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Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

The printed *Code* is the official publication of a rule in the A.A.C., and 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 page.

Arizona Administrative Register

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

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

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

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

Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

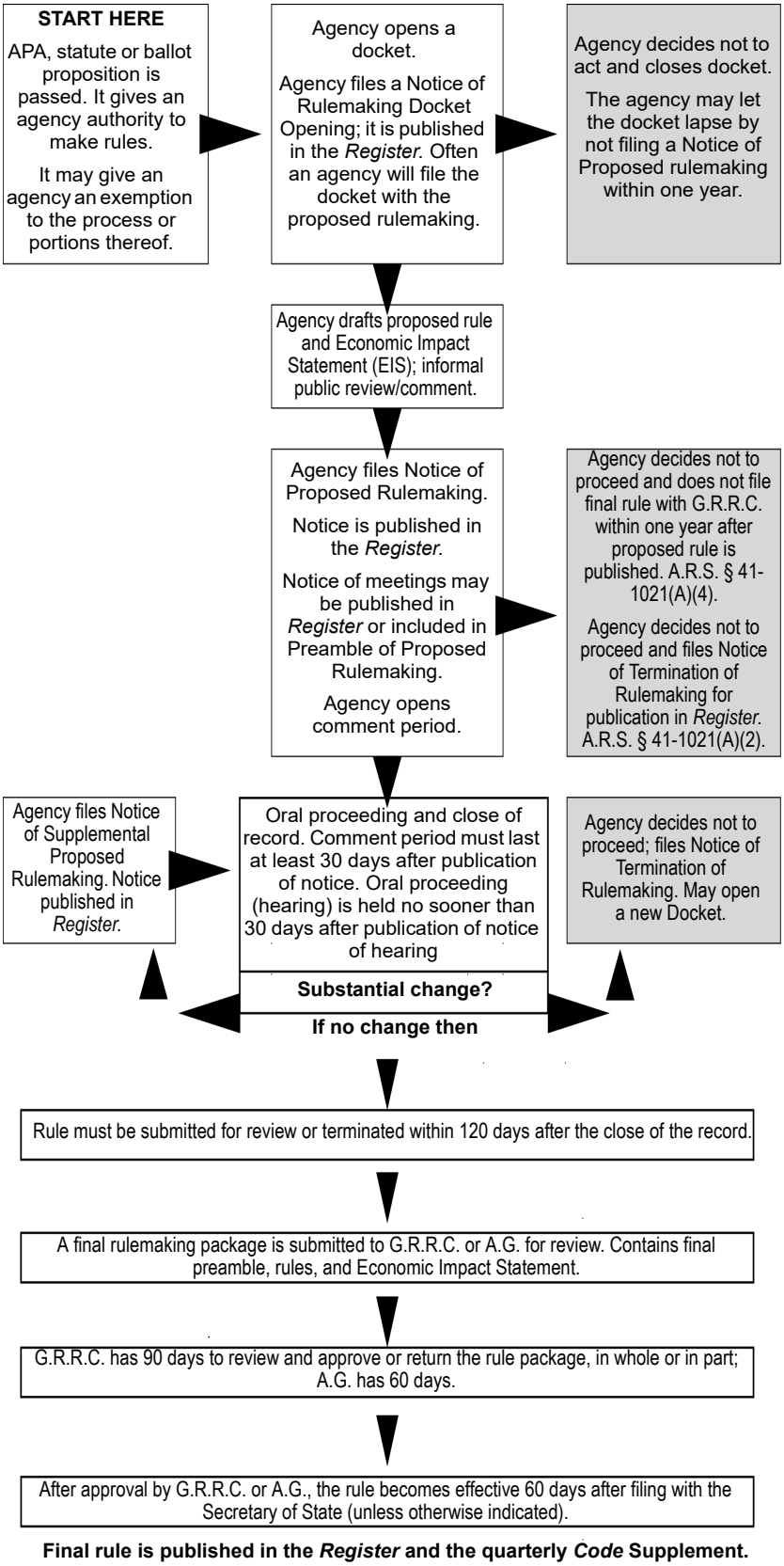
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

A.A.R. – Arizona Administrative Register

APA – Administrative Procedure Act

A.R.S. – Arizona Revised Statutes

CFR – *Code of Federal Regulations*

EIS – Economic, Small Business, and Consumer Impact Statement

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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

NOTICES OF FINAL RULEMAKING

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

The final published notice includes a preamble and text of the rules as filed by the agency. Economic Impact Statements are not published.

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

NOTICE OF FINAL RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 18. GOVERNMENT INFORMATION TECHNOLOGY

[R19-74]

PREAMBLE

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

Article, Part, or Section Affected (as applicable)	Rulemaking Action
R2-18-101	Amend
R2-18-201	Amend
R2-18-301	Amend
Article 4	Amend
R2-18-401	Amend
Article 5	New Article
R2-18-501	New Section
R2-18-502	New Section
R2-18-503	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. §§ 18-104(A)(12)

Implementing statutes: A.R.S. §§ Title 18, Chapter 1

3. The effective date of the rules:

June 7, 2019

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

4. Citation 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 Proposed Rulemaking: 25 A.A.R. 93, January 11, 2019

Notice of Rulemaking Docket Opening: 25 A.A.R. 107, January 11, 2019

5. The agency's contact person who can answer questions about the rulemaking:

Name: Lisa Meyerson Marshall

Address: Department of Administration
100 N. 15th Ave., Suite 400
Phoenix, AZ 85007

Telephone: (602) 364-4780

E-mail: lisa.meyerson@azdoa.gov

Website: https://aset.az.gov/

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

The Arizona Department of Administration (ADOA) is amending the rules in A.A.C. Title 2, Chapter 18 based upon a critical and comprehensive review of its rules. ADOA believes that the rulemaking will result in rules that are more clear, concise, and effective.

The benefits of these rules will be to assist agencies to interact more efficiently with the Department in developing and submitting project investment justifications (PIJ) for approval. Additionally, the rules will serve as a guide for the Department to manage the PIJ approval process in an efficient and transparent manner. The rules will also clarify the content of strategic IT plans submitted by agencies and clarify the appeal process. Finally, new rules regarding the Americans with Disabilities Act (ADA) compliance and complaints have been added to complete the rule package.

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

None

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

Not applicable

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

The Department anticipates that the primary economic impact of the rules will be derived from an efficient operation of state government business units in regard to their use of IT. Additional changes to clarify existing rules should have a beneficial economic impact on all users of the rules. The rulemaking will apply to all state agencies subject to ASET oversight, currently estimated at 100 agencies. The rulemaking will also apply to members of the public utilizing state agency IT systems.

The economic impact of the rulemaking is expected to be minimal (less than $1,000) for all persons involved in the appeal and ADA complaint processes. Clarifying procedures for appeals and complaints make the most efficient use of staff resources while providing appropriate information in a timely fashion.

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

Only clarifying and technical changes, none of which are substantial under the standard set forth A.R.S. 41-1025, have been made between the proposed rulemaking and the final rulemaking.

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

The following is a high-level summary of comments/questions that were received.

Comment from Krishna Jhaveri (GRRC):
In the definition of telecommunications it says "without changing the form" what does that mean?

Response:
To clarify: if the message is spoken and then the message is transmitted, the message will be received as spoken and will not be transformed into another form.

Staff Note: Action taken to clarify and simplify telecommunications definition.
Changed from "Telecommunications," as used in A.R.S. § 18-101(6), means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. The term does not include commercial mobile radio services, pay phone services, interstate services, or cable services.
Changed to: "Telecommunications," as used in A.R.S. § 18-101(6), does not include land mobile radio services.

Comment from Jennifer Woods (Traversant):
With respect to contract approval, are we saying SPO could enter into vendor negotiations and award contingent on PIJ approval?

Response:
Yes. No official start date, encumbrance or expenditure of funds until PIJ approved.

Follow-up comment from Jennifer Woods (Traversant):
Do we have a special term that could do that?

Response:
If not it could be created. This will simplify the RFP process and remove complications with ITAC review. This will allow them to get to award contingent on PIJ approval so that ITAC can discuss.

Staff Note: Discussion clarified intent. No action needed in the rules.

Comment from Jennifer Woods (Traversant):
IT plans would be really interesting to read. Movement on budget to force agencies to post budget requests. Are these plans required to be posted? Is there an effort? Are they public records?

Response:
Not sure. Can look into. Internal conversations, in progress.

Staff Note: Request for information on current practices. No action needed in the rules.

Comment from Jennifer Woods (Traversant):
With respect to accessibility of IT Projects - what qualifies as an IT Project? Does the funding source matter?

Response:
With respect to accessibility, the statute and rule applies to "any electronic or information technology".

Staff Note: Discussion to clarify intent. No action needed in the rules.

Follow-up email from Jennifer Woods (Traversant) dated 2/13/19:

Comment: I have a quick follow-up question. Do the new rules/ ITAC oversight apply to university technology projects? Looking at Title 18, the definition of "budget unit" my interpretation is that ITAC applies to the Board of Regents, but not ASU, NAU, UofA or the community colleges. Just wanted to confirm.

Response:
We concur with your interpretation of the statutory language.

Staff Note: Discussion to clarify statute. No action needed in the rules.

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

None

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

The rules do not require issuance of a regulatory permit, license or agency authorization.

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

The rules are being promulgated under state law. In addition, A.R.S. Title 18, Chapter 1, Article 3 - Alternative Access to Electronic or Information Technology, refer to federal law Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) as amended. These rules refer to this federal law as well. The proposed state rules do not exceed federal law, but clarify how the State can demonstrate compliance with federal 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:

None

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

None

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

The rule was not previously made as an emergency rule.

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 18. GOVERNMENT INFORMATION TECHNOLOGY

~~(Authority: A.R.S. § 41-3504 et seq.)~~

ARTICLE 1. GENERAL PROVISIONS

Section
R2-18-101. Definitions

ARTICLE 2. INFORMATION TECHNOLOGY PROJECTS

Section
R2-18-201. Information Technology Project Justification and Monitoring

ARTICLE 3. INFORMATION TECHNOLOGY PLANNING

Section
R2-18-301. Information Technology Planning

ARTICLE 4. APPEALS OF ~~GOVERNMENT INFORMATION TECHNOLOGY AGENCY~~ DECISIONS

Section
R2-18-401. Appeals

ARTICLE 5. ALTERNATIVE ACCESS TO ELECTRONIC OR INFORMATION TECHNOLOGY

Section
R2-18-501. Accessibility Standards
R2-18-502. Complaints
R2-18-503. Complaint Review Process

ARTICLE 1. GENERAL PROVISIONS

R2-18-101. Definitions

Unless the context requires otherwise, the following definitions apply:

"Accessibility Compliance Representative" is the budget unit's designated representative for Section 508 compliance matters to receive, investigate and process complaints that allege the budget unit's failure to comply with accessibility standards.

"Accessibility Standards" means the statewide accessibility standards adopted by the Department to address compliance with Section 508 in developing, procuring, maintaining or using electronic or information technology.

~~1.~~ "Appeal" means a written request filed with the Information Technology Authorization Committee (ITAC) by a budget unit challenging a decision by the Arizona Department of Administration ~~Government Information Technology Agency (GITA)~~ to reject the budget unit's proposed IT Plan or project.

~~2. "CEO" means chief executive officer.~~

"Comparable Access" means alternative means of access that allows the individual to use the information and data in accordance with applicable state and federal laws such as Title I and Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

~~3.~~ "Critical information technology project," as used in A.R.S. Title 18, Chapter 1, means an IT project having ~~development~~ total costs greater than $25,000 and requires monitoring, with monitoring frequency and duration left to the sole discretion of the Department. ~~$1 million that GITA the Department or ITAC determines warrants monitoring because it:~~

~~a. Is complex,~~

~~b. Involves advanced technology not previously deployed in any budget unit, or~~

~~c. Requires technical expertise that is not available in the budget unit.~~

"Department" means the Arizona Department of Administration.

~~4. "Development costs" means the sum of IT project startup costs, as defined in the PIJ instructions.~~

~~5.~~ "Disapprove" means reject.

"Expenditure and Activity Report" means a standard project status summary that is used by a budget unit to report progress and costs on IT projects.

~~6. "GITA" means GOVERNMENT INFORMATION TECHNOLOGY AGENCY.~~

~~7. "Incomplete IT Plan or PIJ" means an IT Plan or PIJ that is missing information, sections, or approvals, as determined by GITA.~~

~~8.~~ "Information technology plan" or "~~(~~IT Plan"~~)~~, as used in A.R.S. Title 18, Chapter 1, means a documented strategy for ~~IT~~ information technology resources and practices to support business direction over a specific period of time.

~~9.~~ "Information technology project or "IT Project," as used in A.R.S. Title 18, Chapter 1, means a series of activities, events, and investments to develop and implement ~~a~~ new or enhanced IT ~~system~~ over a prescribed period of time.

~~10. "IT" means information technology.~~

~~11.~~ "ITAC" means Information Technology Authorization Committee, which is established under A.R.S. §18-121.

~~12.~~ "Major information technology project," as used in A.R.S. Title 18, Chapter 1, means an IT project that has ~~development~~ total costs greater than $1 million. ~~and:~~

~~a. Is necessary to the state or budget unit mission;~~

~~b. Is necessary to protect health, welfare, or safety of the public;~~

~~c. Is necessary for homeland security;~~

~~d. Is legally mandated;~~

~~e. Is necessary to improve government efficiency and effectiveness;~~

~~f. Involves a political subdivision; or~~

~~g. Involves multiple budget units.~~

~~13.~~ "PIJ" means project investment justification ~~document~~.

~~14. "Priority category," as used in A.R.S. Title 18, Chapter 1, means a grouping of approved GITA projects by GITA-defined criteria.~~

~~15.~~ "PIJ ~~Project investment justification~~ template" means a standard set of forms and reporting formats to be prepared by a budget unit and submitted to the Department ~~GITA~~ to describe an IT project and to identify resources, technologies, ~~values,~~benefits, costs, goals, risks, financials, ~~quality assurance issues associated with the project~~ and other key factors, ~~and~~ to establish ~~a~~ specific ~~time period~~ milestones for development and implementation of the project.

~~16. Project status report" means a standard project status summary that is used by a budget unit to report progress on IT projects.~~

~~17.~~ "Quality assurance ~~plan~~," as used in A.R.S. Title 18, Chapter 1, means a budget unit's process of evaluating IT ~~overall program or project~~ goals, objectives, and activities to promote successful implementation.~~, and tasks on a regular basis to provide the confidence that the IT program or project will produce the desired outcomes~~

"Section 508" means Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended

~~18.~~ "Standards" as used in A.R.S. Title 18, Chapter 1 means requirements associated with development, maintenance, use, and access to IT based on generalized industry benchmarks and best practices. ~~relating to technical, coordination and security components of information technology adopted by GITA for the purpose of developing and maintaining statewide coordinated use of, and access to, information technology resources.~~

"Telecommunications," as used in A.R.S. § 18-101(6), does not include land mobile radio services.

~~19.~~ "Temporarily suspend the expenditure of monies," as used in A.R.S. Title 18, Chapter 1, means an order from the Department ~~GITA~~ to a budget unit to immediately cease expenditures of monies and related project activities. ~~for a specific IT project if GITA determines that the IT project is at risk of failing to achieve the intended results, or does not comply with A.R.S. Title 18, Chapter 1 requirements~~.

~~20.~~ "Total project costs" or "total costs," as used in A.R.S. Title 18, Chapter 1, means the IT development and implementation costs associated with an information technology project.~~series of activities, events, and investments to develop and implement a new or enhanced IT system.~~

ARTICLE 2. INFORMATION TECHNOLOGY PROJECTS

R2-18-201. Information Technology Project Justification and Monitoring

A. If an IT project requires Department or ITAC ~~GITA~~ approval, under A.R.S. Title 41, Chapter 23 and Title 18 Chapter 1, a budget unit shall not commit or spend funds on the project and shall not enter into a project-specific ~~related~~ contract or vendor agreement until the budget unit receives written Department or ITAC ~~GITA~~ approval or unless the contract or vendor agreement is contingent upon receipt of such approval.

