   | Amend                           |
| R13-5-402   | Amend                           |
| R13-5-701   | Amend                           |
| R13-5-702   | Amend                           |
| R13-5-703   | Amend                           |
| R13-5-704   | Amend                           |
| R13-5-706   | New Section                     |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 41-1830.12(A)(3)  
 Implementing statute: Not applicable
- 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. 1489, June 2, 2017 (*in this issue*)
- 4. The agency’s contact person who can answer questions about the rulemaking:**  
 Name: Jennifer Despain, Captain  
 Address: Law Enforcement Merit System Council  
 2102 W. Encanto Blvd.  
 Mail Drop 1290  
 Phoenix, AZ 85009-6638  
 Telephone: (602) 223-2286  
 Fax: (602) 223-2096  
 E-mail: [jdespain@azdps.gov](mailto:jdespain@azdps.gov)  
 Web site: <http://www.azdps.gov/About/LEMSC/>
- 5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**  
 The Law Enforcement Merit System Council (LEMSC) initiates this rulemaking to amend existing rules and add new rules to reflect statutory changes, to provide a clear distinction between rules intended for employees of the Department of Public Safety and the Arizona Peace Officer Standards and Training Board and rules for other state agency peace officers, and to ensure overall that the rules are clear, concise, and understandable.  
 During the 2012 legislative session, the Governor enacted personnel reform for certain state employees by amending A.R.S. § 41-1830. The LEMSC previously had personnel oversight for employees of the Arizona Department of Public Safety and the Arizona Peace Officer Standards and Training Board. Under the reform, the LEMSC was given additional personnel oversight of covered peace officers in other state agencies.  
 On October 15, 2012, the Governor’s Office issued a rulemaking moratorium waiver to the LEMSC authorizing rulemaking related to the personnel reform legislation. The LEMSC formed a rulemaking committee consisting of members of the Department of Public Safety, the Arizona Peace Officer Standards and Training Board, on February 26, 2014 to draft this Notice of Proposed Rulemaking by reviewing the legislation and existing rules. Due to numerous interconnected statute changes (A.R.S. Title 41,



A.R.S. § 38-1101, A.R.S. § 41-1830.12, A.R.S. § 41-1830.13, A.R.S. § 41-1830.16, A.R.S. § 38-1110) enacted by the Legislature that affected these rules, the time necessary to complete the Notice of Proposed Rule Making was greatly extended. On October 31, 2016, the LEMSC approved the rule changes.

The statutes do provide specific instructions to LEMSC, the agencies, and the employees regarding personnel actions. However, the LEMSC determined that a consolidation of the numerous statutes and incorporated additions from the committee into a concise rule set will reduce the burden on the employees and agencies by providing a single, concise source of information. This statute-to-rule consolidation is in keeping with the consolidation employed for existing LEMSC rules.

**6. A reference to any study relevant to the rule that the agency reviewed and propose 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:**

Agency did not review or rely on any study relevant to the rule.

**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:**

Currently under A.R.S. § 41-1830.12, the Law Enforcement Merit System Council (LEMSC), adopts rules pursuant to recognized merit principles of public employment it deems necessary for Department of Public Safety and Arizona Peace Officer Standards and Training Board personnel.

Under A.R.S. § 41-1830.16, the fiftieth legislative session directed LEMSC to adopt rules it deems necessary for the administration of hearings and the review of appeals for a covered employee in the state personnel system who is a full authority peace officer as certified by the Arizona Peace Officer Standards and Training Board, is appointed to a position that requires such a certification in the covered service and who has completed the employee's original probationary period of service as provided by state personnel rules.

The statutes and rules currently cover approximately 2,106 Department of Public Safety and 23 Arizona Peace Officer Standards and Training Board employees. The recent Governor's personnel reform initiative added approximately 352 employees from agencies other than the Department of Public Safety and the Arizona Peace Officer Standards and Training Board, all of which the LEMSC sits in oversight.

The economic impact is extremely small, with the added expense being approximately \$6500.00 per year to pay the council members a stipend after each council meeting/hearing. Since the personnel reform was in 2012, this amount is already in the LEMSC's current budget.

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

Name: Jennifer Despain, Captain  
 Address: Law Enforcement Merit System Council  
 2102 W. Encanto Blvd.  
 Mail Drop 1290  
 Phoenix, AZ 85009-6638  
 Telephone: (602) 223-2286  
 Fax: (602) 223-2096  
 E-mail: [jdespain@azdps.gov](mailto:jdespain@azdps.gov)  
 Web site: <http://www.azdps.gov/About/LEMSC/>

**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:**

Place: Arizona Peace Officer Standards and Training  
 2643 E. University Dr.  
 Phoenix, AZ 85034  
 Date: July 11, 2017  
 Time: 9:00 – 11:00 a.m.

Close of Record: The rulemaking record will close at 5:00 pm on July 14, 2017,

**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:**

Not applicable

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

The rules do not require a permit.

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

Federal law is not applicable to the subject of the rules.

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



No analysis was submitted.

**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 13. PUBLIC SAFETY  
CHAPTER 5. LAW ENFORCEMENT MERIT SYSTEM COUNCIL**

**ARTICLE 1. GENERAL PROVISIONS**

- Section
- R13-5-101. Definitions
- R13-5-102. Law Enforcement Merit System Council

**ARTICLE 4. ASSIGNMENTS**

- Section
- R13-5-402. Uncovered Appointments

**ARTICLE 7. DISCIPLINE AND APPEALS**

- Section
- R13-5-701. Causes for Discipline
- R13-5-702. Disciplinary Procedures
- R13-5-703. Appeal to the Council by Employees
- R13-5-704. Rehearing of Council ~~Decisions~~ Decision Regarding Employees
- R13-5-706. Appeal to the Council by Covered Employees

**ARTICLE 1. GENERAL PROVISIONS**

**R13-5-101. Definitions**

In this Chapter, unless otherwise specified, the following terms mean:

- “Abandonment of position” means failure of an employee to report to work for a period of five consecutive working days without authorization from the employee’s supervisor or manager and without good cause.
- “Abilities” means general traits or capabilities an individual possesses when beginning the performance of a task.
- “Agency” means any governmental organization subject to the rules of the Law Enforcement Merit System Council.
- “Agency head” means the chief executive officer or director of any agency placed under the rules of the Law Enforcement Merit System Council.
- “Allocate or allocation” means the placement of a position to a classification based on the duties and responsibilities of the position.
- “Annual leave” means the leave time accrued biweekly by an employee based on the number of years of state service and may include holiday leave and recognition leave.
- “Appeal” means an employee’s request for Council review of a disciplinary action.
- “Applicant” means a person who has applied for an opportunity to compete for a position.
- “Appointment” means the placement of a candidate or employee into a classified position.
- “Background investigation” means an inquiry to determine the character of a potential employee and may include verification and review of identity, education, employment history, personal references, credit rating, criminal history, and driving record.
- “Break-in-service” means a period of absence from agency service of more than 240 consecutive working hours resulting from an employee’s resignation, retirement, suspension, layoff, or leave of absence without pay.
- “Business day” means the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding observed state holidays.
- “Business manager” means the individual responsible for administering the affairs of the Council.
- “Candidate” means an applicant who qualifies for a place on an eligibility list.
- “Certified list” means the names of qualified candidates on an eligibility list who are willing to accept an appointment.
- “Civilian employee” means a person who is appointed to a classification that does not require peace officer status.
- “Classification” means one or more positions requiring the same minimum qualifications, knowledge, skills, and abilities that have the same title and pay range.
- “Classification date” means the effective date of an employee’s appointment to a classification.
- “Classification specification” means the classification’s title or rank, classification code, typical duties and responsibilities, essential functions, minimum qualifications, required knowledge, skills and abilities.
- “Classified position” means a position that is allocated to a classification.
- “Commissioned employee” means a person who is appointed to a classification that requires Arizona Peace Officer Standards and Training Board certification as a peace officer.



