



# Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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**DIRECTOR**  
Administrative Rules Division  
Scott Cancelosi

**PUBLISHER**  
Secretary of State  
**KATIE HOBBS**

**RULES MANAGING EDITOR**  
Arizona Administrative Register  
Rhonda Paschal

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

Vol. 25

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**PUBLISHER**  
SECRETARY OF STATE  
Katie Hobbs

**ADMINISTRATIVE RULES  
STAFF**  
DIRECTOR  
Scott Cancelosi

**RULES MANAGING EDITOR**  
Rhonda Paschal

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

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

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

**CONTACT US**  
Administrative Rules Division  
Office of the Secretary of State  
1700 W. Washington Street, Fl. 2  
Phoenix, AZ 85007  
(602) 364-3223

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

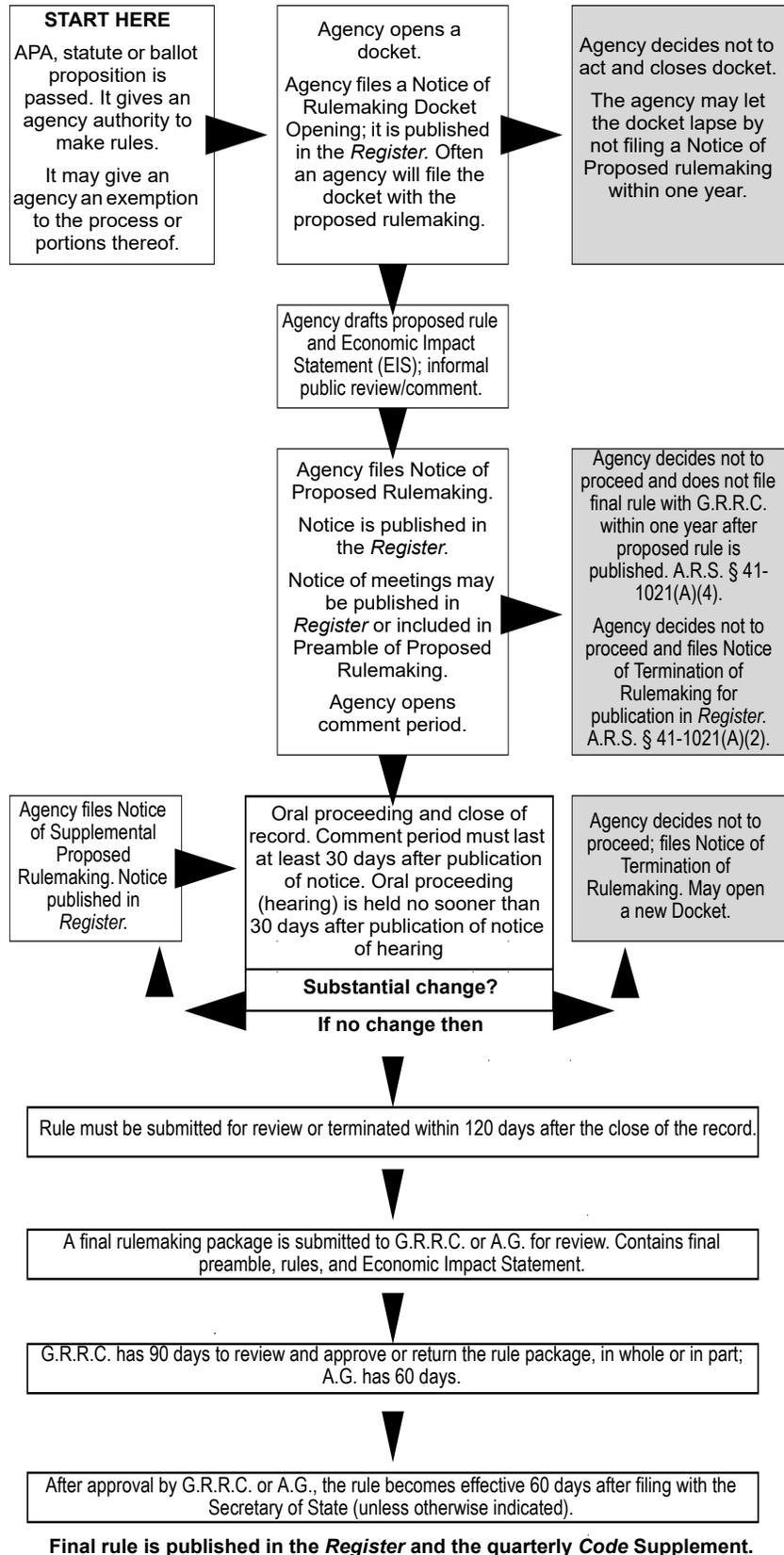
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



**NOTICES OF PROPOSED RULEMAKING**

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

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

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

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

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

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 2. ADMINISTRATION**

**CHAPTER 9. GOVERNING COMMITTEE FOR TAX DEFERRED ANNUITY AND DEFERRED COMPENSATION PLANS**

[R18-280]