1. A budget unit shall submit a PIJ describing the value to the public and the state for the IT project, consistent with the approved budget unit IT Plan submitted to the Department ~~GITA~~ under R2-18-301. The budget unit shall use the current PIJ template and submit the completed PIJ to the Department ~~GITA~~.
2. If the PIJ is incomplete, the Department ~~GITA~~ shall identify deficiencies and either request additional information or return the PIJ to the budget unit for completion and resubmission.
3. The Department or ITAC ~~GITA~~ shall use the following general criteria to review each completed PIJ within its authority:
   a. Whether the proposed solution addresses the stated problem or situation;
   b. Whether the budget unit is competent to carry out the project successfully;
   c. Whether sufficient sponsorship and support by budget unit leadership exists;
   d. Whether cost estimates provided are accurate;
   ~~e. Whether the proposed solution is compatible with other budget unit solutions;~~
   ~~f. How likely unintended consequences are;~~
   ~~g~~e. Whether the proposed project aligns with the budget unit's Strategic IT Plan ~~plan is reasonable;~~ and
   ~~h~~f. Whether the proposed solution complies with statewide IT standards.
4. Based on the review, the Department or ITAC shall take one of the following actions:
   a. Approve,
   b. Conditionally approve, or
   c. Disapprove.

~~4~~5. The Department ~~GITA~~ shall inform the budget unit ~~CEO~~ of ~~its~~ the review decision in writing.

~~5~~6. If the Department ~~GITA~~ or ITAC conditionally approves the IT project, it shall identify the conditions ~~that~~ the budget unit shall satisfy to proceed with the project. Unless otherwise stated in the Department's ~~GITA's~~ communication to the budget unit ~~CEO~~, the budget unit may begin the IT project, with Department ~~GITA~~ monitoring, while the identified conditions are in the process of being satisfied by the budget unit.

~~6~~7. If the Department or ITAC ~~GITA~~ disapproves the IT project, the budget unit shall not begin the IT project, nor commit or spend any funds nor ~~and shall not~~ enter into any project-~~related~~ specific contract or vendor agreement.

~~7. A budget unit may appeal GITA's the decision to disapprove an IT project in accordance with Article 4 of this Chapter.~~

~~**B.** If an IT project is within the jurisdiction of ITAC, in accordance with A.R.S. Title 18, Chapter 1, GITA shall process a budget unit's PIJ and recommend to ITAC approval, conditional approval, or disapproval of the IT project.~~

~~**C.** GITA shall determine if an IT project is critical or major. For critical or major IT projects, GITA shall monitor project progress.~~

~~**D**~~**B.** If the Department ~~GITA~~ determines that an IT project is at risk of failing to achieve its intended results or does not comply with A.R.S. Title 18, Chapter 1, the Department ~~GITA~~ shall~~:~~

~~1. Temporarily~~ temporarily suspend the expenditure of monies and related activities for the IT project~~,~~ or~~,~~

~~2.~~ recommend to ITAC that ITAC temporarily suspend the expenditure of monies and related activities for the IT project.

C. Any temporary suspension under subsection (B) shall only be lifted by the Department or ITAC, as applicable, once the cause for the suspension has been adequately rectified as determined in the sole discretion of the Department or ITAC.

ARTICLE 3. INFORMATION TECHNOLOGY PLANNING

R2-18-301. Information Technology Planning

A. Under A.R.S. Title 18, Chapter 1, each budget unit shall annually develop and submit to the Department ~~GITA~~ an IT Plan containing goals, challenges ~~objectives~~, and plans ~~performance measures~~, on or before September 1 each year.

~~**B.** If an IT Plan is incomplete, GITA shall identify deficiencies and return the IT Plan to the budget unit for completion and resubmission to GITA.~~

~~**C**~~**B.** The Department ~~GITA~~ shall review the proposed~~, complete,~~ budget unit IT Plan to determine ~~the degree of change from previous plans and~~ whether:

1. Outcomes ~~Performance measures~~ are measurable,
2. Quality assurance plan is ~~measures are~~ included,
3. ~~Exposed gaps are addressed, and~~Disaster recovery plan is included, and
4. ~~IT goals and business goals align.~~IT goals align with statewide IT standards.

~~**D**~~**C.** The Department ~~GITA~~ shall either approve or disapprove the IT Plan and shall notify the budget unit ~~CEO~~ of its decision. An approved budget unit IT Plan remains in effect until the end of the fiscal year for which it is submitted~~, or until it is modified or replaced according to subsection (D-F)~~.

~~**E.** A budget unit may appeal a GITA decision to disapprove a budget unit IT Plan to ITAC, in accordance with Article 4 of this Chapter.~~

~~**F.** Modification of an approved budget unit IT Plan.~~

~~1. A budget unit may submit a modified, amended, or revised IT Plan to GITA for approval. An approved budget unit IT Plan shall remain in effect until a replacement IT Plan is approved by GITA or until the end of the fiscal year for which it is written.~~

~~2. GITA shall review a proposed modification of a budget unit IT Plan, in accordance with subsections (B) and (C).~~

ARTICLE 4. APPEALS OF ~~GOVERNMENTINFORMATION TECHNOLOGY AGENCY~~ DECISIONS

R2-18-401. Appeals to ITAC

A. A budget unit, which appeals a decision by the Department ~~GITA~~ regarding the disapproval of a budget unit IT Plan or a budget unit IT project, shall file a written appeal with ITAC within 30 days from receipt of notice of the Department ~~GITA~~ decision being appealed.

B. An appeal shall include:
1. The decision being appealed,
2. The specific facts on which the appeal is based,
3. The associated errors in the Department's ~~GITA's~~ decision, and
4. The action requested of ITAC.

C. An appealed decision shall remain in effect during the appeal. An appealing budget unit shall not resume or initiate any project activity or expense unless instructed otherwise by the Director of the Department ~~GITA~~. ITAC shall inform a Budget Unit regarding its decision on any appeal within 90 days of receipt of the appeal and if ITAC does not do so, the appeal will be considered denied.

ARTICLE 5. ALTERNATIVE ACCESS TO ELECTRONIC OR INFORMATION TECHNOLOGY

R2-18-501. Accessibility Standards

A. The Department shall prescribe electronic or information technology accessibility standards as authorized by A.R.S. §§ 18-104 and 18-105. Electronic or information technology products covered by these standards shall comply with all applicable provisions. The Arizona Strategic Enterprise Technology (ASET) Office of the Department shall maintain the accessibility standards and make them available to the public.

B. Each budget unit shall designate an Accessibility Compliance Representative and ensure that their products comply with accessibility standards, unless an undue burden would be imposed on the budget unit. When a budget unit determines compliance with these standards imposes an undue burden, budget units shall provide individuals with disabilities the information and data involved that allows the individual comparable access.

C. Each budget unit shall evaluate the accessibility of any proposed electronic or information technology system prior to the expenditure of State funds. The budget unit shall include the results of the accessibility evaluation in a written report maintained with the solution documentation. If applicable, the report shall include a declaration that the budget unit has determined that an undue burden or exception exists along with an explanation of the undue burden and how it was determined.

R2-18-502. Complaints

A. Any individual may file a complaint alleging that a budget unit does not comply with accessibility standards in regard to its electronic or information technology with the Accessibility Compliance Representative of the budget unit. The written complaint must:
1. State the name and contact information for the complainant;
2. Identify the electronic or information technology in question; and,
3. Describe the non-conformance with the accessibility standards in sufficient detail as to enable a review.

B. Upon receipt of a complaint, the Accessibility Compliance Representative will review the complaint to respond to and make a good faith effort to resolve any complaint by determining whether the electronic or information technology listed in the complaint is subject to accessibility standards. The representative will conduct a review within 60 days from receipt of the written complaint.

C. Upon completion of the review, the budget unit shall provide written notice of the results of the review to the complainant and Department of Administration, which shall include at least one of the following:
1. Documentation that the technology conforms to all applicable accessibility standards;
2. A documented explanation that any non-conformance with accessibility standards was exempted due to an undue burden; or
3. An agreement in part or in whole with the written complaint that includes a plan with reasonable timelines for conforming to applicable accessibility standards.

R2-18-503. Complaint Review Process

A. If a complainant is not satisfied with the complaint response issued by a budget unit, the complaint and the budget unit response can be filed within 30 days of issuance with the Director of the Department.

B. The Director or the Department's representative or representatives shall evaluate the complaint and budget unit response and may gather additional information as necessary to render an independent decision within 60 days of receipt of the complaint.
1. If it is determined the technology does not comply with accessibility standards, a written notice shall be sent to the budget unit, with a copy to complainant, of such findings and a requirement for a plan of resolution to be sent within 60 days to the Department and the complainant.
2. If it is determined the technology does comply with accessibility standards or that an undue burden does exist and is therefore exempt from compliance, a written notice shall be sent to complainant, with a copy to the budget unit, of such findings.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 46. DEPARTMENT OF FINANCIAL INSTITUTIONS REAL ESTATE APPRAISAL DIVISION

[R19-75]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)	Rulemaking Action
R4-46-101	Amend
R4-46-103	Repeal
R4-46-106	Amend
R4-46-107	Amend
R4-46-201	Amend
R4-46-201.01	Amend
R4-46-202	Repeal
R4-46-202.01	Amend
R4-46-203	Amend
R4-46-204	Amend
R4-46-205	Repeal
R4-46-207	Repeal
R4-46-209	Amend
Article 3	Amend
R4-46-301	Amend
R4-46-302	Repeal
R4-46-303	Repeal
R4-46-304	Repeal
R4-46-305	Repeal
R4-46-306	Repeal
Article 3.1	New Article
R4-46-301.01	New Section
R4-46-302.01	New Section
R4-46-303.01	New Section
R4-46-304.01	New Section
R4-46-305.01	New Section
R4-46-306.01	New Section
R4-46-307.01	New Section
R4-46-401	Amend
R4-46-402	Amend
R4-46-403	Amend
R4-46-404	Amend
R4-46-405	Amend
R4-46-406	Amend
R4-46-407	Amend
R4-46-408	Amend
R4-46-501	Amend
R4-46-503	Amend
R4-46-504	Amend
R4-46-505	Amend
R4-46-506	Amend
R4-46-508	Amend
R4-46-509	Amend
R4-46-510	Amend
R4-46-511	Amend

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

Authorizing statute: A.R.S. § 32-3605(A)

Implementing statute: A.R.S. §§ 32-3601, 32-3605(B), 32-3607, 32-3610

3. The effective date of the rule:

June 10, 2019

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

4. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 24 A.A.R. 2501, September 7, 2018

Notice of Proposed Rulemaking: 24 A.A.R. 3001, October 26, 2018

5. The agency's contact person who can answer questions about the rulemaking:

Name: Stephen Briggs

Address: Department of Financial Institutions
100 N. 15th Ave., Suite 261
Phoenix, AZ 85007

Telephone: (602) 771-2778

Fax: (602) 381-1225

E-mail: sbriggs@azdfi.gov

Web site: www.azdfi.gov

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

The Department is updating these rules to address changes in the law with the passage of Chap. 334, Laws 2017. This law consolidated the former Board of Appraisal under the Department of Financial Institutions. Because the Department of Financial Institutions has existing regulatory authority established in A.A.C. Title 20, the agency is able to remove many rules applicable to the former Board that are now redundant or no longer applicable under the Departments existing regulatory authority. An exemption from Executive Order 2018-02 was provided for this rulemaking by Emily Rajakovich, Director of Boards and Commissions, in an e-mail dated July 24th, 2018.

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

The Department does not intend to review or rely on a study in its evaluation of or justification for any rule in the rulemaking.

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

Not applicable

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

The Department believes the rulemaking will have minimal impact on applicants, licensees, small businesses, and consumers of appraisal services. The rulemaking updated the Appraisal rules but does not change them substantially. Included is a fiscal impact statement for each rule change.

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

Authorizing statute was corrected to A.R.S. § 32-3605(A).

The word Division was stricken from Chapter 46 Title to reflect the dissolution of a separate Real Estate Appraisal Division and its incorporation into the existing Financial Services Division.

A definition of the term *complaint* was added to R4-46-101 in response to stakeholder feedback and to provide clarity to a concept that is referenced throughout Rules.

The definition of Disciplinary action in R4-46-101 was modified by unstriking the term *consent agreement* in response to stakeholder feedback and to more accurately reflect current Department policy.

For the sake of consistency, R4-46-201 (D) was amended to include the clearance card language found in the application requirements for other license types [R4-46-202.01(5) and R4-46-203(B)(4)]. This amendment does not represent a substantive change as it reflects current policy and is only intended to clarify the existing requirements of underlying statute §§ A.R.S. 32-3620(B).

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

STAKEHOLDER	COMMENT (SUMMARY)	DEPARTMENT'S ANALYSIS	DEPARTMENT'S RESPONSE
AAREA	Page 4 states "This rulemaking incorporates **no materials by reference**".	This is a misstatement in the Notice of Proposed Rulemaking.	This misstatement does not appear in the actual Rules.

AAREA	Definition of "Consent Agreement" was struck.	R20-4-1220	The definition is found in Title 20.
AAREA	There is no definition of Complaint.	"Complaint" means a written allegation against a party.	A definition of the term complaint was added to R4-46-101 to provide clarity to a concept that is referenced throughout Rules.
AAREA	Why were "letter of due diligence and consent agreement" struck under Disciplinary action?		The Department no longer uses letter of due diligence; consent agreement should not be stricken.
AAREA	R4-46-201 I assume the added statement removes the necessity to update the Rules when the AQB makes changes?		Yes, generally adopting AQB criteria eliminates the need to change Rules with every AQB change.
AAREA	R4-46-203(B) Fingergprinting language replaced with "Evidence that the applicant has applied for a valid fingerprint clearance card…" What happens if the clearance is denied? What record is kept that is was approved?	Aligns with Statute 32-3620(B) to retain Superintendent's discretion rather than resting authority with Fingerprinting Division.	Applicants who are denied are directed to the appeal process with the Fingerprinting Division. Approved Clearance Card numbers are retained in Applicant's License file.
AAREA	R4-46-301(A)(1) Jurisdictional requirements" referred to need to be explained/outlined.	R4-46-301(A)(1) references jurisdictional criteria, rather than requirements.	By definition, "Jurisdictional criteria" means the statutory standards of A.R.S. §§ 6-123, 6-124, and A.R.S. Title 32, Chapter 36, used by the Department to determine whether a complaint falls within the Superintendent's jurisdiction.
AAREA	R4-46-301(A)(2) Why is the word "may" used instead of "shall". "May" being optional. "Shall" being a requirement. "The Department *may* notify the respondent of a complaint."		Changing shall to may, provides for the Superintendent's discretion in the complaint resolution process.
AAREA	R4-46-301(1)(b)Complaint Resolution: Where does "Letter of Concern" fit into this section?	R4-46-301 B (1)(b)	R4-46-301 B (1)(b)

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

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

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

These rules do not require the issuance of a permit, license, or agency authorization.

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:

On July 21, 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act became law. The Act amends Title XI of the Federal Financial Institutions Reform, Recovery and enforcement Act of 1989 regarding federally related transactions. A federally related transaction includes an appraisal completed for FHA or loans that may be sold to Fannie Mae or Freddie Mac, or those completed for lenders with FDIC insurance or under the control of the Office of the Comptroller for the Currency.

The Act mandates that real estate appraisals be performed in accordance with generally accepted appraisal standards as evidenced by the standards made by the Appraisal Standards Board of the Appraisal Foundation. In Laws 2013, Chapter

184, the legislature significantly amended the organic statues of the Board of appraisal to conform to the Act. This includes a provision that the uniform standards of professional appraisal practice as published by the Appraisal Standards Board are the Standards for this state (See A.R.S. § 32-3610). The rules are not more stringent than federal 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:

No analysis was submitted to the Department.