“Compensation” means the amount of money paid for each hour worked and paid leave taken and includes time off received for overtime and holidays worked or accrued.

“Compensatory time” means leave received for overtime worked.

“Competitor” means an applicant who has met the minimum qualifications for a classification and is competing in an employment or promotional examination.

“Contested case” has the same meaning as in A.R.S. § 41-1001 (4).

“Council” means the Arizona Law Enforcement Merit System Council.

“Covered employee” means a full authority peace officer as certified by the Arizona Peace Officer Standards and Training Board and who is appointed to a position (outside of Department of Public Safety and Arizona Peace Officers Standards and Training Board) that requires such a certification in the covered service, as defined in A.R.S. § 41-741 (5)(c)(e) and who have completed their original probationary period.

“Covered position” means any position within an agency that is not appointed by the Governor or by the agency head with the concurrence of the Governor and is subject to the rules of the Council.

“Covered service” means that employment status conferring rights of appeal as prescribed in A.R.S. § 41-782 and A.R.S. § 41-783 or A.R.S. § 41-1830.16, as applicable, as defined in A.R.S. § 41-741 (6).

“Days” means full calendar days unless otherwise specified in the text of a rule.

“Demotion” means the disciplinary appointment of an employee to a classification with a lower pay range.

~~“Disabled person” means anyone who has a physical or mental impairment that substantially limits one more major life activities, or who has a record of impairment, or is regarded as having impairment.~~

“Dismissal” means an agency-initiated removal of an employee from state service.

“Duties” means actions or tasks required under the circumstances by an employee’s position or classification.

“Eligibility list” means the names of candidates for a classification in descending order of their final scores in preparation for a selection process.

“Employee” means a person who is appointed to a position, subject to the terms and conditions of the appointment within the Department of Public Safety or the Arizona Peace Officers Standards and Training Board.

“Employing agency” means the agency in the state personnel system where the covered employee is, or in the case of dismissal, was employed as prescribed in A.R.S. § 41-1830.16(H)(3).

“Entrance rate” means the lowest rate of pay within the pay range of a classification.

“Examination” means an evaluation or test to determine if an applicant’s qualifications comply with the specifications for a classification.

“Examination plan” means a description of each phase of an examination, the weight applied to each phase of the examination, the criteria for moving from one phase of the examination to another and any limitations as to the number of names to appear on the eligibility list.

“Exempt employee” means an employee who is not subject to the overtime provisions of the Fair Labor Standards Act, Title 29 U.S.C Chapter 8.

“External employment list” means an eligibility list of candidates seeking employment with an agency.

“Fair Labor Standards Act” (FLSA) means those federal statutes at Title 29 U.S.C. 201-219 and 251-262.

“Family and Medical Leave Act FMLA leave” means a leave of absence, with or without pay, taken by an employee under a policy adopted by an agency head from options authorized in the Family and Medical Leave Act. 29 U.S.C. 2611, et. seq.

“For cause” means disciplinary action or dismissal for any reason listed in A.R.S. § 41-1830.15 or this Chapter.

“Full authority peace officer” means a peace officer whose authority to enforce the laws of this state is not limited by the rules adopted by the Arizona Peace Officer Standards and Training Board as prescribed in A.R.S. § 41-1830.16(H)(4).

“Full-time employee” means an employee appointed to work 40 hours a week or 160 hours in a 28 day cycle.

“Grievance” means a work-related complaint by an employee regarding classification, compensation, performance evaluation, or violation of law or Council rules.

“Holiday leave” means the leave time accrued by working a state holiday or accrued when the holiday falls on a day the employee is not scheduled to work or is on paid sick leave. Holiday leave may be included in annual leave time.

“Human Resources” means an agency department responsible for personnel administration.

“Individual with a disability” means anyone who has a physical or mental impairment that substantially limits one more major life activities, or who has a record of impairment, or is regarded as having impairment.

“Initial probation” means a probationary period required of a new employee to an agency, an employee appointed to a classification as a special limited term employee, or an employee appointed to the classification of officer who has completed the terms of a special limited term appointment.

“Intermittent appointment” means the appointment of an employee to work on an irregular basis.

“Internal list” means an eligibility list of internal candidates seeking promotional positions or reassignments.

“Just Cause” means all of the following:



The employing agency informed the employee of the possible disciplinary action resulting from the employee's conduct through agency manuals, employee handbooks, the employer's rules and regulations or other communications to the employee, or the conduct on which disciplinary action was based was such that the employee should have reasonably known disciplinary action could occur;

The disciplinary action is reasonably related to the standards of conduct for a professional law enforcement officer, the mission of the agency, the orderly, efficient or safe operation of the agency or the employee's fitness for duty;

The discipline is supported by a preponderance of the evidence establishing that the conduct on which the disciplinary action was based occurred; and

The discipline is not excessive and is reasonably related to the seriousness of the offense and the employee's service record.

"Knowledge" means a body of information, usually of a factual or procedural nature, that makes for successful performance of a task.

"Limited duty" means a short-term assignment to a physically less demanding position while the employee recovers from a temporary medical condition or disability.

"Limited-term appointment" means an appointment to a position that is designated as temporary.

"Limited-term employee" means an employee in a limited-term appointment who has not achieved the status of a regular-employee.

"Manifest error" means an erroneous act or failure to act in administering the provisions of Article 3 of this Chapter.

"Non-exempt employee" means an employee who is subject to the overtime provisions of the Fair Labor Standards Act, Title 29 U.S.C Chapter 8.

"Original probationary period" means the specified period following initial appointment to covered service as defined in A.R.S. § 41-741 (10).

"Overtime" means time worked by a non-exempt employee in excess of 40 hours in a work week or in excess of 160 hours in a 28-day cycle.

"Part-time appointment" means the appointment of an employee to work a schedule of less than 40 hours per week.

"Part-time employee" means an employee appointed to work less than 40 scheduled hours per week.

"Pay range" means the difference between the lowest and highest pay rates for a classification.

"Pay status" means an employee's right to receive compensation for time worked or leave taken, except when absent on leave-without-pay or suspension without pay.

"Permanent employee" means an employee who has successfully completed an initial probation with an agency.

"Permanent status" means the employment rights achieved after satisfactorily completing the probationary period for a classification.

"Personnel Rules" means the rules adopted by the Arizona Department of Administration, human resources division as prescribed in A.R.S. § 41-1830.16(H)(7).

"Position" means a job or function, whether occupied or vacant, that is assigned a number, classification, funding source, pay range, and location code.

"Position audit" means an examination of the duties and responsibilities of a position to determine the appropriate classification.

"Promotional Probation" means a period of 12 months established for evaluating an employee's performance to determine if the employee should be retained in a classification.

"Promotion" means the appointment of an employee to a position in another classification with a higher maximum pay level.

"Provisional appointment" means an appointment to a position in a classification for which there is no eligibility list.

"Qualifications Appraisal Board" means a group of raters who evaluate a competitor's qualifications based upon the competitor's written or oral responses.

"Qualifying pay period" means a pay period for qualifying service in which an employee is in pay status for at least one-half of the employee's normally scheduled work week.

"Qualifying service" means part-time or full-time service as an employee of an agency, excluding any break-in-service.

"Reallocation" means a change in the classification of a position, based upon an analysis of the duties and responsibilities of the position.

"Reappointment" means appointment to a classification previously held by an employee who was reassigned to a different classification.

"Reassignment" means an appointment, at the employee's request, to a position in a different classification with the same or a lower pay range.

"Recall" means the appointment of a former employee who was separated by a reduction in force.

"Reclassification" means the change in classification of an employee due to the employee's movement to a position in a different classification or a reallocation of the employee's position to a different classification.

"Recognition leave" means leave time given an employee under a formal awards program as an incentive for continued superior performance. Recognition leave is added to annual leave.



“Reduction in force” means an action taken by an agency head to involuntarily transfer, reclassify, or lay-off an employee as a result of a legislative or executive mandate; reduction of funds; or decrease in the number of authorized positions, service area, or program responsibilities.

“Regular-employee” means an employee, except a limited term-employee, who achieves permanent status.

“Reinstatement” means an appointment of a former employee to the classification or a similar classification held when the employee separated from the agency.

“Rejection of probation” means an action taken by an agency head to reclassify an employee on a promotional probation or to separate an employee on an initial probation for failure to achieve and sustain the required level of performance for the classification.

“Responsibilities” means actions or tasks for which an employee is accountable in a position or classification.

“Retirement” means a voluntary separation from an agency by an employee who is eligible for an immediate disbursement from a retirement plan.

“Separation” means the close of an employee’s term of employment with an agency.

“Skill” means an individual’s level of proficiency or competency in performing a specific task.

“Special duty assignment” means an employee’s temporary assignment of more responsibilities or duties or an assignment to a position with special work or living requirements.

“Special limited term appointment” means an appointment to the classification of cadet officer or officer trainee pending the completion of requirements for the classification of officer.

“State” means the State of Arizona.

“Standard performance” means a rating given to an employee who meets the expected level of performance needed to accomplish the objectives of a position.

“State personnel system” *means all state agencies and employees of those agencies that are not exempted by this article as prescribed in A.R.S. § 41-741 (17).*

“Standardized scoring” means a statistical method used to ensure that the various components of a multi-phased examination receive their proper weights.

“Suspension of pay” means the disciplinary action of withholding an employee’s pay for a specified period.

“Telecommuting” means an employee performing assigned work at a location other than the employee’s regular work location.

“Time-in-grade” means time spent in a classification.

“Transfer” means the movement of an employee from the employee’s current position to another position in the same classification.

“Uncovered appointment” means an appointment to a job or function by the Governor or by an agency head with the concurrence of the Governor.

“Uncovered employee” means an employee who serves at the pleasure of the Governor.

“Veteran” means an individual who served in the armed forces of the United States and was discharged from military service under honorable conditions after more than six months of active duty and as defined in 37 U.S.C. 101 and A.R.S. § 38-492.

“Working day” *means the same as business day.*

“Work week” means the 40-hour time period an employee works between Saturday and Friday, including any leave time taken.

#### **R13-5-102. Law Enforcement Merit System Council**

- A. Authority. The statutory authority of the Law Enforcement Merit System Council is found in A.R.S. § 41-1830.11 through § 41-1830.15~~16~~.
- B. Decisions of the business manager are subject to review by the Council.
- C. Selection of officers. The Council shall select a Chair and Vice-Chair from its members at a regular meeting in November or December of even-numbered years. The Chair and Vice-Chair shall hold office for a period of two years, or until their successors are selected.
- D. Meetings. The Chair, or in the Chair’s absence the Vice-Chair, shall call a meeting of the Council when a meeting is needed. The Council shall hold meetings at a location convenient to the participants whenever possible. Except for the Council’s executive sessions, the Council’s meetings shall remain open to the public and the Chair shall give interested parties an opportunity to be heard.
- E. Quorum. ~~Two~~Three members are required for a quorum, and concurring members must equal a majority of those voting in order to take action.
- F. Minutes. The Council shall keep minutes of its proceedings and official actions. The Council’s records and minutes are open to public review during normal business hours.
- G. Council rules. An agency shall provide employees with a copy of the Council’s rules.

#### **ARTICLE 4. ASSIGNMENTS**

#### **R13-5-402. Uncovered ~~Appointment~~Appointments**

- A. Authorization. An agency head may authorize an employee to temporarily accept an uncovered appointment within:
  1. The agency,
  2. Another state agency,
  3. The Governor’s office,
  4. The Legislature, or
  5. Another government agency.



- B. Employee rights. ~~A~~ An ~~classified~~ employee in an uncovered appointment shall retain all employee rights ~~of a covered employee~~ except for the right to appeal removal from the uncovered appointment.
- C. Returning to regular duty. Upon completion of an uncovered appointment, the agency head shall reassign the employee to the previously held position or to a similar position in the same classification.
- D. Leave policy for an uncovered employee accepting a covered position: An uncovered employee of a state agency or any state budget unit may transfer accrued annual and sick leave when accepting a covered position with an agency under the jurisdiction of the Council.
  - 1. Annual leave.
    - a. Up to 360 hours of annual leave may be transferred at the gaining agency’s discretion.
    - b. Annual leave in excess of 360 hours shall be paid off by the losing agency.
    - c. An employee shall be paid for any annual leave that is not accepted by the gaining agency.
  - 2. Sick leave. All accrued sick leave hours shall be accepted by and transferred to the agency.

**ARTICLE 7. DISCIPLINE AND APPEALS**

**R13-5-701. Causes for Discipline:**

~~The causes for discipline are found in A.R.S. § 41-1830.15.~~

- A. The causes for discipline for employees are found in A.R.S. § 41-1830.15.
- B. The causes for discipline for covered employees are found in A.R.S. § 41-773.

**R13-5-702. Disciplinary Procedures**

- A. Receiving a complaint. A person may file a complaint with an agency asserting that an employee engaged in activity constituting cause for discipline and requesting that the agency head take appropriate disciplinary action against the employee or covered employee.
- B. Initiating disciplinary action. An agency head may take appropriate disciplinary action against an employee for any cause listed in A.R.S. § 41-1830.15 or against a covered employee for any cause listed in A.R.S. § 41-773.
- C. Interview of an employee. In conducting an interview of an employee being investigated for possible disciplinary action, an agency shall comply with A.R.S. § ~~38-1101(A) and (B)~~ 38-1104.
- D. Time limit for filing a disciplinary action. An agency shall not file a disciplinary action later than ~~420~~ 180 days after the date the agency discovers or should have discovered that the employee engaged in alleged activity constituting cause for discipline. The disciplinary action is deemed to be filed when the notice is filed with the Council.
- E. Exceptions to the ~~420~~ 180-day rule.
  - 1. The time limit in subsection (D) does not run:
    - a. During a criminal investigation by a law enforcement or prosecutorial agency; the time that any criminal investigation or prosecution is pending in connection with the act, omission or other allegation of misconduct; or
    - b. During any period of time the employee who is the subject of an investigation is absent from the agency on leave, if the absence prevents the agency from proceeding with the normal investigation and disciplinary review process; the period of time in which an employee or covered employee who is involved in the investigation is incapacitated or otherwise unavailable; or
    - c. During the period prescribed in a written waiver of the limitation by the employee or covered employee; or
    - d. During emergencies or natural disasters during the time period in which the governor has declared a state of emergency within the jurisdictional boundaries of the concerned employer; or
    - e. During a multijurisdictional investigation, the time limit may be extended for a period of time reasonably necessary to facilitate the coordination of the employers involved.
  - 2. At the request of an agency, the Council may, upon a showing of good cause, extend the time for an agency to file a disciplinary action up to a maximum of 90 days beyond the original ~~420~~ 180-day period.
  - 3. If a manager or supervisor is aware of an employee’s alleged actions that constitute a criminal offense but fails to act, the time limit does not run during the period of the manager or supervisor’s inaction if the supervisor or manager is disciplined for failure to act and:
    - a. The offense is a misdemeanor involving theft or moral turpitude and is discovered within ~~420~~ 180-days after the ~~420~~ 180-day period for taking disciplinary action, or
    - b. The offense is a felony.
  - 4. The agency shall maintain documentation to support any exception to the ~~420~~ 180-day time limit, including the dates during which the time limit does not run.
- F. Notice of disciplinary action. An agency head shall serve a written notice on the employee or covered employee within 10 days after the agency files the notice of disciplinary action with the Council. Service shall be completed in accordance with R13-5-104(D). The agency head’s notice shall include:
  - 1. A statement of the nature of the disciplinary action;
  - 2. Any prior disciplinary action on which the current discipline is based;
  - 3. The effective date of the action;
  - 4. A specific statement of the causes; and
  - 5. A statement of the employee’s or covered employee’s right to appeal and the time limit in which the employee or covered employee must file an appeal with the Council under ~~R13-5-703(A), (B), and (C)~~ R13-5-703(A)(B)(C).
- G. Amended notice of disciplinary action before appeal is filed. At any time before an employee or covered employee files an appeal, the agency head may file with the Council and serve the employee or covered employee or former employee or former covered employee with an amended or supplemental notice of disciplinary action.
- H. Effect of dismissal. An employee’s or covered employee’s dismissal from the agency shall entail:
  - 1. Dismissal from all positions held by the employee or covered employee.