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

Qualification criteria established and updated by the Appraisal Qualifications Board (AQB) of the Appraisal Foundation found in R4-46-201(B). AQB criteria may be found at the Appraisal Foundation's website: https://appraisalfoundation.sharefile.com/d-scbea7640298440aa

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

Not applicable

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 46. DEPARTMENT OF FINANCIAL INSTITUTIONS REAL ESTATE APPRAISAL ~~DIVISION~~

ARTICLE 1. GENERAL PROVISIONS

Section
R4-46-101. Definitions
R4-46-103. ~~Real Estate Appraisal Records; Public Access; Copying~~ Repealed
R4-46-106. Fees
R4-46-107. Procedures for Processing Applications

ARTICLE 2. REGISTRATION, LICENSURE, AND CERTIFICATION AS AN APPRAISER

Section
R4-46-201. Appraiser Qualification Criteria
R4-46-201.01. Application for Designation as a Supervisory Appraiser; Supervision of a Registered Trainee Appraiser
R4-46-202. ~~Application for Original Registration, Licensure, or Certification~~ Repealed
R4-46-202.01. Application for Licensure or Certification by Reciprocity
R4-46-203. Application for Non-resident Temporary Licensure or Certification
R4-46-204. Licensure and Certification Examinations
R4-46-205. ~~Issuance of a Registration, License, or Certificate~~ Repealed
R4-46-207. ~~Renewal of a Registration, License, or Certificate, Changing Classification~~ Repealed
R4-46-209. ~~Replacement of a~~ Registration, License, or Certificate; Name Change

ARTICLE 3. ~~HEARINGS AND DISCIPLINARY PROCEEDINGS~~ COMPLAINT INVESTIGATIONS

Section
R4-46-301. ~~Complaints; Investigations; Informal Proceedings; Summary Suspensions; Refusal to Appear~~ Complaints and Investigations; Complaint Resolution
R4-46-302. ~~Formal Hearing Procedures~~ Repealed
R4-46-303. ~~Rehearing or Review of the Board's Decisions~~ Repealed
R4-46-304. ~~Conviction and Judgement Disclosure~~ Repealed
R4-46-305. ~~Terms and Conditions of Reapplication After Revocation~~ Repealed
R4-46-306. ~~Complaint Information Availability~~ Repealed

ARTICLE 3.1 RULES OF PRACTICE AND PROCEDURE BEFORE THE SUPERINTENDENT

Section
R4-46-301.01. Scope of Article
R4-46-302.01. Commencement of Proceedings; Notice of Hearing
R4-46-303.01. Answer to Notice of Hearing
R4-46-304.01. Filing; Service
R4-46-305.01. Stays
R4-46-306.01. Rehearing
R4-46-307.01. Settlement

ARTICLE 4. APPRAISAL MANAGEMENT COMPANIES

Section
R4-46-401. Application for Initial Registration
R4-46-402. Bond Required

R4-46-403. Change in Controlling Person or Agent for Service of Process
R4-46-404. Application for Renewal Registration
R4-46-405. Certifications
R4-46-406. Appeal for Waiver
R4-46-407. Training Required
R4-46-408. Voluntarily Relinquishing Registration

ARTICLE 5. COURSE APPROVAL

Section
R4-46-501. Course Approval Required
R4-46-503. Course Owners
R4-46-504. Application for Course Approval
R4-46-505. Course Approval without Application
R4-46-506. Minimum Standards for Course Approval
R4-46-508. Compliance Audit of Approved Courses
R4-46-509. Changes to an Approved Course
R4-46-510. Renewal of Course Approval
R4-46-511. Transfer of an Approved Course

ARTICLE 1. GENERAL PROVISIONS

R4-46-101. Definitions

The definitions in A.R.S. §§ 32-3601, 32-3651, and 32-3661 apply to this Chapter. Additionally, unless the context otherwise requires, in this Chapter:

"Accredited" means approved by an accrediting agency recognized by the Council for Higher Education Accreditation or the U.S. Secretary of Education.

"Administrative law judge" has the meaning stated at A.R.S. § 41-1092(1).

"AMC" means appraisal management company as defined at A.R.S. § 32-3661.

"Appealable agency action" has the meaning stated at A.R.S. § 41-1092(3).

"Appraisal practice" means valuation services performed by an individual acting as an appraiser, including but not limited to an appraisal or appraisal review.

"Appraiser" means an individual, other than a property tax agent as defined at A.R.S. § 32-3651, registered, licensed, or certified by the Superintendent to complete valuation assignments regarding real estate competently in a manner that is independent, impartial, and objective.

"AQB" means the Appraisal Qualifications Board as defined at A.R.S. § 32-3601.

"Assignment" means the valuation service that an appraiser provides as a consequence of an agreement between the appraiser and a client.

"Classroom education" means appraisal education delivered in a setting where there is no geographical separation between the instructor and student.

"Complaint" means a written allegation against a party.

~~"Consent agreement" means a written agreement between the Superintendent and a respondent that concerns disciplinary or remedial action.~~

"Conditional dismissal" means an agreement between the Superintendent and the respondent, which allows the Superintendent to dismiss the complaint upon the respondent's completion of a Department specified continuing education course.

"Contested case" has the meaning stated at A.R.S. § 41-1001(5).

"Conviction" means a judgment by any state or federal court of competent jurisdiction in a criminal case, regardless of whether an appeal is pending or could be taken, and includes any judgment or order based on a plea of no contest.

"Course owner" means a person or a combination of persons that own the ~~propriety~~ proprietary rights to a course. A course owner may have developed the course or may have purchased the ~~propriety~~ proprietary rights to the course.

"Department" has the meaning stated at A.R.S. § 6-101(5).

~~"Department of Financial Institutions counsel" means the assistant attorney general who provides legal advice to the Superintendent.~~

~~"Direct supervision" means that a designated supervisory appraiser of a registered trainee appraiser is directing and overseeing the production of each appraisal assignment and is personally and physically present during the entire inspection of each appraised property.~~

"Disciplinary action" means any regulatory sanction imposed by the ~~Department~~ Superintendent, including a civil money penalty, restriction on the nature and scope of the respondent's practice, ~~letter of due diligence, a~~ consent agreement, probation, mentorship, suspension, revocation, or an acceptance of surrender of a license or certificate.

~~"Dismissal" means termination of a complaint when the Superintendent finds there is no unprofessional conduct.~~

"Distance education" means appraisal education delivered in a setting in which the learner and instructor are geographically separated.

~~"Due diligence" means the diligence reasonably expected from, and ordinarily exercised by, a person regulated by the Superintendent, in accordance with A.R.S. Title 32, Chapter 36 and this Chapter.~~

~~"Formal complaint" means a notice of allegations issued by the Superintendent under R4-46-302.~~

~~"Formal hearing" means an adjudication of a disputed matter, conducted by the Office of Administrative Hearings (OAH) or the Superintendent, under R4-46-302.~~

~~"Informal hearing" means a voluntary meeting with Department staff in which a respondent is asked to respond to a complaint under R4-46-301(D).~~

~~"Initial review" means the Department staff's first review of a complaint, the response to the complaint, if any, the relevant appraisal report or other work product, work file, and investigative summary, if any.~~

"Investigation" means a fact-finding process and review that is initiated when the ~~Superintendent~~ Department receives a complaint ~~concerning the appraisal practice or professional conduct of a named respondent~~.

"Investigator" means an individual who is a Department employee or operates under a contract with the ~~Superintendent~~ Department to carry out ~~independent~~ investigations of alleged violations.

"Jurisdictional criteria" means the statutory standards of A.R.S. §§ 6-123, 6-124, and A.R.S. Title 32, Chapter 36, used by the Department to determine whether a complaint falls within the Superintendent's jurisdiction.

"Letter of concern" means a non-disciplinary advisory letter to notify a respondent that the finding of the Superintendent does not warrant disciplinary action, but is nonetheless cause for concern on the part of the Superintendent and that its continuation may result in disciplinary action.

~~"Letter of due diligence" means a disciplinary letter of agreement between the Superintendent and a respondent that may or may not include remedial action when minor violations of A.R.S. Title 32, Chapter 36 or this Chapter are found.~~

"Letter of remedial action" means a non-~~disciplianry~~ disciplinary letter ~~issued by the Superintendent~~ that requires a respondent to take remedial action when any minor violation of A.R.S. Title 32, Chapter 36 or this Chapter is found.

"Mentor" means a certified appraiser authorized by the Department ~~staff~~ to supervise the work product of an appraiser who is subject to disciplinary action by the Superintendent.

~~"Order" means an administrative order that contains findings of fact, conclusions of law, and disciplinary action, issued by the Superintendent after a formal hearing or by consent.~~

"Party" means each person or agency named or admitted as a party or properly seeking and entitled to participate in any proceeding ~~before the Department staff~~.

"Person" means a natural person or any legal or commercial entity including a corporation, business trust, estate, trust, partnership, limited partnership, joint venture, association, limited liability company, limited liability partnership, or limited liability limited partnership.

"Probation" means a term of oversight by the Department ~~staff~~, imposed upon a respondent as part of a disciplinary action, which may include submission of logs, working under the supervision of a mentor, or other conditions intended to protect the public and educate the respondent.

"Remedial action" means any corrective remedy ~~ordered by the Superintendent~~ that is designed to assist the respondent in improving the respondent's professional practice.

"Respondent" means an appraiser, course owner, property tax agent, or appraisal management company against whom a complaint has been filed or any other party responding to an investigation, an action, a motion or a proceeding before the Superintendent.

"Secondary provider" means a person that purchases or otherwise lawfully acquires the right to provide a course independently of the course owner that retains proprietary rights to the course.

"Superintendent" means the Superintendent of the Department of Financial Institutions.

~~"Summary suspension" means an immediate suspension of a license, certificate, registration or designation by the Superintendent based on a finding that the public health, safety, or welfare imperatively requires emergency action.~~

"USPAP" means the Uniform Standards of Professional Appraisal Practice, issued and updated by The Appraisal Foundation and made state law under A.R.S. § 32-3610.

"Work file" means the documentation necessary to support the analysis, opinions, and conclusions of an appraisal assignment or tax appeal.

R4-46-103. ~~Real Estate Appraisal Records; Public Access; Copying~~ Repealed

~~A. The Department shall keep all documents and information reasonably necessary or appropriate to maintain an accurate record of official activities including, but not limited to:~~

~~1. Applications for an original registration, license, certificate, designation, or course approval;~~
~~2. Renewal applications;~~
~~3. Examination results;~~
~~4. Documents, transcripts, and pleadings relating to disciplinary proceedings and to hearings on the denial of a registration, license, certificate, designation, or course approval;~~
~~5. Investigative reports;~~
~~6. Staff memoranda; and~~
~~7. General correspondence between the Superintendent and any person, including a member of the Department's staff.~~

~~**B.** A person shall not remove Department records from the office unless the records are in the custody and control of the Superintendent, a member of the Department's staff, or the Department of Financial Institutions counsel. The Superintendent may designate a staff member to observe and monitor any examination of Department records.~~

~~**C.** The Superintendent shall provide copies of all non-confidential records for public inspection and copying according to the procedures described in A.R.S. Title 39, Chapter 1, Article 2.~~

R4-46-106. Fees

A. Under the specific authority provided by A.R.S. §§ 32-3607, 3619, and 3667, the Superintendent establishes and shall collect the following fees:
1. Application for original license or certificate: $400
2. Application for registration as a trainee appraiser: $300
3. Examination: The amount established by the AQB-approved examination provider
4. Biennial renewal of a license or certificate: $425
5. Renewal of registration as a trainee appraiser: $300
6. Delinquent renewal (in addition to the renewal fee): $25
7. ~~Biennial national registry~~ National Registry: The amount established by the ~~appraisal subcommittee~~ Appraisal Subcommittee
8. Application for license or certificate by reciprocity: $400
9. Application for non-resident temporary license or certificate: $150
10. Course approval:
    a. Core-curriculum qualifying education
        i. Initial course approval: $200
        ii. Renewal of course approval: $200
    b. Continuing education
        i. Initial course approval: $200
        ii. Renewal of course approval: $200
11. Application for initial registration as an appraisal management company: $2,500
12. Biennial renewal of registration as an appraisal management company: $2,500

B. The fees established in subsection (A) and those specified in A.R.S. § 32-3652 are not refundable unless the provisions of A.R.S. § 41-1077 apply.

C. A person shall pay fees by cash or credit or debit card, or by certified or cashier's check or money order payable to the Department of Financial Institutions. ~~If a person pays a fee by credit or debit card, the Superintendent shall, as authorized by A.R.S. § 32-3607(C), impose a convenience fee in the amount established under state contract in addition to the amount specified in subsection (A) or A.R.S. § 32-3652.~~

R4-46-107. Procedures for Processing Applications

A. To comply with A.R.S. Title 41, Chapter 6, Article 7.1, the Superintendent establishes the following time-frames for processing applications for registration, licensure, certification, and designation, including renewal applications, and applications for course approval:
1. The Department ~~staff~~ shall notify the applicant within 45 days after receipt of the application that it is either administratively complete or incomplete. If the application is incomplete, the Department ~~staff~~ shall specify in the notice what information is missing.
2. ~~Department staff shall not substantively review an application until the applicant has fully complied with the requirements in statute or this Chapter.~~ The Superintendent shall render a final decision not later than 45 days after the applicant successfully completes all requirements in statute or this Chapter.
3. The overall time-frame for action is 90 days, 45 days for administrative completeness review and 45 days for substantive review.

B. An applicant whose application is incomplete shall supply the missing information within 30 days after the date of the notice unless the time frame is extended by mutual agreement. The administrative completeness review time frame stops running on the date of the Department's written notice of an incomplete application, and resumes when the Department receives a complete application. If the applicant fails to submit a complete application within the specified time limit, the Department may reject the application and close the file. An applicant may reapply.

~~**B.**~~**C.** If the Superintendent denies registration, licensure, certification, designation, or course approval to an applicant, the Department ~~staff~~ shall send the applicant written notice explaining:
1. The reason for denial, with citations to supporting statutes or rules;
2. The applicant's right to seek a hearing to appeal the denial; and
3. The time for appealing the denial.

ARTICLE 2. REGISTRATION, LICENSURE, AND CERTIFICATION AS AN APPRAISER

R4-46-201. Appraiser Qualification Criteria

A. Classifications. As specified in A.R.S. § 32-3612, Arizona recognizes five classifications of appraisers. These classifications are:
1. Registered trainee appraiser,

2. State licensed real estate appraiser,
3. State certified residential real estate appraiser,
4. State certified general real estate appraiser, and
5. Designated supervisory appraiser.

B. Qualification criteria. Except as provided elsewhere in this Chapter, an applicant for an original or renewal of a registration, licensure, certification, or designation shall meet the classification-specific qualification criteria established and updated May 1, 2018 by the AQB ~~in:~~, which the Superintendent incorporates by reference. A copy of the incorporated materials is on file with the Department and may be obtained from the Department or the Appraisal Foundation. This rule does not incorporate any later date or edition of this material.