2. Removal of the employee's or covered employee's name from all employment or promotional lists, and
3. Termination of the employee's or covered employee's pay on the date of dismissal.

**R13-5-703. Appeal to the Council by Employees**

- A.** Appealable actions by employees. An employee may appeal any disciplinary action that results in the employee's dismissal, demotion, suspension without pay, forfeiture of accrued leave time, or reduction of pay.
- B.** Form of appeal. To initiate an appeal, an employee shall submit a signed written appeal to the business manager and the agency head. The appeal must state specific facts relating directly to the charges on which the appeal is based.
- C.** Time for appeal. An employee shall file an appeal within 30 days after being served with the notice of disciplinary action.
- D.** Agency responsibility. An agency shall have the burden of going forward with the case once an appeal has been filed. An agency must prove ~~the case~~ cause for disciplinary action by a preponderance of the evidence that it had just cause to discipline the employee.
- E.** Effect of appeal. ~~The Council shall determine whether the cause for the disciplinary action is supported by law and the evidence. The Council may sustain, modify or rescind the disciplinary action. If the disciplinary action is rescinded, the Council shall order the agency head to reinstate the employee and to pay the employee accumulated back pay. The Council shall determine whether the employing agency has proven by a preponderance of the evidence that the employing agency had just cause to discipline the employee. The Council shall reverse the decision of the agency head if the Council finds that just cause did not exist for any discipline to be imposed and, in the case of dismissal or demotion, return the employee to the same position the employee held before the dismissal or demotion with or without back pay. On a finding that the agency has not proven just cause to discipline the employee by a preponderance of the evidence, the Council may recommend a proposed disciplinary action in light of the facts proven.~~
- F.** Agency action after receiving a decision or recommendation. The agency head or the agency head's designee shall accept, modify or reverse the Council's decision or accept, modify or reject the Council's recommendation within fourteen days of receipt of the findings or recommendation from the Council. The decision of the agency head is final and binding. The agency head shall send a copy of the agency's final determination to the employee.
- ~~**F.G.** Amended notice of disciplinary action after employee files an appeal. If good cause exists, an agency head may file with the Council a motion to amend the notice of disciplinary action. The motion shall be filed no later than 30 14 days before the hearing.~~
- ~~**G.H.** Notice of hearing. The Council shall notify the parties of the time and place of the hearing.~~
- ~~**H.I.** Failure to appear. If a party, without good cause, fails to appear at the time and place set for a hearing, the Council may find in favor of the appearing party.~~
- ~~**I.J.** Conduct of hearings. The Council shall sit as a whole at a hearing, unless a Council member declares a conflict or is unable to attend. Only a Council member who was present at a hearing may participate in making the decision. Council members may administer oaths, issue subpoenas for the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses residing within or outside the state to be taken in the manner prescribed by law for depositions in civil cases in the Superior Court of this state.~~
- ~~**J.K.** Witness fees. Witnesses at a hearing, other than employees, are entitled to the fees allowed witnesses under A.R.S. § 12-303.~~
- ~~**K.L.** Payment of witness fees. If the Council subpoenas a witness on its own initiative, the Council shall pay the witness' fees and mileage. The requesting party shall pay the fees for subpoenaed witnesses. An employee appearing as a witness on duty shall receive travel expenses from the agency and shall not be entitled to witness fees.~~
- ~~**L.M.** Discovery.~~
1. Within three business days after receiving a written request from the employee, the agency shall provide a complete copy of the investigative file, as well as the names and home or work mailing addresses of all persons interviewed during the course of the investigation, to the employee. For the purpose of this subsection, hand-written notes substantially incorporated within a report are not considered part of the investigation file.
  2. Within 20 days after receiving the investigative file, the employee shall provide all material relating to the defense of the employee to the agency head.
  3. After initial discovery, each party shall provide all new material relating to the case to the other party within 10 days after receipt.
  4. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal was filed, no later than 10 business days before the hearing, the agency and the employee shall exchange copies of any documents that may be introduced at the hearing and that have not been previously disclosed.
  5. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal is filed, no later than 10 business days before the hearing, the agency and the employee shall exchange the names of all witnessed who may be called to testify. A witness may be interviewed at the discretion of the witness. The parties shall not interfere with any decision of a witness regarding whether to be interviewed. An agency shall not discipline, retaliate against, or threaten to retaliate against, any witness for agreeing or not agreeing to be interviewed or for testifying or providing evidence in the hearing.
  6. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal was filed, no later than 10 business days before the hearing, the agency and the employee shall provide all documents that will be used at the hearing and a list of intended witnesses to the office of the Council.
  7. If a party fails to provide material as required, the Council may preclude its use at the hearing.
- ~~**M.N.** Motions. All motions shall be in writing and filed no later than 20 days prior to the hearing. A response shall be filed in writing within 10 days after service of the motion. The chair may designate one or more members of the Council to hear and rule on a motion, except a motion to dispose of the case requires a vote of a majority of the Council.~~
- ~~**N.O.** Pleadings. The Council may strike a pleading not filed in accordance with this Section.~~
- ~~**O.P.** Depositions:~~
1. On the motion of a party, the Council may order the deposition of a witness under the following circumstances:
    - a. The witness does not reside within the State or is out of state,
    - b. The witness is too ill to attend the action before the Council, or
    - c. The deposition is for the purpose of discovery in preparing a case before the Council.



- 2. The requesting party shall pay the expense of any deposition. An employee of the agency is not entitled to a witness fee for giving a deposition.
- 3. The deposition of a witness who is unavailable to appear at a hearing may be used in evidence by either party or the Council.
- P.O.** Open hearings. The Council’s hearings shall be open to the public. The Council may, upon request of a party, exclude non-testifying witnesses from the hearing. The Council may keep excluded witnesses separated and prevent them from communicating with each other until all are examined.
- Q.R.** Minor discipline hearings. When the Council hears appeals of suspension without pay of 24 hours or less or the deduction of 24 hours or less from an employee’s annual leave balance, each party shall have no more than three hours to present evidence unless the Council allows more time to assure a fair hearing.
- R.S.** Legal counsel or representative. Before the hearing of any appeal, each party shall designate its legal counsel or representative for the record. The Council shall advise each party without legal counsel that the party may obtain and be represented by counsel at the hearing. At the request of a party, the Council may postpone the hearing for a reasonable length of time to allow a party to obtain legal counsel.
- S.T.** Presentation of evidence. Both parties may present evidence and witnesses either personally or through a representative. The Council shall exclude evidence irrelevant to the causes set forth in the notice of disciplinary action.
- T.U.** Settlement of disputes. If requested by the employee, the parties shall submit the terms of settlement to the Council. If the Council approves the settlement, the settlement becomes final. If no settlement is reached, or if the proposed settlement is revoked or rejected by the Council, or withdrawn by either party, or if the settlement agreement is later vacated or reversed by a court, neither the settlement discussion nor any resulting agreement shall be admissible against the employee in any hearing before the Council on the matter.
- U.V.** Decision. In arriving at a decision, the Council may consider any disciplinary action taken within the previous 10 years against the employee, if the information is introduced at the hearing. The Council’s decision shall contain findings of fact and its order for disposition of the case.