~~1. *The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria* (Real Property Appraiser Qualification Criteria Effective January 1, 2008; Appendix, Real Property Appraiser Qualification Criteria Prior to January 1, 2008; Includes All Interpretations and Supplementary Information as of February 1, 2007) referred to as the "2008 Criteria;" or~~

~~2. *The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria* (Real Property Appraiser Qualification Criteria Effective January 1, 2015; Appendix, Real Property Appraiser Qualification Criteria Prior to January 1, 2015; Includes All Interpretations and Supplementary Information) referred to as the "2015 Criteria;"~~

~~3. The Board incorporates by reference the materials listed in subsections (B)(1) and (2). The incorporated materials include no future editions or amendments. A copy of the incorporated materials is on file with the Board and may be obtained from the Board or the Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington, DC 20005; (202) 347-7722; fax (202) 347-7727; or www.appraisalfoundation.org.~~

~~**C.** Components of qualification criteria. For each level of classification identified under subsection (A), the qualification criteria referenced in subsection (B) are divided into three components: education, experience, and examination. The education component is further divided:~~

~~1. For applicants for registration, licensure, or certification, the education component requires a specified number of hours of the appraiser core curriculum;~~

~~2. For applicants for licensure or certification, the education component requires hours of college-level education from an accredited degree-granting institution, and~~

~~3. For applicants who are certified by the Board and applying to be designated as a supervisory appraiser and for applicants for registration, the education component requires completion of a course that complies with the specifications for content established by the AQB.~~

~~**D.** Application of qualification criteria.~~

~~1. If an applicant is not currently registered, licensed, certified, or designated by the Board, the applicant shall meet the qualification criteria for the classification for which application is made:~~

~~a. Through December 31, 2014, the qualification criteria for licensure or certification are those listed in subsection (B)(1);~~

~~b. Through December 31, 2014, the qualification criteria for registration as a trainee appraiser are the 75 hours of appraiser core curriculum required under R4-46-201(B)(1) for licensure including the 15-hour National USPAP Course or its ABQ-approved equivalent; and~~

~~c. On and after January 1, 2015, the qualification criteria for all classifications are those listed in subsection (B)(2).~~

~~2. If an individual currently registered, licensed, or certified by the Board makes application to be licensed or certified in a different classification, as specified under subsection (A), the Board shall require the individual to show evidence that the individual meets the education, experience, and examination requirements for the new classification that differ from the requirements for the current classification.~~

~~E~~**C.** Regardless of whether a transaction is federally related:

1. A state licensed residential appraiser is limited to the scope of practice in A.R.S. § 32-3612(A)(3), and
2. A state certified residential appraiser is limited to the scope of practice in A.R.S. § 32-3612(A)(2).

~~**F.** Notwithstanding the criteria incorporated by reference in subsection (B),~~

~~1. An applicant shall not obtain more than 75 percent of required core curriculum qualifying education through distance education. The Board shall allow credit toward qualifying education requirements only if distance education provides live interaction between learner and instructor and includes testing;~~

~~2. An applicant shall not obtain the 15-hour National USPAP Course, or its ABQ-approved equivalent, through distance education;~~

~~3. Qualifying education credit may be obtained at any time before the date of application, except:~~

~~a. The 15-hour National USPAP Course or its AQB-approved equivalent shall be obtained within two years before the date of application; and~~

~~b. On and after January 1, 2015, an applicant for original registration as an appraiser trainee shall obtain all qualifying education within five years before the date of application; and~~

~~4. Seventy-five percent of the applicant's experience component shall include work product where the applicant inspected the subject property.~~

D. If the Superintendent determines that an applicant for registration, licensure, or certification meets the qualification criteria prescribed in A.R.S. Title 32, Chapter 36 and this Chapter, including evidence that the applicant has applied for a valid fingerprint clearance card pursuant to A.R.S. § 32-3620(B), the Superintendent shall issue a registration, license, or certificate that entitles the applicant to practice within the appropriate scope specified in A.R.S. § 32-3612 for the term specified in A.R.S. § 32-3616.

R4-46-201.01. Application for Designation as a Supervisory Appraiser; Supervision of a Registered Trainee Appraiser

A. ~~On and after January 1, 2015, an~~ An individual who wishes to act as a supervisory appraiser for a registered trainee appraiser shall:

1. Apply for and obtain designation from the ~~Board~~ Superintendent as a supervisory appraiser before providing supervision to a registered trainee appraiser~~;~~,
2. Have been state certified for at least three years~~;~~, and
3. Apply for designation under A.R.S. § 32-3614.02.

B. To apply for designation as a supervisory appraiser ~~on and after January 1, 2015~~, a certified appraiser shall submit to the ~~Board~~ Superintendent:
1. An application for designation~~, which is available from the Board office and on its web site~~;
2. A statement whether the applicant for designation has been disciplined in any jurisdiction in the last three years in a manner that affects the applicant's eligibility to engage in appraisal practice and if so, the name of the jurisdiction, date of the discipline, circumstances leading to the discipline, and date when the discipline was completed;
3. Evidence that the applicant for designation completed a training course that complies with the course content established by the AQB and is specifically oriented to the requirements and responsibilities of supervisory and trainee appraisers;
4. A signed affirmation that the applicant for designation will comply with the USPAP ~~competency rule~~ Competency Rule for the property type and geographic location in which the supervision will be provided; and
5. ~~Fingerprints that meet the criteria of the Federal Bureau of Investigation and are taken by a law enforcement agency or other qualified entity. The applicant for designation shall obtain a fingerprint card from the Board and provide the card to the agency or entity that takes the fingerprints; and~~ Any other information and documentation that is necessary to meet the qualification criteria established and updated by the AQB.
6. ~~The amount charged by the Department of Public Safety for processing fingerprints.~~

C. Supervision requirements~~.~~:
1. A registered trainee appraiser may have more than one designated supervisory appraiser.
2. A designated supervisory appraiser shall not supervise more than three registered trainee appraisers at any one time.
3. A registered trainee appraiser shall maintain a separate appraisal log for each designated supervisory appraiser and, at a minimum, include the following in each log for each appraisal:
   a. Type of property,
   b. Date of report,
   c. Address of appraised property,
   d. Description of work performed by the registered trainee appraiser,
   e. Scope of review and supervision provided by the designated supervisory appraiser,
   f. Number of actual work hours worked by the registered trainee appraiser on the assignment, and
   g. Signature and state certificate number of the designated supervisory appraiser.
4. A designated supervisory appraiser shall provide to the ~~Board~~ Superintendent in writing the name and address of each registered trainee appraiser within 10 days of engagement~~,~~ and notify the ~~Board~~ Superintendent in writing immediately when the engagement ends.
5. If a registered trainee appraiser or designated supervisory appraiser fails to comply with the applicable requirements of this Section:
   a. The registered trainee appraiser or the designated supervisory appraiser may be subject to disciplinary action under A.R.S. § 32-3631(A)(8), and
   b. The registered trainee appraiser shall not receive experience credit for hours logged during the period that the registered trainee appraiser or designated supervisory appraiser failed to comply with the applicable requirements of this Section.

~~**D.** Through December 31, 2014, to act as a supervising appraiser of a trainee appraiser, a certified appraiser whose certificate is in good standing and who has not been disciplined in a manner that affects the certified appraiser's eligibility to engage in appraisal practice in the last three years may apply for designation under subsection (B) or shall:~~
1. ~~Submit to the Board proof that the certified appraiser completed at least four hours of Board-approved continuing education regarding the role of a supervising appraiser;~~
2. ~~Comply with subsection (C);~~
3. ~~Instruct and directly supervise the trainee appraiser; and~~
4. ~~Review and sign all final appraisal documents certifying the appraisals comply with USPAP.~~

R4-46-202. ~~Application for Original Registration, Licensure, or Certification~~ Repealed

~~**A.** An applicant for an original registration, licensure, or certification shall submit:~~
1. ~~A completed application form, which is available from the Board office and on its web site. There is an application form specific to each classification listed in R4-46-201(A). An applicant shall ensure that the applicant completes the correct application form;~~
2. ~~Evidence of being qualified under A.R.S. Title 32, Chapter 36, Article 2, and this Chapter;~~
3. ~~Documentation of citizenship or alien status, specified under A.R.S. § 41-1080(A), indicating the individual's presence in the U.S. is authorized under federal law; and~~
4. ~~Fingerprints that meet the criteria of the Federal Bureau of Investigation and are taken by a law enforcement agency or other qualified entity. The applicant shall obtain a fingerprint card from the Board and provide the card to the agency or entity that takes the fingerprints.~~

~~**B.** To be eligible for an original registration, licensure, or certification, an applicant shall:~~
1. ~~Meet the education and experience qualification criteria contained in A.R.S. Title 32, Chapter 36, Article 2 and this Chapter;~~
2. ~~Achieve a passing score on the applicable examination required by R4-46-204(B), unless exempted under A.R.S. § 32-3626 or the application is for registration as a trainee appraiser;~~
3. ~~Pay the application, examination, and biennial national registry fees specified in R4-46-106;~~
4. ~~Pass a criminal background check; and~~
5. ~~Pay the charge established by the Department of Public Safety for processing fingerprints.~~

~~**C.** Additionally, on and after January 1, 2015, an applicant for original registration as a trainee appraiser shall submit:~~
1. ~~Evidence that the applicant completed a training course that complies with the course content established by the AQB and is specifically oriented to the requirements and responsibilities of supervisory and trainee appraisers; and~~
2. ~~A signed affirmation that the applicant knows and will comply with the USPAP competency rule for the property type that will be appraised.~~

~~D. An applicant shall meet all requirements for registration, licensure, or certification within one year after filing the application or the Board shall close the applicant's file. If an applicant whose file is closed wishes to be considered further for registration, licensure, or certification, the applicant shall reapply under this Section. The Board shall notify an applicant whose application is closed by certified mail or personal service at the applicant's address of record. Notice is complete when deposited in the U.S. mail or by service as permitted under the Arizona Rules of Civil Procedure.~~

R4-46-202.01. Application for Licensure or Certification by Reciprocity

The ~~Board~~ Superintendent shall license or certify an individual by reciprocity in the same classification, as specified in R4-46-201(A), in which the individual is currently licensed or certified if the individual:

1. Is licensed or certified in a state that meets the standards established at A.R.S. § 32-3618;
2. Submits ~~the~~ a completed application form ~~required by the Board. The application form may be obtained from the Board office or on its web site~~;
3. Submits documentation of citizenship or alien status, specified under A.R.S. § 41-1080(A), indicating the individual's presence in the U.S. is authorized under federal law;
4. Has the state in which the individual is currently licensed or certified send a verification of credential directly to the ~~Board~~ Superintendent that provides the following information:
   a. License or certification number;
   b. Classification, as specified in R4-46-201(A), in which the individual is currently licensed or certified;
   c. Statement of whether the license or certificate is in good standing; and
   d. Statement of whether disciplinary proceedings are pending against the individual;
5. Submits evidence that the individual has applied for a valid fingerprint clearance card pursuant to A.R.S. § 32-3620(B) ~~fingerprints that meet the criteria of the Federal Bureau of Investigation and are taken by a law enforcement agency or other qualified entity. The applicant shall obtain a fingerprint card from the Board and provide the card to the agency or entity that takes the fingerprints~~; and
6. Submits the application and biennial ~~national registry~~ National Registry fees specified in R4-46-106 ~~and pays the charge established by the Department of Public Safety for processing fingerprints~~.

R4-46-203. Application for Non-resident Temporary Licensure or Certification

A. To be eligible to obtain a non-resident temporary license or certificate, an individual shall:
1. Be licensed or certified as an appraiser in a state other than Arizona;
2. Not be licensed or certified as an appraiser in Arizona; and
3. Have a dated and signed letter from a client that names the individual and indicates the client has engaged the individual to conduct an appraisal in Arizona, identifies the property or properties to be appraised, and specifies a date certain for completion of the assignment that is no more than one year from the date on which the ~~Board~~ Superintendent issues a non-resident temporary license or certificate.

B. To apply for a non-resident temporary license or certificate, an individual who meets the pre-requisites in subsection (A) shall submit:
1. ~~An~~ A completed application form~~, which is available from the Board office and on its web site~~;
2. An irrevocable consent to service of process;
3. Documentation of citizenship or alien status, specified under A.R.S. § 41-1080(A), indicating the applicant's presence in the U.S. is authorized under federal law;
4. ~~Fingerprints that meet the criteria of the Federal Bureau of Investigation and are taken by a law enforcement agency or other qualified entity. The applicant shall obtain a fingerprint card from the Board and provide the card to the agency or entity that takes the fingerprints.~~ Evidence that the applicant has applied for a valid fingerprint clearance card pursuant to A.R.S. § 32-3620(B); and
5. The fee required under R4-46-106~~; and~~.
6. ~~The charge established by the Department of Public Safety for processing fingerprints.~~

C. The ~~Board~~ Superintendent shall grant an extension of no more than 120 days to an individual to whom a non-resident temporary license or certificate has been issued if the individual provides written notice to the ~~Board~~ Superintendent before the date specified in subsection (A)(3) that more time is needed to complete the assignment described in subsection (A)(3).

D. An appraiser to whom the ~~Board~~ Superintendent has previously issued a non-resident temporary license or certificate may, if qualified under subsection (A), apply for ~~anther~~ another non-resident temporary license or certificate by complying with subsection (B), except~~,~~ the ~~Board~~ Superintendent shall not require the applicant to comply again with ~~subsections~~ subsection (B)(4) ~~and (B)(6)~~.

E. The ~~Board~~ Superintendent shall issue no more than 10 non-resident temporary licenses or certificates to an individual in any 12-month period.

R4-46-204. Licensure and Certification Examinations

A. An applicant for licensure or certification may schedule an examination after the ~~Board~~ Department provides written notice to the applicant, ~~that the Board has determined the applicant's experience and education meet the standards specified in R4-46-201.~~ to the extent written notice is required by the AQB. In such case, an applicant shall have 30 days from the written notice to successfully complete the AQB-approved examination for the classification for which application is made unless the time frame is extended by mutual agreement.

~~B. An applicant shall successfully complete the AQB-approved examination for the classification for which application is made.~~

~~C~~**B.** An applicant for licensure or certification who fails to pass the required examination or fails to appear for a scheduled examination may schedule another examination by providing written notice to the ~~Board~~ Superintendent and paying the examination fee specified in R4-46-106. The applicant remains subject to the specified time limit in subsection (A) or in R4-46-107, as applicable.

R4-46-205. ~~Issuance of a Registration, License, or Certificate~~ Repealed

~~If the Board determines that an applicant for registration, licensure, or certification meets the qualification criteria prescribed in R4-46-202, the Board shall issue a registration, license, or certificate that entitles the applicant to practice within the appropriate scope specified in A.R.S. § 32-3612 for the term specified in A.R.S. § 32-3616.~~

R4-46-207. ~~Renewal of a Registration, License, or Certificate; Changing Classification~~ Repealed

~~A. An appraiser seeking to renew a registration, license, or certificate in the appraiser's current classification, as specified under R4-46-201(A), shall submit a completed application. To be eligible for renewal of a registration, license, or certificate, an applicant shall:~~

~~1. Meet the requirements of A.R.S. Title 32, Chapter 36, and this Chapter;~~

~~2. Meet the continuing education requirements in *The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria*, which is incorporated by reference in R4-46-201(B), except:~~

~~a. The Board shall not grant hours toward the continuing education requirement unless the length of the educational offering is at least three hours;~~

~~b. A renewal applicant shall not obtain the 7-Hour National USPAP Update Course, or its AQB-approved equivalent through distance education;~~

~~c. A renewal applicant shall not obtain more than 75 percent of required continuing education through distance education. The Board shall allow credit toward continuing education requirements only if distance education provides live interaction between learner and instructor and includes testing or another mechanism to demonstrate knowledge of the subject matter.~~

~~d. Except for the 7-Hour National USPAP Update Course or its AQB-approved equivalent, the Board shall not accept a repeated educational offering for use as continuing education within a renewal period; and~~

~~e. During each renewal period, the Board shall allow an appraiser to receive a total of 50 percent of the required continuing education hours from the following:~~

~~i. Teaching a Board-approved course. The Board shall allow the instructor of an approved course the same number of continuing education hours as a participant in the approved course. The Board shall allow continuing education hours during a renewal period for only one teaching of the same Board-approved course;~~

~~ii. Serving as a volunteer auditor under R4-46-506. The Board shall allow the auditor of an approved course the same number of continuing education hours as a participant in the approved course. The Board shall allow continuing education hours during a renewal period for only one audit of the same Board-approved course; and~~

~~iii. Attending a regularly scheduled Board meeting. The Board shall allow an appraiser to receive a continuing education hour for each hour of one regularly scheduled Board meeting attended to a maximum of three hours during a renewal period. To receive these continuing education hours, the appraiser shall attend at least two hours of the regularly scheduled Board meeting and ensure that the appraiser's name is not part of an item on the meeting agenda.~~

~~f. A registered trainee appraiser shall fulfill three hours of the continuing education requirement by attending at least three hours of one Board meeting.~~

~~3. If the documentation submitted under R4-46-202(A)(3) was a limited form of work authorization issued by the federal government, submit evidence that the work authorization has not expired; and~~

~~4. Pay both the renewal and biennial national registry fees.~~

~~B. If the last day for filing a renewal application falls on a Saturday, Sunday, or legal holiday, the appraiser may file the renewal form on the next business day.~~

~~C. If an appraiser fails to seek renewal within the time specified in A.R.S. § 32-3619 but wants to continue to engage in real estate appraisal activity, the former appraiser shall reapply and meet the requirements of R4-46-202.~~

~~D. An appraiser who wishes to be licensed or certified in a classification different from the appraiser's current classification shall:~~

~~1. Submit the appropriate application form required under R4-46-202(A);~~

~~2. Make the showing required under R4-46-201(D)(2);~~

~~3. Pay the fees required under R4-46-202(B)(3); and~~

~~4. If not done previously, comply with R4-46-202(A)(4) and (B)(4) and (5).~~

R4-46-209. ~~Replacement of a~~ Registration, License, or Certificate; Name Change

~~A. If an original registration, license, or certificate is lost, damaged, or destroyed, the appraiser may obtain a replacement registration, license, or certificate by providing written notice to the Board.~~

~~B.~~ If the name of an appraiser is legally changed, the appraiser shall submit written notice of the change to the ~~Board~~ Department and ~~attach to the notice~~ provide documentation showing the circumstances under which the name change occurred. The ~~Board~~ Superintendent shall issue the appraiser a new registration, license, or certificate with the correct name.