**R13-5-704. Rehearing of Council Decisions-Decision Regarding Employees**

- A.** Motion for rehearing.
  - 1. Except as provided in subsection (C), any party in a contested case or appealable agency action may file a written motion for rehearing within 30 days after service of the decision. The requesting party shall specify the grounds for a rehearing, as provided in subsection (B). A respondent may file a response to the motion within 15 days after service.
  - 2. A party filing a post-hearing motion shall include references to the record where appropriate.
  - 3. The Council may require the parties to file written memoranda upon the issues raised in the motion and may permit oral argument.
  - 4. The Council may grant a rehearing on all or part of the issues. If a rehearing is granted, the Council shall specify the grounds for the rehearing, and the rehearing shall cover only those matters.
- B.** Basis for a rehearing. The Council may grant a rehearing for any of the following causes:
  - 1. The Council acted in an arbitrary or capricious manner or abused its discretion;
  - 2. Misconduct of the Council or the prevailing party;
  - 3. Newly discovered material evidence which, with reasonable diligence, could not have been discovered and produced at the original hearing;
  - 4. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the action;
  - 5. The decision was not supported by the evidence; or
  - 6. The decision is contrary to law.
- C.** Decisions not subject to rehearing. The Council may issue a decision as final upon making a specific finding that a decision’s immediate effectiveness is necessary for the preservation of the public peace, health, or safety, or that a rehearing of the decision is impractical, unnecessary, or contrary to the public interest.

**R13-5-706. Appeal to the Council by Covered Employees**

- A.** Appealable actions by covered employees. A covered employee may appeal dismissal from covered service, suspension for more than 40 working hours, or involuntary demotion resulting from disciplinary action.
- B.** Form of appeal. To initiate an appeal, a covered employee shall submit a signed written appeal to the business manager and the agency head. The appeal must state specific facts relating directly to the charges on which the appeal is based.
- C.** Time for appeal. A covered employee shall file an appeal within 10 working days after the effective date of the action.
- D.** Agency responsibility.
  - 1. When a covered employee is dismissed, involuntarily demoted, or suspended for more than 40 working hours, the employing agency shall notify the Business Manager in writing of this action and provide related documentation within 5 business days.
  - 2. An agency shall have the burden of going forward with the case once an appeal has been filed.
  - 3. An agency must prove by a preponderance of the evidence that it had just cause to discipline the employee.
- E.** Effect of appeal. The Council shall determine whether the employing agency has proven by a preponderance of the evidence that the employing agency had just cause to discipline the employee. The Council shall reverse the decision of the agency head if the Council finds that just cause did not exist for any discipline to be imposed and, in the case of dismissal or demotion, return the employee to the same position the employee held before the dismissal or demotion with or without back pay. On a finding that the agency has not proven just cause to discipline the employee by a preponderance of the evidence, the Council may recommend a proposed disciplinary action in light of the facts proven.
- F.** Agency action after receiving a decision or recommendation. The agency head or the agency head’s designee shall accept, modify or reverse the Council’s decision or accept, modify or reject the Council’s recommendation within fourteen days of receipt of the findings or recommendation from the Council. The decision of the agency head is final and binding. The agency head shall send a copy of the agency’s final determination to the employee.



- G.** Notice of hearing. The Council shall notify the parties of the time and place of the hearing.
- H.** Failure to appear. If a party, without good cause, fails to appear at the time and place set for a hearing, the Council may find in favor of the appearing party.
- I.** Conduct of hearings. The Council shall hear the appeal within 30 days of the receipt of the appeal. The Council shall sit as a whole at a hearing, unless a Council member declares a conflict or is unable to attend. Only a Council member who was present at a hearing may participate in making the decision. Council members may administer oaths, issue subpoenas for the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses residing within or outside the state to be taken in the manner prescribed by law for depositions in civil cases in the Superior Court of this state.
- J.** Witness fees. Witnesses at a hearing, other than covered employees, are entitled to the fees allowed witnesses under A.R.S. § 12-303.
- K.** Payment of witness fees. If the Council subpoenas a witness on its own initiative, the Council shall pay the witness' fees and mileage. The requesting party shall pay the fees for subpoenaed witnesses. A covered employee appearing as a witness on duty shall receive travel expenses from the agency and shall not be entitled to witness fees.
- L.** Discovery.
1. Within three business days after receiving a written request from the covered employee, the agency shall provide a complete copy of the investigative file, as well as the names and home or work mailing addresses of all persons interviewed during the course of the investigation, to the covered employee. For the purpose of this subsection, hand-written notes substantially incorporated within a report are not considered part of the investigation file.
  2. Within 20 days after receiving the investigative file, the covered employee shall provide all material relating to the defense of the covered employee to the agency head.
  3. After initial discovery, each party shall provide all new material relating to the case to the other party within 10 days after receipt.
  4. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal was filed, no later than 10 business days before the hearing, the agency and the covered employee shall exchange copies of any documents that may be introduced at the hearing and that have not been previously disclosed.
  5. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal is filed, no later than 10 business days before the hearing, the agency and the covered employee shall exchange the names of all witnesses who may be called to testify. A witness may be interviewed at the discretion of the witness. The parties shall not interfere with any decision of a witness regarding whether to be interviewed. An agency shall not discipline, retaliate against, or threaten to retaliate against, any witness for agreeing or not agreeing to be interviewed or for testifying or providing evidence in the hearing.
  6. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal is filed, no later than 10 business days before the hearing, the agency and the covered employee shall provide all documents that will be used at the hearing and a list of intended witnesses to the office of the Council.
  7. If a party fails to provide material as required, the Council may preclude its use at the hearing.
- M.** Motions. All motions shall be in writing and filed no later than 20 days prior to the hearing. A response shall be filed in writing within 10 days after service of the motion. The chair may designate one or more members of the Council to hear and rule on a motion, except a motion to dispose of the case requires a vote of a majority of the Council.
- N.** Pleadings. The Council may strike a pleading not filed in accordance with this Section.
- O.** Depositions:
1. On the motion of a party, the Council may order the deposition of a witness under the following circumstances:
    - a. The witness does not reside within the State or is out of state.
    - b. The witness is too ill to attend the action before the Council, or
    - c. The deposition is for the purpose of discovery in preparing a case before the Council.
  2. The requesting party shall pay the expense of any deposition. A covered employee of the agency is not entitled to a witness fee for giving a deposition.
  3. The deposition of a witness who is unavailable to appear at a hearing may be used in evidence by either party or the Council.
- P.** Open hearings. The Council's hearings shall be open to the public. The Council may, upon request of a party, exclude non-testifying witnesses from the hearing. The Council may keep excluded witnesses separated and prevent them from communicating with each other until all are examined.
- Q.** Legal counsel or representative. Before the hearing of any appeal, each party shall designate its legal counsel or representative for the record. The Council shall advise each party without legal counsel that the party may obtain and be represented by counsel at the hearing. At the request of a party, the Council may postpone the hearing for a reasonable length of time to allow a party to obtain legal counsel.
- R.** Presentation of evidence. Both parties may present evidence and witnesses either personally or through a representative. The Council shall exclude evidence irrelevant to the causes set forth in the notice of disciplinary action.