ARTICLE 3. ~~HEARINGS AND DISCIPLINARY PROCEEDINGS~~ COMPLAINT INVESTIGATIONS

R4-46-301. ~~Complaints; Investigations; Informal Proceedings; Summary Suspensions; Refusal to Appear~~ Complaints and Investigations; Complaint Resolution

A. Complaints and Investigations

1. ~~The Board shall investigate a written complaint, including an anonymous complaint or a complaint made on the Board's own motion, alleging violations of A.R.S. Title 32, Chapter 36, or this Chapter, if the complaint provides information that meets the minimum criteria. Minimum criteria for a complaint include but are not limited to:~~ The Department shall investigate a complaint, if the complaint meets the minimum jurisdictional criteria.

~~a. The name of the respondent against whom allegations are being made;~~

~~b. The action that is the basis of the complaint;~~

~~c. The time-frame in which the action occurred;~~

~~d. Each violation alleged to have been committed by the respondent; and~~

~~e. A copy of the report, if the complaint includes allegations concerning an appraisal, consulting assignment, or property tax appeal.~~

2. ~~Upon receipt of a complaint:~~ The Department may notify the respondent of a complaint.
   ~~a. Board staff shall review the complaint and determine, in consultation with Board counsel if necessary, whether the complaint meets jurisdictional criteria and if so, which edition of USPAP is applicable.~~
   ~~b. Within 14 days after receipt of a complaint the Board shall notify the respondent, as prescribed in A.R.S. § 41-1092.04, of the complaint and the requirement that the respondent file a written response within 30 days from the date on the notice. The Board shall provide a copy of the complaint with the notice and request that the respondent address the issues in the complaint. In the notice, the Board shall require that the respondent additionally provide all of the following to the Board: the appraisal report, appraisal review, consulting assignment, or property tax appeal at issue; and the workfile.~~
   ~~c. If the respondent requests more time to respond, the Board shall grant a single extension of time that does not exceed 30 days.~~
3. The Department may require that the respondent file a written response to the complaint and provide any one or more of the following:
   a. Appraisal report,
   b. Appraisal review,
   c. Consulting assignment,
   d. Property tax appeal at issue,
   e. Work file, and
   f. Any other relevant records.
4. The Department may assign or contract with an investigator.
5. Under A.R.S. §§ 6-123(3), 6-124, and 12-2212, the Superintendent may compel testimony or document production, regardless of whether an investigation is in process.

B. ~~Initial Review and Investigation~~ Complaint Resolution

1. ~~Within 75 days after receipt of a response or expiration of the time for response, the Board shall conduct an initial review of the matter to determine whether further investigation is necessary. If the Board determines further investigation is necessary, the Board may employ an investigator or investigators and shall notify the respondent of the pending investigation.~~ Without limiting any other remedy allowed by statute, if the Superintendent finds a violation of A.R.S. Title 32, Chapter 36, or this Chapter, the Superintendent may:
   a. Dismiss the matter based upon mitigating factors;
   b. Issue a letter of concern;
   c. Issue an order, which may include disciplinary action and/or remedial action; or
   d. Resolve the matter by settlement.
2. ~~If a respondent's name is placed on a public meeting agenda, the Board shall mail a letter to the respondent not less than seven days before the scheduled meeting, providing the respondent with a copy of the posted notice of the public meeting.~~ Any time after a complaint has been filed against a respondent, the matter may be resolved by a settlement in which the respondent agrees to accept disciplinary action and/or remedial action by consent. If the Superintendent determines that the proposed settlement will adequately protect the public, the Department may enter into a consent agreement or letter of remedial action with the respondent. The Superintendent may also allow for a conditional dismissal.
3. ~~If the respondent is present at the initial review, the Board may request that the respondent participate in an informational interview. A respondent may refuse to participate in an informational interview. The Board may use any information presented at the informational interview in other proceedings related to the complaint.~~
4. ~~At the initial review, the Board shall consider the complaint; any response; the appraisal report, appraisal review, consulting assignment, or property tax appeal; and the workfile. The Board may dismiss the matter, request or subpoena additional information, order a limited or full investigation, or invite the respondent to an informal hearing, based on the information reviewed.~~
5. ~~Board staff shall assign each investigator according to the investigator's experience, expertise, contract terms, and availability. Board staff shall select an investigator who does not have a business or familial relationship with the respondent. Each investigative report shall contain the signed certification specified in subsection (B)(6). An investigator's draft report is considered work product and is, therefore, confidential. The Board may ask for clarification or additional information after review of a draft report. Upon acceptance by the Board, an investigative report is considered final. The Board may adopt any or all of the findings in the final report at a public meeting and may consider any additional, relevant information that is discovered before the matter is resolved. The investigative report becomes nonconfidential upon resolution of the complaint involved.~~
6. ~~The following certification shall be included in every investigative report prepared for the Board and signed by the investigator; I certify that, to the best of my knowledge and belief:~~
   ~~a. The statements of fact contained in this report are true and correct.~~
   ~~b. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and they are my personal, impartial and unbiased professional analyses, opinions, conclusions, and recommendations.~~
   ~~c. I have no present or prospective interest in the property that is the subject of this investigation, and I have no personal interest with respect to the parties involved in this investigation.~~
   ~~d. I have no bias with respect to any property that is the subject of this investigation or to the parties involved in this investigation.~~
   ~~e. My engagement for this investigation was not contingent upon developing or reporting any predetermined result or outcome.~~
   ~~f. My compensation for this investigation is not contingent upon developing or reporting any predetermined result or outcome, nor have I been instructed as to any predetermined result or outcome by the Board, the Board staff, or other parties.~~
   ~~g. I have (or have not) made a personal inspection of the property that is the subject of this investigation.~~

~~C.~~ ~~Settlement. Any time after a complaint has been filed against a respondent, the matter may be resolved by a settlement in which the respondent agrees to accept disciplinary or remedial action by consent. If the Board determines that the proposed settlement will adequately protect the public, the Board may enter into a consent agreement with the respondent. A statement made for the purpose of settlement is not admissible in a formal hearing.~~

~~D.~~ ~~Informal Hearing; Disciplinary Action~~

1. ~~If, based on the initial review or its review of the investigative report, the Board determines that the respondent is or may be in violation of the Board's statutes or rules, the Board may request a voluntary informal hearing with the respondent. The Board shall provide the respondent with a copy of any final investigative report in the matter, any supporting documentation, and notice of the date, time, and location of the informal hearing, as prescribed in A.R.S. § 41-1092.04, at least 30 days before the informal hearing. The notice of informal hearing shall include all of the following:~~
   a. ~~A statement of the matters asserted and issues involved;~~
   b. ~~Any request for additional information needed by the Board to prepare for the hearing;~~
   c. ~~An explanation of the respondent's right to appear voluntarily with or without legal counsel; and~~
   d. ~~An explanation of the respondent's right to a formal hearing under R4-46-302.~~
2. ~~The Board shall provide a copy of the informational material "Introduction to Informal Hearing," which explains the rights and responsibilities of the Board and respondent during the informal hearing. (A copy is also available at the Board office).~~
3. ~~The respondent may request and the Board may grant a continuance upon a showing of good cause. During the informal hearing the Board shall swear witnesses, question the respondent and witnesses, and deliberate. The respondent may respond to the Board's questions, present witnesses, and ask questions of the Board and all witnesses regarding the matter before it.~~
4. ~~If the Board finds a violation of the statutes or rules, but the violation is not of sufficient seriousness to merit suspension or revocation, it may take one or more of the following actions:~~
   a. ~~Issue a letter of concern;~~
   b. ~~Issue a letter of remedial action;~~
   c. ~~Offer a letter of due diligence, which may or may not include remedial action;~~
   d. ~~Offer a consent agreement including an order of discipline that sets a time period and terms of probation sufficient to protect the public welfare and safety and educate the respondent. The Board may require one or more of the following as terms of probation:~~
      i. ~~Training or education;~~
      ii. ~~Supervision or mentor review;~~
      iii. ~~Restriction on the nature and scope of the respondent's practice; or~~
      iv. ~~Other reasonable measures designed to protect the public and educate the respondent.~~
5. ~~For any Board action other than a letter of concern or a letter of remedial action, the Board shall request that the respondent sign a consent agreement, which may include findings of fact and conclusions of law, depending on the severity of the violation, but shall identify and explain each violation found. If the respondent is aggrieved by the Board's decision to issue a letter of concern or letter of remedial action, the respondent may request a formal hearing in writing, within 30 days from the date the written notice of the outcome of the informal hearing is received.~~
6. ~~In resolving a complaint, the Board shall consider mitigating and aggravating circumstances, including but not limited to:~~
   a. ~~Whether a violation is intentional;~~
   b. ~~Whether the respondent has a prior disciplinary history;~~
   c. ~~The time that has elapsed since the violation, and any prior violation;~~
   d. ~~Whether any prior violation is similar to the present violation;~~
   e. ~~The complexity of the assignment;~~
   f. ~~Whether the assignment was outside the respondent's competence; and~~
   g. ~~Whether the respondent has taken courses after a violation to prevent future violations.~~

~~E.~~ ~~Summary Suspension. If the Board finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the Board may order a summary suspension pending proceedings for revocation or other action. If an order of summary suspension is issued, the Board shall serve the respondent with a written notice of summary suspension and formal hearing, listing the charges against the respondent and setting the date for the formal hearing as soon as is reasonably possible, but in no event more than 60 days from service of the written notice.~~

~~F.~~ ~~Refusal to Appear. A respondent may refuse a request to appear at an informal hearing. If the respondent refuses to appear or does not appear, the Board may schedule the matter for a formal hearing.~~

~~G.~~ ~~12-Month Review. If a matter is not resolved within 12 months from receipt of the response, the Board shall schedule the matter for review at each regularly scheduled Board meeting to determine whether good cause exists to continue the investigation. If, after completing its investigation, the Board finds that further action against the respondent is not warranted, the Board shall dismiss the matter.~~

R4-46-302. ~~Formal Hearing Procedures~~ Repealed

~~A.~~ ~~The Board shall issue a notice of hearing and formal complaint for formal disciplinary proceedings if:~~

1. ~~After an informal hearing, the Board determines that suspension or revocation may be warranted;~~
2. ~~After an informal hearing, the respondent refuses to sign a letter of due diligence or consent agreement offered by the Board;~~
3. ~~The respondent is aggrieved by the Board's decision in an informal hearing; or~~
4. ~~After completing its investigation, the Board finds that suspension or revocation may be warranted.~~

~~B.~~ ~~Except as provided in R4-46-301(E), the Board shall provide notice of a formal hearing to a respondent at least 30 days before the date set for the hearing. The Board shall notify the respondent by certified mail or personal service at the respondent's last known address of record. Unless otherwise specified, any notice provided for in these rules is complete upon deposit in the U.S. mail or by service as permitted under A.R.S. § 41-1092.04.~~

~~C. On its own motion or the motion of a party, the Board may hear a case or have the case heard by an administrative law judge. The Board may accept, reject, or modify the administrative law judge's recommended decision as prescribed by A.R.S. § 41-1092.08, and shall issue a final order.~~

~~D. Board Hearings~~

~~1. The Board may conduct a hearing without adherence to the rules of evidence used in civil proceedings. The Board shall include the respondent's application and disciplinary records as evidence in the hearing record.~~

~~2. In all hearings required or permitted by statute, order of the Board, or these rules, the party seeking relief has the burden of proof and will present evidence first.~~

~~3. The Board shall conduct each formal hearing according to A.R.S. Title 41, Chapter 6, Article 10.~~

~~E. If a party fails to appear for a formal hearing without good cause, the Board shall act upon the evidence without further notice.~~

~~F. The Board shall make and keep a record of the hearing and, in the case of disciplinary hearings or if requested by a party or ordered by the Board, a transcript shall be prepared and filed with the Board. If the transcript is prepared at the request of a party, the party making the request shall pay for the cost of the transcript, unless the Board, for good cause shown waives assessment of this cost.~~

~~G. A party may request and the Board may grant a continuance of a hearing date or any other deadline imposed by R4-46-302 upon a showing of good cause.~~

R4-46-303. ~~Rehearing or Review of the Board's Decisions~~ Repealed

~~A. Any party in a contested case or appealable agency action before the Board may file a motion for rehearing or review within 30 days after service of the final administrative decision. Service is complete upon personal service or five days after the date the decision is mailed by certified mail to the party's last known address of record. The party shall attach a full supporting memorandum specifying the grounds for the motion.~~

~~B. The opposing party may file a response within 15 days after service of the motion for rehearing or review, or by a date ordered by the Board, whichever is later. The party shall support the response with a memorandum discussing legal and factual issues.~~

~~C. Either party may request or the Board may order oral argument.~~

~~D. The Board may grant rehearing or review for any of the following causes materially affecting a party's rights:~~

~~1. Irregularity in the administrative proceedings of the Board or any other abuse of discretion which deprived the moving party of a fair hearing;~~

~~2. Misconduct of the Board or any party;~~

~~3. Accident or surprise which could not have been prevented by ordinary prudence;~~

~~4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;~~

~~5. Excessive or insufficient sanction;~~

~~6. Error in the admission or rejection of evidence or other errors of law at the administrative hearing or during the progress of the proceedings or;~~

~~7. Unjustified decision based upon the evidence, or a decision that is contrary to law.~~

~~E. The Board may affirm or modify the decision or grant a rehearing to any party on all or part of the issues for any of the reasons set forth in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order. The rehearing, if granted, shall be limited to matters specified by the Board.~~

~~F. Not later than 30 days after a decision is rendered, the Board may order a rehearing or review on its own initiative, for any reason which it might have granted relief on motion of a party.~~

~~G. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may submit opposing affidavits with the response. Reply affidavits may be permitted.~~

R4-46-304. ~~Conviction and Judgment Disclosure~~ Repealed

~~A. When an appraiser or property tax agent is convicted of any act which is or would be punishable as a felony, crime involving moral turpitude, or any crime which is substantially related to the respective qualifications, functions, and duties of an appraiser or property tax agent, the convicted person shall notify the Board within 20 days of entry of a plea of guilty or conviction.~~

~~B. When a civil judgment based on fraud, misrepresentation, or deceit in the making of any appraisal is entered against an appraiser or property tax agent, the person against whom the judgment entered shall notify the board within 20 days of entry of judgment.~~

R4-46-305. ~~Terms and Conditions of Reapplication After Revocation~~ Repealed

~~A. An applicant who reapplies after revocation of a license, certificate, or course approval, shall submit an application for license, certificate, or course approval consistent with these rules. The applicant shall attach substantial evidence to the application that the issuance of a license, certificate, or course approval will no longer constitute a threat to the public welfare and safety.~~

~~B. The Board shall make a determination of each application that is consistent with the public safety and welfare.~~

R4-46-306. ~~Complaint Information Availability~~ Repealed

~~A. Every six months, the Board shall generate a report for publication on the Board's web site or in a newsletter that indicates for that period the number of:~~

~~1. Complaints received,~~

~~2. Complaints dismissed,~~

~~3. Complaints referred for investigation, and~~

~~4. Complaints referred for informal or formal hearing.~~

~~B. In preparing the report, the Board shall include the severity level of violations with reference to the Board Complaint Resolution Chart (a copy is available at the Board office); the actual complaint resolution implemented by the Board; and any other information that the Board deems useful to appraisers, property tax agents, and the public.~~

ARTICLE 3.1. RULES OF PRACTICE AND PROCEDURE BEFORE THE SUPERINTENDENT

R4-46-301.01. Scope of Article

This Article governs procedures in all contested cases and appealable agency actions, including administrative appeals, filed with the Department. The Department shall use the authority of A.R.S. §§ 41-1092 through 41-1092.12, and the Office of Administrative Hearings' procedural rules to govern the initiation and conduct of proceedings. In a case or action, special procedural requirements in state statute or another Section in this Chapter shall also govern the proceedings unless the requirements are inconsistent with either A.R.S. §§ 41-1092 through 41-1092.12 or the Office of Administrative Hearings' rules. This Article does not apply to rulemaking or to investigative proceedings before the Superintendent.

R4-46-302.01. Commencement of Proceedings; Notice of Hearing

A person may obtain a hearing under A.R.S. § 41-1092.03 (B) on any appealable agency action or contested case, including the following, unless otherwise provided by law:

1. A letter or order granting or denying a license;
2. A cease and desist order;
3. An order to remedy unsafe or unsound conditions;
4. An order assessing a fine;
5. Any other order or matter reviewable in a hearing either under the authority of these rules, a statute or an administrative rule enforced by the Superintendent, or by the order's express terms.

R4-46-303.01. Answer to Notice of Hearing

A. The Superintendent may, in a notice of hearing, direct one or more parties to file an answer to the assertions in the notice of hearing. Any party to the proceeding may file an answer without being directed to do so.

B. A party directed to file an answer shall do so within 20 days after issuance of a notice of hearing, unless the notice of hearing states a different period for the answer. The Superintendent may require any party to answer, in a reasonable time, amendments to the assertions in the notice made after service of the original notice.

C. An answer filed under this Section shall briefly state the party's position or defense to the proceeding and shall specifically admit or deny each of the assertions in the notice of hearing. An answering party that does not have, or cannot easily obtain, knowledge or information sufficient to admit or deny an assertion shall state that inability in its answer. That statement shall have the effect of a denial. A party admits each assertion that it does not deny. An answering party that intends to deny only a part or a qualification of an assertion, or to qualify an assertion, shall expressly admit as much of that assertion as is true and shall deny the remainder.

D. A party that fails to file an answer required by this Section within the time allowed is in default. The Superintendent may resolve the proceeding against a defaulting party. In doing so, the Superintendent may regard any assertions in the notice of hearing as admitted by the defaulting party.

E. An answering party waives all defenses not raised in its answer.

R4-46-304.01. Filing; Service

A. A person shall either personally deliver all papers permitted or required to be filed with the Superintendent or shall mail them by first class, certified, or express mail, or send them electronically to the Department, or shall serve them by any method permitted under R2-19-108. The Department considers papers filed when actually received at the Superintendent's address stated in this subsection.

B. A party in a contested case or appeal from an agency action shall make any required or permitted service in the manner permitted under R2-19-108. A party shall make service upon each represented party's attorney unless the administrative law judge orders separate service on the actual party. A party shall make service upon each unrepresented party by service on the actual party.

R4-46-305.01. Stays

A person aggrieved by the Department's action or order who files a timely written request for a hearing may ask, in the request for a hearing, that the Superintendent stay an action or any part of an order that will become effective before the Department can hold a hearing. The Superintendent may, in the Superintendent's discretion, stay the legal effectiveness of any action or order until the matter can be heard and finally decided if the aggrieved person's request demonstrates that:

1. The person has a reasonable defense that might prevail on the merits at the hearing,
2. The person will suffer irreparable injury unless the Superintendent grants the stay,
3. The stay would not substantially or irreparably harm other interested persons, and
4. The stay would not jeopardize the public interest or contravene public policy.

R4-46-306.01. Rehearing

A. Except as provided in subsection (H), any party in a contested case who is aggrieved by a decision rendered in that case may file with the Superintendent, within time limits and other procedural guidelines contained in A.R.S. § 41-1092.09, a written motion for rehearing or review of the decision specifying the particular reason for rehearing.

B. A party requesting rehearing under this Section may amend a motion for rehearing at any time before the Superintendent rules on the motion. Any other party, or the Attorney General, may file a response to the motion for rehearing within 15 days after service of the motion for rehearing, or the amended motion for rehearing. The Superintendent may require a written brief of the issues raised in the motion and may allow oral argument.

C. The Superintendent may grant a motion for rehearing for any of the following causes:

1. Irregularity in the proceedings before the Superintendent, in any order, or any abuse of discretion that deprives the moving party of a fair hearing;
2. Misconduct of the Department, the administrative law judge, or the prevailing party;
3. Accident or surprise that could not have been prevented by ordinary care;
4. Newly discovered material evidence that could not reasonably have been discovered and produced at the original hearing;
5. Excessive or insufficient penalties;

6. Error in admitting or rejecting evidence or other legal errors occurring at the hearing;
7. The decision is not justified by the evidence or is contrary to law.

D. The Superintendent may affirm or modify the decision or grant a rehearing as to all or any of the parties and on all or part of the issues for any reason listed in subsection (C). An order granting a rehearing shall specify the reason for granting the rehearing, and the rehearing shall cover only those matters specified.

E. The Superintendent, within the time for filing a motion for rehearing, may without a motion order a rehearing or review of a decision for any reason that would allow the granting of a motion for rehearing by a party. The order for rehearing, granted without a motion, shall specify the reason for granting the rehearing.

F. After giving the parties notice and an opportunity to be heard on the matter, the Superintendent may grant a motion for rehearing, timely served, for a reason not stated in the motion. The order for rehearing, granted for a reason not stated in the motion, shall specify the reason for granting the rehearing.

G. When a motion for rehearing is based on an affidavit, the moving party shall serve the affidavit with the motion. An opposing party or the Attorney General may serve opposing affidavits within 10 days after service of the motion for rehearing.

H. The Superintendent may issue a final decision, subject only to judicial review and without an opportunity for rehearing or administrative review, if the Superintendent includes in the decision:
1. An express finding that the decision needs to be made immediately effective to preserve the public peace, health, and safety; and
2. An express finding that a rehearing or review is:
   a. Impossible,
   b. Unnecessary, or
   c. Contrary to the public interest.

R4-46-307.01. Settlement

A. The Department will enter into a settlement, either in litigation or in an administrative proceeding, only if the defendant or respondent admits to the allegations in the complaint, notice, or order relating to the jurisdiction of the Superintendent or the jurisdiction of the tribunal that will enter the judgment or order.

B. The Superintendent has sole discretion to decide whether to resolve a matter by settlement. Nothing in Article 3 or Article 3.1 gives the Superintendent a duty to approve a settlement in any matter.

ARTICLE 4. APPRAISAL MANAGEMENT COMPANIES

R4-46-401. Application for Initial Registration

A. Unless exempt under A.R.S. § 32-3663, a person shall not engage in business as an AMC and shall not provide any appraisal management services unless registered with the Department.

B. To register under subsection (A), a person shall submit:
1. A registration application form, which is available from the Department and on its ~~web site~~ website, and provide the information and certifications required under A.R.S. § 32-3662(B);
2. The name and contact information of the controlling person who will be the main contact for all communication between the Department and the AMC;
3. For the controlling person, each officer, and each individual who owns 10 percent or more of the AMC:
   a. A copy of a fingerprint clearance card ~~obtained~~ application under A.R.S. § 41-1758.03; and
   b. The certification required under A.R.S. § 32-3668(B)(3) or 32-3669(B)(1), as applicable~~.~~;
4. Proof of the surety bond required under A.R.S. § 32-3667 and R4-46-402; and
5. The fee required under R4-46-106.

C. If an AMC operates in Arizona under more than one name, other than a DBA, the controlling person of the AMC shall ensure that a complete application, as described in subsection (B), is submitted in each name under which the AMC will operate. However, if an individual previously submitted a copy of a valid fingerprint clearance card application under subsection (B), the individual is not required to submit a copy of the fingerprint clearance card again.

R4-46-402. Bond Required

A. The surety bond required under A.R.S. § 32-3667 shall be in the amount of $20,000 and shall be issued by a surety company authorized to do business in Arizona.

B. The controlling person of a registered AMC shall ensure that the surety bond required under A.R.S. § 32-3667 requires the issuing surety company to provide written notice to the Department by registered or certified mail at least 30 days before the surety company cancels the bond and within 30 days after the surety company pays a loss under the bond.

C. The surety bond required under A.R.S. § 32-3667 is to be used exclusively to ensure that a registered AMC pays:
1. All amounts owed to persons that perform real estate appraisal services for the AMC~~;~~, and
2. All amounts adjudged against the AMC as a result of negligent or improper real property appraisal services or appraisal management services or breach of contract in performing real property appraisal services or appraisal management services.

D. The controlling person of a registered AMC shall ensure that the required surety bond is:
1. Maintained in the amount of $20,000;
2. Funded to $20,000 within seven days after being drawn down; and
3. Maintained for at least one year after the AMC's registration expires, is revoked or surrendered, or otherwise ends.

E. If the Department ~~staff~~ receives notice from the surety company of intent to cancel the required bond, the Department ~~staff~~ shall notify the controlling person of the AMC and require that the controlling person submit proof of a replacement bond before the existing bond is cancelled. Under A.R.S. § 32-3678, failure to maintain the required bond is grounds for disciplinary action.

F. If a registered AMC operates in Arizona under more than one name, other than a DBA, the controlling person shall ensure that a separate surety bond in the amount of $20,000 is maintained in each name.

G. If the name of a registered AMC is changed, the controlling person of the registered AMC shall ensure that a surety bond in the amount of $20,000 is:
1. Maintained in the former name for one year after the name is changed~~;~~, and
2. Obtained in the registered AMC's new name.

H. A person damaged by a registered AMC's failure to pay an obligation listed in subsection (C) has a right of action against the surety bond. The damaged person shall begin the action ~~against the bond with the Department or~~ in a court of competent jurisdiction within one year after the AMC failed to pay the amount owed or the amount adjudged against the AMC.

I. If the surety bond required under A.R.S. § 32-3667 is cancelled, liability of the issuing surety company is not limited or cancelled regarding any claim against the surety bond started before cancellation of the bond.

R4-46-403. Change in Controlling Person or Agent for Service of Process

A. If any of the information submitted under R4-46-401(B)(2) changes, the controlling person of the registered AMC shall provide to the Department written notice of the change within 10 business days.

B. If an individual becomes the controlling person of a registered AMC and the information required under R4-46-401(B)(3) was not previously submitted for the individual, the new controlling person shall ensure that the required information is submitted to the Department within 10 business days after the change in controlling person.

C. If a registered AMC is required under A.R.S. § 32-3662(B)(4) to provide the name and contact information for an agent for service of process in this state, the controlling person of the AMC shall provide the Department ~~staff~~ written notice of any change in the information within 10 business days.

R4-46-404. Application for Renewal Registration

A. Under A.R.S. § 32-3665, an initial registration for an AMC expires one year after the date of issuance. A renewal registration for an AMC expires two years after the date of issuance.

B. To renew registration for an AMC, the controlling person of the registered AMC shall, at least 60 days before expiration, submit:
1. A renewal registration application form, which is available from the Department and on its ~~web site~~ website;
2. The certifications required under A.R.S. § 32-3662(B);
3. Proof of the surety bond required under A.R.S. § 32-3667 and R4-46-402; and
4. The renewal fee specified in R4-46-106.

C. If the controlling person of a registered AMC fails to comply with subsection (B) and the registration expires, the controlling person shall ensure that the AMC immediately ceases providing all appraisal management services.

R4-46-405. Certifications

A. Under A.R.S. § 32-3672, the controlling person of a registered AMC is required to make certain certifications to the Superintendent at the time the AMC's registration is renewed.

B. To make the certifications required under A.R.S. § 32-3672, the controlling person of a registered AMC shall use a form that is available from the Department and on its ~~web site~~ website.

C. The controlling person of a registered AMC shall make available to the Department, ~~on~~ upon request, evidence that the certifications are true and that the systems, processes, and records certified are effective in protecting the public.

D. Under A.R.S. § 32-3678, failure to comply with this Section is grounds for disciplinary action.

R4-46-406. Appeal for Waiver

A. Under A.R.S. §§ 32-3668 and 32-3669, an AMC for which registration is sought under R4-46-401 may not have an owner, controlling person, officer, or other individual with a 10 percent or greater financial interest in the AMC who has ever had a financial, real estate, or mortgage lending industry license or certificate refused, denied, canceled, revoked, or voluntarily surrendered in any state.

B. The requirement in subsection (A) may be waived, at the discretion of the Superintendent, when an appeal is made by the individual who has had a financial, real estate, or mortgage lending industry license or certificate refused, denied, canceled, revoked, or voluntarily surrendered.

C. To make an appeal for waiver under subsection (B), the individual who has had a financial, real estate, or mortgage lending industry license or certificate refused, denied, canceled, revoked, or voluntarily surrendered shall submit to the Superintendent an appeal for waiver form, which is available from the Department and on its ~~web site~~ website.

D. In deciding whether to waive the requirement under subsection (A), the Superintendent shall consider the following factors:
1. Whether the refusal, denial, cancellation, revocation, or voluntary surrender of a license or certificate was based on a finding of fraud, dishonesty, misrepresentation, or deceit on the part of the appellant;
2. The amount of time that has elapsed since the refusal, denial, cancellation, revocation, or voluntary surrender of a license or certificate;
3. Whether the act leading to the refusal, denial, cancellation, revocation, or voluntary surrender of a license or certificate was an isolated occurrence or part of a pattern of conduct;
4. Whether the act leading to the refusal, denial, cancellation, revocation, or voluntary surrender of a license or certificate appears to have been done for a self-serving purpose;
5. The harm caused to victims, if any;
6. Efforts at rehabilitation, if any, undertaken by the appellant and evidence regarding whether the rehabilitation efforts were successful;
7. Restitution made by the appellant to victims, if any; and
8. Other factors in mitigation or aggravation that the Superintendent determines are relevant.

R4-46-407. Training Required

A. The controlling person of a registered AMC shall ensure that all employees and other individuals who work on behalf of the AMC and are responsible for selecting independent appraisers to perform real property appraisal services receive sufficient training to be qualified to comply with federal and state law regarding appraisal management services.

B. The controlling person of a registered AMC shall ensure that the training required under subsection (A) includes at least the following:
1. Overview of ~~the~~ USPAP,
2. Federal and state law applicable to real property appraisal services,
3. Appraiser classifications and the scope of work for each classification,
4. Factors that influence the complexity of an appraisal assignment, and
5. Maintaining the independence of an appraiser.

C. The controlling person of a registered AMC shall maintain a record of all training provided to an individual described under subsection (A) for one year beyond the termination of that individual's employment by or work on behalf of the AMC.

D. The controlling person of a registered AMC shall make available to the Department, ~~on~~ upon request, a copy of all materials used to provide the training required under this Section and the records maintained under subsection (C).

R4-46-408. Voluntarily Relinquishing Registration

A. The controlling person of a registered AMC may voluntarily relinquish the AMC's registration if:
1. No complaint is currently pending against the AMC~~;~~,
2. All amounts owed under R4-46-402(C) have been paid~~;~~, and
3. The AMC is in good standing with the Department.