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## NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

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

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### NOTICE OF RULEMAKING DOCKET OPENING BOARD OF TECHNICAL REGISTRATION

[R17-87]

- 1. Title and its heading:** 4, Professions and Occupations

**Chapter and its heading:** 30, Board of Technical Registration

**Article and its heading:** 1, General Provisions  
2, Registration Provisions  
3, Regulatory Provisions

**Section numbers:** R4-30-101, R4-30-102, R4-30-103, R4-30-106, R4-30-107, R4-30-120, R4-30-121, R4-30-123, R4-30-126, R4-30-201, R4-30-202, R4-30-202.01, R4-30-203, R4-30-204, R4-30-208, R4-30-209, R4-30-209.01, R4-30-210, R4-30-214, R4-30-222, R4-30-242, R4-30-247, R4-30-252, R4-30-254, R4-30-262, R4-30-264, R4-30-270, R4-30-271, R4-30-272, R4-30-282, R4-30-284, R4-30-301, R4-30-301.01, R4-30-303, R4-30-304, R4-30-305, R4-30-306, Appendix A and Appendix B (*Sections may be added, deleted or modified as necessary.*)
- 2. The subject matter of the proposed rule:**  
The Board proposes to amend rules as they relate to the professions and occupations under its jurisdiction to clarify modern industry standards and requirements in the licensing and enforcement areas, reflect statutory changes the Legislature made to the Board’s Practice Act in 2016 and 2017, establish rules pertaining to the regulation of alarm firms, controlling persons and alarm agents and update the Board’s fees to reflect current agency costs for providing services.
- 3. A citation to all published notices relating to the proceeding:**  
Not applicable
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Patrice Pritzl, Deputy Director  
Address: Board of Technical Registration  
1110 W. Washington St., Suite 240  
Phoenix, AZ 85007

Telephone: (602) 364-4930  
Fax: (602) 364-4931  
E-mail: Patrice.Pritzl@azbtr.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written, oral, facsimile or e-mailed comments will be accepted from 8:00 a.m. to 5:00 p.m., Monday through Friday, at 1110 W. Washington Street, Suite 240, Phoenix, AZ 85007, for 30 days from the publication of the Notice of Proposed Rulemaking, or until the close of record, whichever is later.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
None



**NOTICE OF RULEMAKING DOCKET OPENING  
GAME AND FISH COMMISSION**

[R17-88]

1. **Title and its heading:** 12, Natural Resources  
**Chapter and its heading:** 4, Game and Fish Commission  
**Article and its heading:** 4, Live Wildlife  
**Section numbers:** R12-4-414 (As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary)
2. **The subject matter of the proposed rule:**  
 On April 7, 2017, as a result of a rulemaking petition, the Commission directed the Department to work with identified stakeholders to develop rule amendments that result in an improved process and customer friendly approach for administering game bird licenses.
3. **A citation to all published notices relating to the proceeding:**  
 Notice of Proposed Rulemaking: 23 A.A.R. 1472, June 2, 2017 (in this issue)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
 Name: Wade Zarlingo, Small Game Program Manager  
 Address: Arizona Game and Fish Department  
 5000 W. Carefree Highway  
 Phoenix, AZ 85086  
 Telephone: (623) 236-7503  
 Fax: (623) 236-7929  
 E-mail: WZarlingo@azgfd.gov  
 Please visit the AZGFD website to track the progress of this rule; view the regulatory agenda and all previous Five-year Review Reports; and learn about any other agency rulemaking matters at <https://www.azgfd.com/agency/rulemaking/>.
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
 The Commission will accept comments Monday through Friday from 8:00 a.m. until 5:00 p.m. at the address listed under item #4 for thirty days from the date the Notice of Proposed Rulemaking is published in the *Arizona Administrative Register*. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking in this issue.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
 See the Notice of Proposed Rulemaking in this issue.

**NOTICE OF RULEMAKING DOCKET OPENING  
LAW ENFORCEMENT MERIT SYSTEM COUNCIL**

[R17-89]

1. **Title and its heading:** 13, Public Safety  
**Chapter and its heading:** 5, Law Enforcement Merit Council System  
**Article and its heading:** 1, General Provisions  
 4, Uncovered Appointments  
 7, Discipline and Appeals  
**Section numbers:** R13-5-101, R13-5-102, R13-5-402, R13-5-701 through R13-5-704, R13-5-706 (Additional sections may be added, modified or deleted as necessary)
2. **The subject matter of the proposed rule:**  
 This rulemaking is authorized by A.R.S. § 41-1830.12(3). The Law Enforcement Merit System Council proposes to amend its Title 13, Chapter 5 articles to comply with changes in statutes A.R.S. §§ 41-1830.11 through 41-1830-16, that were the result of H.B. 2571 and H.B. 2723 that passed in the fiftieth legislative session 2012 as well as the fifty-second legislative session 2014.
3. **A citation to all published notices relating to the proceeding:**  
 Notice of Proposed Rulemaking: 23 A.A.R. 1478, June 2, 2017 (in this issue)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
 Name: Jennifer Despain, Captain  
 Address: Law Enforcement Merit System Council  
 2102 W. Encanto Blvd.  
 Mail Drop 1290  
 Phoenix, AZ 85009-6638  
 Telephone: (602) 223-2286  
 Fax: (602) 223-2096  
 E-mail: jdespain@azdps.gov



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

Written comments may be submitted to the contact listed in item 4. The Council will provide information regarding an oral processing in the Notice of Proposed Rulemaking.

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

See the Notice of Proposed Rulemaking in this issue.




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## GOVERNOR EXECUTIVE ORDERS

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

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

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

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### EXECUTIVE ORDER 2017-02

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

[M17-23]

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

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

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

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

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

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

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

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

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



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

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

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

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

**ATTEST:**

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



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**GOVERNOR PROCLAMATIONS**

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

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**MEDICAL BILLERS DAY**

[M17-110]

**WHEREAS**, medical billers provide a much needed service to doctors and other healthcare providers and provide a vital segment of the healthcare industry; and

**WHEREAS**, increasingly, healthcare providers rely on medical billing companies to assist them in processing claims in accordance with applicable statutes and regulations; and

**WHEREAS**, healthcare providers consult with medical billing companies for advice regarding reimbursement matters, as well as overall decision-making; and

**WHEREAS**, medical billers strive to provide a high level of ethical, lawful and professional conduct throughout the entire healthcare industry; and

**WHEREAS**, medical billers can offer expertise in carrier reimbursement requirements, help ensure that medical claims are accurately prepared to free physicians and other practitioners to devote their energies to the care of their patients; and

**WHEREAS**, medical billers continue to influence the billing process in a positive and credible manner and should be recognized for their efforts and their loyalty to the medical billing profession.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 30, 2017 as

**MEDICAL BILLERS 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 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**

**MULTIPLE SYSTEM ATROPHY AWARENESS MONTH**

[M17-111]

**WHEREAS**, Multiple System Atrophy (MSA) is a rare degenerative and terminal neurological disease, which has a distinctive impact on each patient; and

**WHEREAS**, according to the Multiple System Atrophy Coalition, MSA affects approximately 50,000 Americans; and

**WHEREAS**, symptoms include problems with balance, coordination, gait, bladder and bowel functions, speech, swallowing, and breathing; and

**WHEREAS**, a multidisciplinary approach to MSA care includes physical, psychological, and financial support for patients and caregivers, including support groups; and

**WHEREAS**, there are some medications that treat the symptoms and some clinical trials for the development of improved treatment, much more research is needed for better management of the disease and ultimately, a cure; and

**WHEREAS**, increased education and awareness are needed to assist in accurately diagnosing MSA and to raise funds for research for treatments with fewer side effects and ultimately a cure; and

**WHEREAS**, March has been proclaimed as Multiple System Atrophy Awareness Month among the MSA worldwide community in dealing with the devastating effects of MSA.

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



**MULTIPLE SYSTEM ATROPHY 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 seventh 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**

**NARCOLEPSY AWARENESS DAY**

[M17-112]

**WHEREAS**, narcolepsy is a chronic neurological disorder caused by the brain’s inability to regulate sleep-wake cycles; and

**WHEREAS**, narcolepsy affects an estimated 1 in every 2,000 Americans; and

**WHEREAS**, narcolepsy is an under-recognized and under-diagnosed condition; and

**WHEREAS**, the symptoms of narcolepsy, especially when undiagnosed, can lead to accidents, injuries, and problems with learning, and working; and

**WHEREAS**, narcolepsy affects people neurologically, socially, and emotionally; and

**WHEREAS**, narcolepsy affects people of all ages, with onset typically between the ages of 15 and 25; and

**WHEREAS**, Narcolepsy Network is a national organization, based in North Kingstown, RI, created to promote awareness of the disease and support for those who suffer from narcolepsy.

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

**NARCOLEPSY 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 seventeenth 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**

**NEUROMYELITIS OPTICA AWARENESS MONTH**

[M17-113]

**WHEREAS**, Neuromyelitis Optica (NMO) is a rare autoimmune disorder in which the immune system cells and antibodies primarily attack the optic nerves and spinal cord; and

**WHEREAS**, NMO causes damage to the optic nerves and spinal cord which can lead to inflammation, pain, loss of vision, weakness, paralysis in the legs and arms, loss of sensation, and problems with bladder and bowel function; and

**WHEREAS**, NMO is more common in women than men by 80 percent, and occurs in all parts of the world; and

**WHEREAS**, NMO can occur at any age in children as young as 3 and adults as old as 90, and its most common between the ages of 40-50; and

**WHEREAS**, early diagnosis of NMO is critical, and if untreated can lead to devastating and irreversible effects, and while there is no cure for NMO, with early detection, individuals diagnosed can receive medical attention; and

**WHEREAS**, it is important to improve public awareness of NMO so it can be diagnosed at the earliest stage possible and proper treatment can begin.

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

**NEUROMYELITIS OPTICA AWARENESS MONTH**

in support of patients, families, advocates, researchers, and medical professionals and encourage all Arizonans to support those who dedicate their time and expertise to raise awareness regarding this disorder.



**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 fourteenth 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**

#### **READ ACROSS AMERICA DAY**

[M17-114]

**WHEREAS**, the citizens of Arizona stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs for the future, and their ability to compete in a global economy; and

**WHEREAS**, Arizona has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

**WHEREAS**, "NEA's Read Across America," a national celebration of reading on March 2, 2017, sponsored by the National Education Association, promotes reading and adult involvement in the education of our community's students.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 2, 2017 as

#### **READ ACROSS AMERICA DAY**

and call on the citizens of Arizona to assure that every child is in a safe place reading together with a caring adult on March 2, 2017 and recommit our community to engage in programs and activities to make America's children the best readers in the world.

**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**

#### **RED LIGHT RUNNING AWARENESS MONTH**

[M17-115]

**WHEREAS**, red light, yield and stop sign running is the leading cause of urban crashes; and

**WHEREAS**, motorists, passengers and pedestrians are more likely to be injured or killed in crashes caused by red light running than any other type; and

**WHEREAS**, tens of thousands of innocent people survive the impact of intersection crashes only to suffer permanent, incapacitating injuries often requiring expensive, prolonged medical care and rehabilitation; and

**WHEREAS**, car crashes are the number one killer of teens and young adults in the United States; and

**WHEREAS**, the Red Means Stop Traffic Safety Alliance, DrivingMBA, State Farm Insurance Co., AAA Arizona and local, state and national agencies are advocating for education and awareness programs to change driver behavior, reduce crashes and save lives.

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

#### **RED LIGHT RUNNING AWARENESS MONTH**

and I further encourage all residents to support the efforts to raise awareness to the dangers of red light running, and to do all they can to stop red light running on our roadways.

**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 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

SAINT PATRICK’S DAY IN ARIZONA AND KISS ME I’M IRISH WEEKEND IN ARIZONA

[M17-116]

WHEREAS, since the founding of our state, people of Irish heritage have made their homes in Arizona and many have become leaders in government, education, business and science; and

WHEREAS, the Irish people and culture are an important part of the ethnic tradition of the United States and have played a significant role in the history and development of our state and nation; and

WHEREAS, in Ireland and in places recognizing Irish heritage, communities celebrate the legend of Ireland’s patron saint, Patrick, who died on March 17 around 470 A.D.; and

WHEREAS, from our nation’s first St. Patrick’s Day parade in New York City in 1762, festivals, celebrations, and the “wearing’ o’ green” have grown to cities and towns across the country so that this is possibly the only national holiday given such recognition outside of its native land; and

WHEREAS, the Phoenix St. Patrick’s Day Parade and Faire is one of the top ten largest and most celebrated St. Patrick’s Day celebrations in the country always celebrated on the Saturday before March 17<sup>th</sup> and will celebrate its 34<sup>th</sup> year on March 11<sup>th</sup>, 2017; and

WHEREAS, the Phoenix Irish Cultural Center and McClelland Library is an epicenter for Southwestern Irish people and has many organizations like the Friends of Saint Patrick – Arizona Chapter working in our community to share St. Patrick’s message of charity, peace and reconciliation; and

WHEREAS, the symbol of St. Patrick’s Day is the Shamrock, which is used to illustrate how the Trinity could exist as separate elements of the same entity. We, as Americans and Arizonans, can also celebrate the shamrock as symbolic of our shared immigrant past; and

WHEREAS, the annual Kiss Me I’m Irish Run celebrates Irish culture with a family-friendly and healthy outdoor activity that showcases Arizona parks and recreational facilities, this year to be held on March 18<sup>th</sup>, 2017; and

WHEREAS, the American Cancer Society Relay for Life and Kiss Me I’m Irish Run are offering a Kilt Run on St. Patrick’s Day, Friday March 17, 2017 with the goal of breaking the world record for the number of runners in Kilts, further shining the spotlight on Arizona; and

WHEREAS, the State of Arizona is proud to recognize Kiss Me I’m Irish Run for offering a unique St. Patrick’s Day celebration while helping to raise money for cancer.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, call upon our citizens to observe the occasion with appropriate ceremonies and celebrations and do hereby proclaim March 17, 2017 as

SAINT PATRICK’S DAY IN ARIZONA

and March 17 - 18, 2017 as

KISS ME I’M IRISH WEEKEND 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 twenty-second 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

SCHOOL SOCIAL WORK WEEK

[M17-117]

WHEREAS, school social workers enhance the ability of schools to meet their academic mission and are instrumental in furthering the mission of schools to provide a setting for teaching, learning, and for the attainment of competence and confidence; and

WHEREAS, school social workers bring unique knowledge and skills to their school system and the student services team; and

WHEREAS, school social workers are especially skilled in providing services to students who face serious challenges to student achievement, including poverty, disability, discrimination, abuse, addiction, bullying, divorce or parents, loss of a loved one, and other barriers to learning; and

WHEREAS, school social workers are trained mental health professionals who assist youth with mental health concerns, behavioral concerns, positive behavioral support, academic and classroom support, and consultation with teachers, parents and administrators.