B. To voluntarily relinquish an AMC's registration, the controlling person of the AMC shall enter into an agreement with the Superintendent that provides the AMC shall:
1. Cease engaging in business as an AMC and cease providing appraisal management services immediately~~;~~, and
2. Maintain the surety bond required under A.R.S. § 32-3667 for one year after the agreement is entered.

ARTICLE 5. COURSE APPROVAL

R4-46-501. Course Approval Required

A. Under A.R.S. §§ 32-3601(10) and 32-3625, ~~the Superintendent is required to approve~~ a course must be approved by the Superintendent, including a course presented by distance education, before the course is offered in Arizona. The Superintendent shall approve a course as either qualifying or continuing education.

B. ~~When approving a course~~ Prior to the approval of a course as either qualifying or continuing education, the Department ~~staff~~ shall determine whether the course satisfies the qualification criteria ~~specified in the material incorporated by reference~~ in R4-46-201(B).~~, except:~~
~~1. The 15-hour National USPAP Course or its AQB-approved equivalent shall not be in the form of distance education; and~~
~~2. Only continuing education courses of at least three hours shall be approved.~~

C. A course owner shall ensure that the course is not offered as either qualifying or continuing education until the course owner receives notice that the course has been approved by the Superintendent unless the course owner includes notice in the offering materials that course approval by the Superintendent is pending and no credit may be claimed for participating in the course until approval is received.

D. The Department ~~staff~~ shall include in the notice of course approval referenced in subsection (C):
1. An index number for the approved course,
2. The maximum number of hours of instruction (including examination time if applicable) that may be claimed for participating in the approved course, and
3. Whether the course is approved as qualifying or continuing education.

E. A course owner shall ensure that the course is not advertised or represented as Superintendent-approved until after receipt of the notice referenced in subsection (D). After receiving notice of course approval, the course owner may represent in any materials that the course is Superintendent-approved.

R4-46-503. Course Owners

A. Superintendent approval of a course granted to the course owner extends to a secondary provider. However, for a course delivered by distance education:
1. A course owner's approval of the course-delivery mechanism, as required under R4-46-502, does not extend to a secondary provider; and
2. Both the course owner and secondary provider shall apply for and obtain approval of the course-delivery mechanism from a source listed in R4-46-502.

B. If a course owner allows a Superintendent-approved course to be offered by a secondary provider, the course owner shall ensure that the secondary provider:
1. Uses the course owner's materials, including the same textbook and examination, if any;
2. Allows only the number of hours specified by the Department ~~staff~~ under R4-46-501(D);
3. Uses an instructor who is qualified under the standards specified in R4-46-506(7); and
4. Adheres to the course owner's policies regarding student attendance, course scheduling, and prerequisites, if any.

C. Before allowing a Superintendent-approved course to be offered by a secondary provider using distance education, the course owner shall comply with subsection (B) and:
1. Ensure that the secondary provider has obtained approval of the course-delivery mechanism from a source listed in R4-46-502~~;~~, and

2. Provide to the Superintendent evidence that the secondary provider has obtained approval of the course-delivery mechanism for the Superintendent-approved course.

D. The Superintendent shall hold a course owner responsible if a secondary provider, authorized by the course owner under subsection (B) or (C), violates any provision of this Chapter.

R4-46-504. Application for Course Approval

Only a course owner may apply for course approval. To apply for course approval, a course owner shall submit to the Department:

1. An application for course approval, which is available from the Department and on its ~~web site~~ website;
2. Materials and other documents that demonstrate the course meets the minimum standards specified in R4-46-506;
3. If the course will be offered using distance education, evidence of approval of the course-delivery mechanism from a source listed in R4-46-502; and
4. The fee specified under R4-46-106.

R4-46-505. Course Approval without Application

The Superintendent approves without application the following:

1. A course approved through the AQB's voluntary Course Approval Program;
2. The 15-Hour National USPAP Course or its AQB-approved equivalent, if the course is taught by at least one AQB-certified USPAP instructor who is also a state certified appraiser in good standing; and
3. The 7-Hour National USPAP Update Course or its AQB-approved equivalent, if the course is taught by at least one AQB-certified USPAP instructor who is also a state certified appraiser in good standing.

R4-46-506. Minimum Standards for Course Approval

The Superintendent shall approve a course only if the course owner submits the following materials and documents with the application for approval required under R4-46-504 and demonstrates the course, including a course presented by distance education, meets the following minimum standards:

1. Course description. Clearly describe the subject matter content of the course.
2. Summary outline. Identify major topics and the number of classroom hours devoted to each.
3. Prerequisites. Specify necessary prerequisites for any course other than a course on:
   a. Introductory real estate appraisal principles and practices~~;~~, and
   b. Appraisal standards and ethics.
4. Learning objectives. Specific learning objectives shall:
   a. State clearly the specific knowledge and skills students are expected to acquire by completing the course;
   b. Be consistent with the course description required under subsection (1);
   c. Be consistent with the instructional materials described in subsection (5);
   d. Be achievable in the number of hours allotted for the course;
   e. If for qualifying education, specify the required core curriculum, module subtopic, and number of course hours; and
   f. If for continuing education, specify the appraisal topic and number of course hours.
5. Instructional materials. Instructional materials used by students shall:
   a. Cover the subject matter in sufficient depth to achieve the learning objectives specified in subsection (4)~~;~~,
   b. Reflect current knowledge and practice in the field of appraisal~~;~~,
   c. Contain no significant errors~~;~~,
   d. Use correct grammar and spelling~~;~~,
   e. Be written in a clear, concise, and understandable manner~~;~~,
   f. Be in a format that facilitates learning~~;~~, and
   g. Be bound or packaged and produced in a quality manner.
6. Examinations for qualifying education courses. Qualifying education courses shall include a series of examinations, a comprehensive final examination, or both. A course examination shall:
   a. Contain enough questions to assess adequately whether a student acquired knowledge of the subject matter covered by the course;
   b. Contain questions directed towards assessing whether students achieved the learning objectives specified in subsection (4);
   c. Be allotted sufficient time for students to complete;
   d. Contain questions on information adequately addressed in the instructional material required under subsection (5);
   e. Contain questions that are written in a clear, accurate, and unambiguous manner;
   f. Contain questions for which the intended answer is clearly the best answer choice;
   g. Be proctored and ~~close-book~~ closed-book; and
   h. Have a criterion for passing that is announced before the examination is given.
7. Instructor qualifications policy. The course owner has a written policy that requires use of instructors who meet at least one of the following:
   a. Has a baccalaureate degree in any field and at least three years of experience directly related to the subject matter to be taught~~;~~,
   b. Has a master's degree in any field and one year of experience directly related to the subject matter to be taught~~;~~,
   c. Has a master's or higher degree in a field directly related to the subject matter to be taught~~;~~,
   d. Has at least five years of real estate appraisal teaching experience directly related to the subject matter to be taught~~;~~, or
   e. Has at least seven years of real estate appraisal experience directly related to the subject matter to be taught.
8. Required policies. The course owner shall have the following written policies:
   a. Attendance policy that ensures student attendance is verified.
      i. Stipulate that to receive credit, a student must be present for the entire course~~;~~;

ii. Include the instructor's name on the attendance record~~,~~; and
iii. Maintain attendance records for five years;
b. Scheduling policy.
i. Provide that a student may participate in a maximum of eight hours of instruction in a day, and
ii. Provide that appropriate breaks are included during each class session~~;~~, and
c. Completion certificate policy.
i. Require that a signed and dated completion certificate be issued promptly to all students who complete a course~~;~~, and
ii. Require that a completion certificate contain all information required on the form of certification provided by the Department.

R4-46-508. Compliance Audit of Approved Courses

A. To improve the quality of education available to appraisers in this state, the Department ~~staff shall~~ may regularly audit approved courses for compliance with this Chapter.
B. The Superintendent shall identify approved courses for audit using the following to establish the priority of audits:
1. Approved courses about which a complaint has been received,
2. Approved courses of a course owner that is new to this state, and
3. Approved courses that have not been audited in the last five years.
C. On request from the Superintendent, the course owner of an approved course shall provide the dates, times, and locations at which the approved course will be taught and the name of the instructor who will teach each presentation of the approved course.
D. The audit of an approved course ~~shall~~ may be conducted by a volunteer auditor trained by the Department ~~staff~~.
E. The course owner of an approved course shall allow an auditor described under subsection (D) to attend the approved course at no charge.
F. The auditor shall be identified to the instructor before the approved course starts.
G. On request from the auditor, the course owner shall allow the auditor to examine records, materials, and other documents relevant to the approved course audited.
H. After review by the Superintendent, the Department ~~staff~~ shall provide a copy of the audit report to the course owner. If the audit identifies ways in which the approved course fails to comply with this Chapter, the Department ~~staff~~ shall:
1. Work with the course owner to establish a correction plan to bring the course into compliance~~;~~,
2. Establish a time within which the course owner is required to complete the correction plan and bring the course into compliance~~;~~, and
3. Inform the course owner of the manner in which to report the approved course is in compliance with this Chapter.
I. Failure of a course owner to comply with this Chapter may lead to revocation of course approval.

R4-46-509. Changes to an Approved Course

The Superintendent encourages revisions and updates that improve and keep an approved course current. However, if any of the information provided under R4-46-506(1), (2), (4), or (5) changes so substantially as to alter the scope of the approved course as determined at the sole discretion of the Superintendent, the course owner of the approved course shall submit a new application for approval under R4-46-504.

R4-46-510. Renewal of Course Approval

A. Course approval expires a maximum of two years after approval is granted. Approval of a distance education course expires in two years or, if applicable, when the distance education delivery-mechanism approval required under R4-46-502 or approval under R4-46-505 expires, whichever is less.
B. The Superintendent ~~shall~~ may renew the approval of a course only~~:~~ if the information provided under R4-46-506(1), (2), (4), and (5) has not changed substantially.
~~1. Once after initial approval; and~~
~~2. If the information provided under R4-46-506(1), (2), (4), and (5) has not changed substantially.~~
C. If an approved course meets the standard in subsection (B), the course owner may apply for renewal of course approval no later than 30 days before the course approval expires.
D. To apply for renewal of course approval, a course owner shall submit a renewal application, which is available from the Department and on its ~~web site~~ website, and pay the renewal fee specified in R4-46-106(A)(10).

R4-46-511. Transfer of an Approved Course

A. A course owner that transfers the proprietary rights to a Superintendent-approved course shall provide written notice of the transfer to the Department. The course owner shall include in the notice the name of and contact information for the new course owner and the date of the transfer.
B. The new course owner to which the proprietary rights to a Superintendent-approved course are transferred shall attach to the notice required under subsection (A) a certification, using a form available from the Department and on its ~~web site~~ website, that the new course owner:
1. Will adhere to the requirements in this Article, and
2. Will be responsible for the actions of all secondary providers who have an agreement under R4-46-507.
C. If proprietary rights to a Superintendent-approved course are transferred under this Section, the expiration date of the course approval does not change.

NOTICES OF PROPOSED EXPEDITED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the proposed expedited rule should be addressed to the agency proposing the rule. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

[R19-76]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) — **Rulemaking Action**

R9-10-119	Amend
R9-10-1505	Amend
R9-10-1509	Amend

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

Authorizing statutes: A.R.S. §§ 36-132(A)(1), 36-136(G)

Implementing statutes: A.R.S. §§ 36-132(A)(17), 36-405(A) and (B), 36-406, 36-449.03, 36-2161 and Laws 2018, Ch. 219

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: 25 A.A.R. 678, March 15, 2019

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

Name: Colby Bower, Assistant Director
Address: Arizona Department of Health Services
Public Health Licensing Services
150 N. 18th Ave., Suite 510
Phoenix, AZ 85007
Telephone: (602) 542-6383
Fax: (602) 364-4808
E-mail: Colby.Bower@azdhs.gov

or

Name: Robert Lane, Chief
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.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:

In order to ensure public health, safety, and welfare, Arizona Revised Statutes (A.R.S.) §§ 36-405 and 36-406 require the Arizona Department of Health Services (Department) to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. A.R.S. § 36-449.03 requires the Department to adopt rules that establish minimum standards and requirements for abortion clinics, a class of health care institutions. Laws 2018, Ch. 219 amends A.R.S. §§ 36-2161 and 36-2162 to require abortion providers to: supply additional information to the Department in abortion procedure and complication reports; request additional information from women seeking abortions; and provide information to women seeking abortions who are victims of certain crimes. After obtaining an exception from the rulemaking moratorium established by Executive Order 2018-02, the Department is revising rules in 9 A.A.C. 10, Articles 1 and 15 to comply with Laws 2018, Ch. 219. The Department is revising the rules in 9 A.A.C. 10, Article 15, Abortion Clinics, to include new requirements for reporting complications according to A.R.S § 36-2161(A)(15), requesting information specified in A.R.S. § 36-2161(A)(12) from a patient, and providing information required in A.R.S. § 36-2161(C) to a patient, if applicable. In addition, A.A.C. R9-10-119 is being revised to update cross-references to new subsections in A.R.S. § 36-2161. The Department believes the rulemaking meets the criteria for expedited rulemaking since the changes to be made will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated, but amends rules that became outdated with the statutory revisions made by Laws 2018, Ch. 219. The proposed amendments will conform to rulemaking format and style requirements of the Governor's Regulatory Review

Council and the Office of the Secretary of State.

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

The Department did not review or rely on any study for this rulemaking.

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

Not applicable

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

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

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

Not applicable

10. Where, when, and how persons may provide written comment to the agency on the proposed expedited rules under A.R.S. § 41-1027(C):

Close of record: Monday, May 13, 2019, 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

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 reasons why a general permit is not used:

A.R.S. § 36-407 prohibits a person from establishing, conducting, or maintaining "a health care institution or any class or subclass of health care institution unless that person holds a current and valid license issued by the [D]epartment specifying the class or subclass of health care institution the person is establishing, conducting or maintaining." A health care institution license is specific to the licensee, class or subclass of health care institution, facility location, and scope of services provided. As such, a general permit is not applicable and is not used.

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

Not applicable

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

No business competitiveness analysis was received by the Department.

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 9. HEALTH SERVICES

CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

ARTICLE 1. GENERAL

Section
R9-10-119. Abortion Reporting

ARTICLE 15. ABORTION CLINICS

Section
R9-10-1505. Incident Reporting
R9-10-1509. Abortion Procedures

ARTICLE 1. GENERAL

R9-10-119. Abortion Reporting

A. A licensed health care institution where abortions are performed shall submit to the Department, in a Department-provided format and according to A.R.S. § ~~36-2161(B) and (C)~~ 36-2161(D) and (E), a report that contains the information required in A.R.S. § 36-2161(A) and the following:

1. The final disposition of the fetal tissue from the abortion; and
2. Except as provided in subsection (B), if custody of the fetal tissue is transferred to another person or persons:
   a. The name and address of the person or persons accepting custody of the fetal tissue,
   b. The amount of any compensation received by the licensed health care institution for the transferred fetal tissue, and

c. Whether a patient provided informed consent for the transfer of custody of the fetal tissue.

B. A licensed health care institution where abortions are performed is not required to include the information specified in subsections (A)(2)(a) through (c) in the report required in subsection (A) if the licensed health care institution where abortions are performed:

1. Transfers custody of the fetal tissue:
   a. To a funeral establishment, as defined in A.R.S. § 32-1301;
   b. To a crematory, as defined in A.R.S. § 32-1301; or
   c. According to requirements in A.A.C. R18-13-1406, A.A.C. R18-13-1407, and A.A.C. R18-13-1408; or
2. Complies with requirements in A.A.C. R18-13-1405.

C. For purposes of this Section, the following definition applies: "Fetal tissue" means cells, or groups of cells with a specific function, obtained from an aborted human embryo or fetus.

ARTICLE 15. ABORTION CLINICS

R9-10-1505. Incident Reporting

A. A licensee shall ensure that the Department is notified of an incident as follows:

1. For the death of a patient, verbal notification the next working day;
2. For a fetus delivered alive, verbal notification the next working day; and
3. For a serious injury of a patient or viable fetus, written notification within 10 calendar days after the date of the serious injury.