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

**SCHOOL SOCIAL WORK 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 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**

**SOCIAL WORK MONTH**

[M17-118]

**WHEREAS**, the primary mission of the social work profession has been to enhance well-being and help meet the basic needs of all people, especially the most vulnerable in society; and

**WHEREAS**, social work is one of the fastest growing careers in the United States, with almost 650,000 members of the profession; and

**WHEREAS**, Social Workers work in all areas of our society to improve happiness, health and prosperity, including in government, schools, universities, social service agencies, communities, the military and mental health and health care facilities; and

**WHEREAS**, Social Workers have pushed for decades to ensure equal rights for all; and

**WHEREAS**, Social Workers are the largest group of mental health care providers in the United States, and work daily to help people overcome substance use disorders and mental illnesses such as depression and anxiety; and

**WHEREAS**, Social Workers deploy across the United States and the world, helping people overcome earthquakes, floods, wars, and other disasters and return to peace and prosperity; and

**WHEREAS**, Social Workers embody this year's Social Work Month theme, "Social Workers Stand Up!," by serving, advocating for, and empowering millions of Americans each day; and

**WHEREAS**, Social Workers embody the theme of this year's World Social Work Day on March 21, 2017, "Promoting Community and Environmental Sustainability," by working with individuals, organizations and local and federal government to improve communities and protect the environment.

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

**SOCIAL WORK MONTH**

and I urge all citizens to join with the National Association of Social Workers in celebration and support of the Social Work profession.

**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 seventh 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**

**SUDDEN UNEXPLAINED DEATH IN CHILDHOOD AWARENESS MONTH**

[M17-119]

**WHEREAS**, Sudden Unexplained Death in Childhood (SUDC) is the sudden and unexplained death of a child over the age of 12 months which remains unexplained after a thorough case investigation is conducted, including performance of a complete autopsy, examination of the death scene, and review of the child's medical history; and

**WHEREAS**, each year, there are more than 4,600 sudden unexpected infant deaths and over 200 children between the ages of one and four who die without any clear cause of explanation; and

**WHEREAS**, while less common than Sudden Unexpected Infant Death (SUID), which occurs before the first birthday, SUDC is an important health concern deserving of increased public awareness and research; and



WHEREAS, at the present time, there is no way to prevent SUDC as its cause(s) is not known. It is hoped that future research will identify means by which SUDC can be prevented. If and when risk factors are identified, such as prone sleep position for SUID, then one might anticipate reduction in the risk of SUDC; and

WHEREAS, we recognize the dedicated efforts of organizations such as the SUDC Foundation, medical professionals, and volunteers that are working to better understand the causes of sudden unexplained death, improve the health of infants and children, and provide much needed hope and support for those families grieving the heartbreaking sudden unexplained death of a child; and

WHEREAS, Sudden Unexplained Death in Childhood Awareness Month provides an opportunity to honor the memory of the young lives that ended too soon, show encouragement and support for the families and loved ones forever devastated by their loss, and increase public awareness of SUDC and the ongoing search for answers.

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

**SUDDEN UNEXPLAINED DEATH IN CHILDHOOD AWARENESS MONTH**

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

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

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

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

**SURVEYORS WEEK**

[M17-120]

WHEREAS, the nature of surveying has changed dramatically since the Colonial Era when it was defined by the description and location of land boundaries; and

WHEREAS, the surveying profession has since expanded to include hydrographic, engineering, and geodetic surveys; and

WHEREAS, professional surveyors provide important services through the use of legal principles, procedures, sophisticated equipment, and techniques; and

WHEREAS, the role of the surveyor is important in the development of Arizona; and

WHEREAS, there is occasion to recognize professional surveyors and important work provided for our communities, and to reflect on the historical contributions of surveying and the new technologies that are constantly modernizing this honored profession.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 19 - 25, 2017 as

**SURVEYORS 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 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**

**TRAUMATIC BRAIN INJURY AWARENESS MONTH**

[M17-121]

WHEREAS, traumatic brain injury is a public health problem that impacts a reported 1.7 million people in the United States annually; and  
WHEREAS, of these individuals, 80,000 to 90,000 sustain permanent disability; and

WHEREAS, in Arizona there were a reported 1,233 deaths, 6,581 hospitalizations, and 54,310 emergency department visits in 2014 resulting in over \$574 million in hospital charges due to Traumatic Brain Injury; and

WHEREAS, unintentional injuries accounted for 86 percent of traumatic brain injury hospitalizations; and

WHEREAS, amongst Arizona residents traumatic brain injury resulting in emergency department visits were highest among children younger than one year of age; and

WHEREAS, most traumatic brain injuries are predictable and preventable through the understanding of associated risk factors.



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

**TRAUMATIC BRAIN INJURY 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 eighth 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**

**WILDFIRE PREVENTION WEEK**

[M17-122]

**WHEREAS**, the safety of all residents and visitors to Arizona is paramount; and

**WHEREAS**, in Arizona half of all wildfires are human caused and annually burn over 300,000 acres of federal, state, local, and private lands endangering our citizens and property; and

**WHEREAS**, wildlands, wildlife, grazing, watersheds, air quality, and local economies are vitally important to all of our residents and visitors and all are affected by severe wildland fires; and

**WHEREAS**, state and federal agencies are dedicating millions of dollars on fuel reduction projects to reduce the risk of wildfire in Arizona; and

**WHEREAS**, increased citizen awareness and the promotion of community-based solutions by fire officials, public officials, insurance and utility companies, and other wildfire prevention partners are needed to work together to reduce the threat of wildfire; and

**WHEREAS**, we all share the personal responsibility to remember that “One Less Spark Can Mean One Less Wildfire”, and residents should safeguard their properties by implementing “Firewise” practices around homes such as clearing flammable vegetation and using fire resistant building materials.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, in recognition of the importance of protecting our grand State from devastating wildfires, do hereby proclaim March 26 – April 1, 2017 as

**WILDFIRE PREVENTION 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 seventh 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**

**WOMEN’S HISTORY MONTH**

[M17-123]

**WHEREAS**, throughout history, women have played an important role in advancing not only themselves but society as a whole; and

**WHEREAS**, women in Arizona’s history, whether American Indian, pioneers, life-long Arizonans, migrants from other states or immigrants, have made great strides as leaders in many fields including elected and appointed public service, military service, business, education, medicine, the professions, the arts, philanthropy and charitable service; and

**WHEREAS**, among “the firsts” from Arizona is the first woman United States Supreme Court Justice, Sandra Day O’Connor; first woman state Chief Justice in United States history, Arizona Supreme Court Chief Justice Lorna Lockwood; first woman in the United States to a state legislature, Representative Rachel Emma Allen Berry; and

**WHEREAS**, Women’s History Month had its origins as a national celebration in 1981 when Congress passed legislation which authorized and requested the President to proclaim the week beginning March 7, 1982 as “Women’s History Week.” In 1987 Congress passed a law which designated the month of March 1987 as “Women’s History Month.” Since 1995, every President has annual proclamations designating the month of March as “Women’s History Month.”

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



**WOMEN'S HISTORY MONTH**

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

**Douglas A. Ducey**

**GOVERNOR**

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

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**



## 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

### **SUMMARY RULEMAKING**

#### **PROPOSED SUMMARY**

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

#### **FINAL SUMMARY**

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

### **EXPEDITED RULEMAKING**

#### **PROPOSED EXPEDITED**

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

#### **SUPPLEMENTAL EXPEDITED**

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

#### **FINAL EXPEDITED**

FEN = Final Expedited new Section  
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 FE# = Final Expedited renumbered Section

### **EXEMPT RULEMAKING**

#### **EXEMPT PROPOSED**

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

#### **EXEMPT SUPPLEMENTAL PROPOSED**

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

#### **FINAL EXEMPT RULEMAKING**

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

### **EMERGENCY RULEMAKING**

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

### **RECODIFICATION OF RULES**

RC = Recodified

### **REJECTION OF RULES**

RJ = Rejected by the Attorney General

### **TERMINATION OF RULES**

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

### **RULE EXPIRATIONS**

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

### **CORRECTIONS**

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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.

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



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



**REGISTER PUBLISHING DEADLINES**

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

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
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](http://www.grrc.state.az.us).

### GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2017

[M16-300]

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

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