B. A medical director shall conduct an investigation of an incident and document an incident report that includes:

1. The date and time of the incident~~,~~;
2. The name of the patient~~,~~;
3. A description of the incident, including, if applicable, information required in A.R.S. § 36-2161(A)(15);
4. Names of individuals who observed the incident~~,~~;
5. Action taken by patient care staff members and employees during the incident and immediately following the incident~~,~~; and
6. Action taken by the patient care staff members and employees to prevent the incident from occurring in the future.

C. A medical director shall ensure that the incident report is:

1. Submitted to the Department and, if the incident involved a licensed individual, the applicable professional licensing board within 10 calendar days after the date of the notification in subsection (A); and
2. Maintained on the premises for at least two years after the date of the incident.

R9-10-1509. Abortion Procedures

A. A medical director shall ensure that a medical evaluation of a patient is conducted before the patient's abortion is performed that includes:

1. A medical history including:
   a. Allergies to medications, antiseptic solutions, or latex;
   b. Obstetrical and gynecological history;
   c. Past surgeries;
   d. Medication the patient is currently taking; and
   e. Other medical conditions;
2. A physical examination, performed by a physician that includes a bimanual examination to estimate uterine size and palpation of adnexa;
3. The following laboratory tests:
   a. A urine or blood test to determine pregnancy;
   b. Rh typing, unless the patient provides written documentation of blood type acceptable to the physician;
   c. Anemia screening; and
   d. Other laboratory tests recommended by the physician or medical director on the basis of the physical examination; and
4. An ultrasound imaging study of the fetus, performed as required in A.R.S. §§ 36-2156 and 36-2301.02(A).

B. If the medical evaluation indicates a patient is Rh negative, a medical director shall ensure that:

1. The patient receives information from a physician on this condition;
2. The patient is offered RhO(d) immune globulin within 72 hours after the abortion procedure;
3. If a patient refuses RhO(d) immune globulin, the patient signs and dates a form acknowledging the patient's condition and refusing the RhO(d) immune globulin;
4. The form in subsection (B)(3) is maintained in the patient's medical record; and
5. If a patient refuses RhO(d) immune globulin or if a patient refuses to sign and date an acknowledgment and refusal form, the physician documents the patient's refusal in the patient's medical record.

C. A physician shall estimate the gestational age of the fetus, based on one of the following criteria, and record the estimated gestational age in the patient's medical record:

1. Ultrasound measurements of the biparietal diameter, length of femur, abdominal circumference, visible pregnancy sac, or crown-rump length or a combination of these; or
2. The date of the last menstrual period or the date of fertilization and a bimanual examination of the patient.

D. A medical director shall ensure that:

1. The ultrasound of a patient required in subsection (A)(4) is performed by an individual who meets the requirements in R9-10-1506(3);
2. An ultrasound estimate of gestational age of a fetus is performed using methods and tables or charts in a publication distributed nationally that contains peer-reviewed medical information, such as medical information derived from a publication describing research in obstetrics and gynecology or in diagnostic imaging;
3. An original patient ultrasound image is:
   a. Interpreted by a physician, and

b. Maintained in the patient's medical record in either electronic or paper form; and
4. If requested by the patient, the ultrasound image is reviewed with the patient by a physician, physician assistant, registered nurse practitioner, or registered nurse.

E. A medical director shall ensure that before an abortion is performed on a patient:
1. Written consent, that meets the requirements in A.R.S. § 36-2152 or 36-2153, as applicable, and A.R.S. § 36-2158 is signed and dated by the patient or the patient's representative; ~~and~~
2. Information is provided to the patient on the abortion procedure, including alternatives, risks, and potential complications~~.~~;
3. Information specified in A.R.S. 36-2161(A)(12) is requested from the patient; and
4. If applicable, information required in A.R.S. § 36-2161(C) is provided to the patient.

F. A medical director shall ensure that an abortion is performed according to the abortion clinic's policies and procedures and this Article.

G. A medical director shall ensure that:
1. A patient care staff member monitors a patient's vital signs throughout an abortion procedure to ensure the patient's health and safety;
2. Intravenous access is established and maintained on a patient undergoing an abortion after the first trimester unless the physician determines that establishing intravenous access is not appropriate for the particular patient and documents that fact in the patient's medical record;
3. If an abortion procedure is performed at or after 20 weeks gestational age, a patient care staff member qualified in neonatal resuscitation, other than the physician performing the abortion procedure, is in the room in which the abortion procedure takes place before the delivery of the fetus; and
4. If a fetus is delivered alive:
   a. Resuscitative measures, including the following, are used to support life:
      i. Warming and drying of the fetus,
      ii. Clearing secretions from and positioning the airway of the fetus,
      iii. Administering oxygen as needed to the fetus, and
      iv. Assessing and monitoring the cardiopulmonary status of the fetus;
   b. A determination is made of whether the fetus is a viable fetus;
   c. A viable fetus is provided treatment to support life;
   d. A viable fetus is transferred as required in R9-10-1510; and
   e. Resuscitative measures and the transfer, as applicable, are documented.

H. To ensure a patient's health and safety, a medical director shall ensure that following the abortion procedure:
1. A patient's vital signs and bleeding are monitored by:
   a. A physician;
   b. A physician assistant;
   c. A registered nurse practitioner;
   d. A nurse; or
   e. If a physician is able to provide direct supervision, as defined in A.R.S. § 32-1401 or A.R.S. § 32-1800, as applicable, to a medical assistant, as defined in A.R.S. § 32-1401 or A.R.S. § 32-1800, a medical assistant under the direct supervision of the physician; and
2. A patient remains in the recovery room or recovery area until a physician, physician assistant, registered nurse practitioner, or nurse examines the patient and determines that the patient's medical condition is stable and the patient is ready to leave the recovery room or recovery area.

I. A medical director shall ensure that follow-up care:
1. For a surgical abortion is offered to a patient that includes:
   a. With a patient's consent, a telephone call made to the patient to assess the patient's recovery:
      i. By a patient care staff member other than a surgical assistant; and
      ii. Within 24 hours after the patient's discharge following a surgical abortion; and
   b. A follow-up visit scheduled, if requested, no more than 21 calendar days after the abortion that includes:
      i. A physical examination,
      ii. A review of all laboratory tests as required in subsection (A)(3), and
      iii. A urine pregnancy test;
2. For a medication abortion includes a follow-up visit, scheduled between seven and 21 calendar days after the initial dose of a substance used to induce an abortion, that includes:
   a. A urine pregnancy test, and
   b. An assessment of the degree of bleeding; and
3. Is documented in the patient's medical record, including:
   a. A patient's acceptance or refusal of a follow-up visit following a surgical abortion;
   b. If applicable, the results of the follow-up visit; and
   c. If applicable, whether the patient consented to a telephone call and, if so, whether the patient care staff member making the telephone call to the patient:
      i. Spoke with the patient about the patient's recovery, or
      ii. Was unable to speak with the patient.

J. If a continuing pregnancy is suspected as a result of the follow-up visit in subsection (I)(1)(b) or (I)(2), a physician who performs abortions shall be consulted.

NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

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

NOTICE OF RULEMAKING DOCKET OPENING
BOARD OF DISPENSING OPTICIANS

[R19-77]

1. Title and its heading: 4, Professions and Occupations
Chapter and its heading: 20, Board of Dispensing Opticians
Article and its heading: 1, General
Section number: R4-20-120

2. The subject matter of the proposed rule:
The rule provides detailed licensing, regulatory information, and procedural instructions. The Board is proposing to amend rule R4-20-120 for clarification on the time frame due to restriction on the new database, as well as the change in when applicants are able to take the practical exams.

3. A citation to all published notices relating to the proceeding:
None

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

Name:	Megan Darian, Executive Director
Address:	Board of Dispensing Opticians 1740 W. Adams, Suite 3001 Phoenix, AZ 85007
Telephone:	(602) 542-8158
Fax:	(602) 926-8103
E-mail:	mdarian@do.az.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: The board will continue to accept written comments at the location listed above between 8 a.m. and 5 p.m. Monday through Friday, until the close of record.

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

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

[R19-78]

1. Title and its heading: 18, Environmental Quality
Chapter and its heading: 2, Department of Environmental Quality – Air Pollution Control
Article and its heading: 3, Permits and Permit Revisions
Section numbers: R18-2-327

2. The subject matter of the proposed rule:
The Arizona Department of Environmental Quality (ADEQ) is considering amending its annual emission inventory questionnaire rule to change the reporting frequency for Class II sources permitted under Arizona Administrative Code (A.A.C.) Title 18, Chapter 2. ADEQ identified that amendments to the rule may ease a regulatory burden on certain permitted sources and free up staff time to pursue more mission outcomes. In addition, ADEQ is considering amending its annual emission inventory questionnaire rule to remedy a deficiency with collecting ozone precursor emission data from sources located in areas designated nonattainment for ozone under the federal Clean Air Act. ADEQ identified that the rule is deficient to secure the U.S. Environmental Protection Agency's approval of the rule as part of the state implementation plan (SIP) for the Yuma, AZ marginal ozone nonattainment area. This rulemaking would include revisions to the applicability of A.A.C. R18-2-327 to amend which sources in the state must submit annual emissions inventories to the Department.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Elias Toon
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4665
Fax: (602) 771-2366
E-mail: toon.elias@azdeq.gov

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

To be announced in the Notice of Proposed Rulemaking.

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

To be announced in the Notice of Proposed Rulemaking.

GOVERNOR EXECUTIVE ORDER

Executive Order 2019-01 is being reproduced in each issue of the *Administrative Register* as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2019-01

Moratorium on Rulemaking to Promote Job Creation and Customer-Service-Oriented Agencies; Protecting Consumers Against Fraudulent Activities

[M19-04]

WHEREAS, government regulations should be as limited as possible; and

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

WHEREAS, protecting the public health, peace and safety of the residents of Arizona is a top priority of state government; and

WHEREAS, in 2015 the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order and renewed the moratorium in 2016, 2017 and 2018; and

WHEREAS, the State of Arizona eliminated or repealed 422 needless regulations in 2018 and 676 in 2017 for a total of 1,098 needless regulations eliminated or repealed over two years; and

WHEREAS, estimates show these eliminations saved job creators more than $31 million in operating costs in 2018 and $48 million in 2017 for a total of over $79 million in savings over two years; and

WHEREAS, approximately 283,300 private sector jobs have been added to Arizona since January 2015; and

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

WHEREAS, each State agency shall continue to conduct 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 while protecting the health, peace and safety of residents; and

WHEREAS, each State agency should continue to evaluate its administrative rules using any available and reliable data and performance metrics; and

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, 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 justifications 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 federal court 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 which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
3. A State agency subject to this Order and which issues occupational or professional licenses shall review the agency's rules and practices related to receiving and acting on substantive complaints about unlicensed individuals who are allegedly holding them-

selves out as licensed professionals for financial gain and are knowingly or recklessly providing or attempting to provide regulated services which the State agency director believes could cause immediate and/or significant harm to either the financial or physical health of unknowing consumers within the state. Agencies shall identify and execute on opportunities to improve its complaint intake process, documentation, tracking, enforcement actions and coordination with proper law enforcement channels to ensure those allegedly trying to defraud unsuspecting consumers and putting them at risk for immediate and/or significant harm to their financial or physical health are stopped and effectively diverted by the State agency to the proper law-enforcement agency for review. A written plan on the agency's process shall be submitted to the Governor's Office no later than May 31, 2019.

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 section 41-1001, Arizona Revised Statutes.

IN WITNESS THEREOF, 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 ninth day of January in the Year Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Third.

ATTEST:
Katie Hobbs
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
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FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

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PSMR = Proposed Summary repealed Section
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PE# = Proposed Expedited renumbered Section
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SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section
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FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING
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XM = Exempt amended Section
XR = Exempt repealed Section
X# = Exempt renumbered Section
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PXR = Proposed Exempt repealed Section
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SPX# = Supplemental Proposed Exempt renumbered Section
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FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

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

RECODIFICATION OF RULES
RC = Recodified

REJECTION OF RULES
RJ = Rejected by the Attorney General

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

RULE EXPIRATIONS
EXP = Rules have expired
See also "emergency expired" under emergency rulemaking

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Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index and published by volume page number.

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RULES EFFECTIVE DATES CALENDAR

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

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

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

REGISTER PUBLISHING DEADLINES

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

Deadline Date (paper only) Friday, 5:00 p.m.	*Register* Publication Date	Oral Proceeding may be scheduled on or after
November 9, 2018	November 30, 2018	December 31, 2018
November 16, 2018	December 7, 2018	January 7, 2019
November 23, 2018	December 14, 2018	January 14, 2019
November 30, 2018	December 21, 2018	January 22, 2019
December 7, 2018	December 28, 2018	January 28, 2019
December 14, 2018	January 4, 2019	February 4, 2019
December 21, 2018	January 11, 2019	February 11, 2019
December 28, 2018	January 18, 2019	February 19, 2019
January 4, 2019	January 25, 2019	February 25, 2019
January 11, 2019	February 1, 2019	March 4, 2019
January 18, 2019	February 8, 2019	March 11, 2019
January 25, 2019	February 15, 2019	March 18, 2019
February 1, 2019	February 22, 2019	March 25, 2019
February 8, 2019	March 1, 2019	April 1, 2019
February 15, 2019	March 8, 2019	April 8, 2019
February 22, 2019	March 15, 2019	April 15, 2019
March 1, 2019	March 22, 2019	April 22, 2019
March 8, 2019	March 29, 2019	April 29, 2019
March 15, 2019	April 5, 2019	May 6, 2019
March 22, 2019	April 12, 2019	May 13, 2019
March 29, 2019	April 19, 2019	May 20, 2019
April 5, 2019	April 26, 2019	May 28, 2019
April 12, 2019	May 3, 2019	June 3, 2019
April 19, 2019	May 10, 2019	June 10, 2019
April 26, 2019	May 17, 2019	June 17, 2019
May 3, 2019	May 24, 2019	June 24, 2019
May 10, 2019	May 31, 2019	July 1, 2019
May 17, 2019	June 7, 2019	July 8, 2019
May 24, 2019	June 14, 2019	July 15, 2019
May 31, 2019	June 21, 2019	July 22, 2019

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 http://grrc.az.gov.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019

[M19-05]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday January 22, 2019	*Tuesday* February 19, 2019	*Tuesday* February 26, 2019	*Tuesday* March 5, 2019
Tuesday February 19, 2019	*Tuesday* March 19, 2019	*Tuesday* March 26, 2019	*Tuesday* April 2, 2019
Tuesday March 19, 2019	*Tuesday* April 23, 2019	*Tuesday* April 30, 2019	*Tuesday* May 7, 2019
Tuesday April 23, 2019	*Tuesday* May 21, 2019	***Wednesday*** May 29, 2019	*Tuesday* June 4, 2019
Tuesday May 21, 2019	*Tuesday* June 18, 2019	*Tuesday* June 25, 2019	*Tuesday* July 2, 2019
Tuesday June 18, 2019	*Tuesday* July 23, 2019	*Tuesday* July 30, 2019	*Tuesday* August 6, 2019
Tuesday July 23, 2019	*Tuesday* August 20, 2019	*Tuesday* August 27, 2019	***Wednesday*** September 4, 2019
Tuesday August 20, 2019	*Tuesday* September 17, 2019	*Tuesday* September 24, 2019	*Tuesday* October 1, 2019
Tuesday September 17, 2019	*Tuesday* October 22, 2019	*Tuesday* October 29, 2019	*Tuesday* November 5, 2019
Tuesday October 22, 2019	*Tuesday* November 19, 2019	*Tuesday* November 26, 2019	*Tuesday* December 3, 2019
Tuesday November 19, 2019	*Tuesday* December 24, 2019	*Tuesday* January 7, 2020	*Tuesday* January 14, 2020
Tuesday December 24, 2019	*Tuesday* January 21, 2020	*Tuesday* January 28, 2020	*Tuesday* February 4, 2020

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