**PREAMBLE**

- |  |   |
|--|---|
| <p><b>1. <u>Article, Part or Section Affected (as applicable)</u></b><br/>R2-9-101</p> | <p><b><u>Rulemaking Action</u></b><br/>Repeal</p> |
|--|---|
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 38-871(C)(3)  
 Implementing statute: A.R.S. §§ 38-871 et seq.
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:**  
 Notice of Rulemaking Docket Opening: 25 A.A.R. 107, January 11, 2019 (*in this issue*)
- 4. The agency’s contact person who can answer questions about the rulemaking:**  
 Name: Jessica A.R. Thomas, Rule Writer  
 Address: Arizona State Retirement System  
 3300 N. Central Ave., Suite 1400  
 Phoenix, AZ 85012-0250  
 Telephone: (602) 240-2039  
 E-mail: [JessicaT@azasrs.gov](mailto:JessicaT@azasrs.gov)
- 5. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**  
 The Committee needs to repeal R2-9-101 in order to reduce regulatory burden. R2-9-101 identifies obligations for a vendor who is contracted to administer the deferred compensation programs governed by the Committee. However, the Committee has the statutory authority to contract for such specific administrative services and may include prudent requirements in the contract, rather than promulgating separate rules. Thus, the rule is unnecessary and repealing the rule will reduce the regulatory burden on the contracted vendor while still achieving the same regulatory objective.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.**  
 None
- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**  
 Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**  
 There is little to no economic, small business, or consumer impact, other than the minimal cost to the Committee to prepare the rule package. The rule will have minimal economic impact, if any, because it reduces regulatory burden while still achieving the same regulatory objective. Thus, the economic impact is minimized.
- 9. The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:**  
 Name: Jessica A.R. Thomas, Rules Writer



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

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

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

Date: February 12, 2019
Time: 9:00 a.m.
Location: Arizona State Retirement System
14th Floor Conference Room
3300 N. Central Ave.
Phoenix, AZ 85012-0250

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

None

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

None of the rules requires a permit.

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

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

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

No analysis was submitted.

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

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION
CHAPTER 9. GOVERNING COMMITTEE FOR TAX DEFERRED ANNUITY AND DEFERRED COMPENSATION PLANS

ARTICLE 1. GENERAL PROVISIONS

Section

R2-9-101. Employee Solicitation for Tax-Deferred Annuities and Deferred Compensation Plans Repealed

ARTICLE 1. GENERAL PROVISIONS

R2-9-101. Employee Solicitation for Tax-Deferred Annuities and Deferred Compensation Plans Repealed

A. The administrator under contract with the Governing Committee shall draft and present an annual business plan that describes its approach to educating and marketing to employees regarding the tax-deferred annuity and deferred compensation plans. The administrator's business plan is subject to the approval of the Governing Committee. The business plan shall include:

- 1. Enrollment and participation goals for employees;
2. Performance measures for the administrator;
3. Plans for achieving the goals and performance measures;
4. An explanation of the effect of participation on take-home pay and future retirement income; and
5. Information regarding retirement planning and investment options.

B. The administrator shall establish and follow written procedures that provide for the impartial representation of the available investment options and investment products offered under the tax-deferred annuity and deferred compensation plans. The written procedures are subject to the advance written approval of the Governing Committee. The procedures shall:

- 1. Include directives to the administrator's personnel that information provided to the employees shall be presented in a fair and equal manner, allowing employees to make individual choices based upon their specific investment needs or desires;
2. Be adequate to ensure that the administrator's personnel will not engage in preferential solicitation of any investment option or investment product; and
3. Include a means of monitoring at reasonable intervals the adequacy of the procedures and reporting the results of the monitoring to the Governing Committee.

C. The failure of the administrator to present the plan required in subsection (A), or the failure of the administrator to establish and follow the procedures required in subsection (B), is a breach of its contract with the Governing Committee.



**NOTICE OF PROPOSED RULEMAKING  
TITLE 2. ADMINISTRATION  
CHAPTER 18. GOVERNMENT INFORMATION TECHNOLOGY AGENCY (GITA)**

[R18-282]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| 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. 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. 107, January 11, 2019 (*in this issue*)
  - 4. 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](mailto:lisa.meyerson@azdoa.gov)  
 Website: <https://aset.az.gov/>
  - 5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**  
 The 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.
  - 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:**  
 None
  - 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**  
 Not applicable
  - 8. The preliminary summary of the economic, small business, and consumer impact:**  
 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.
  - 9. The agency’s contact person who can answer questions about the economic, small business and consumer impact statement:**  
 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
Web site: https://aset.az.gov/

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

An oral proceeding on the proposed rules will be held as follows:
Date: February 11, 2019
Time: 11:00 a.m.
Location: Department of Administration
100 N. 15th Ave., Suite 400 (Sawtooth Meeting Room)
Phoenix, AZ 85007

The close of record date for this rulemaking is February 15, 2019.

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

None

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

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 competitive-ness of business in this state to the impact on business in other states:

None

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

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 18. GOVERNMENT INFORMATION TECHNOLOGY AGENCY (GITA)

(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 HF 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), 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.

- 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-related project, specific~~ 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. Whether the proposed project aligns with the budget unit's Strategic IT Plan plan is reasonable; and
    - h. 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.
  - 5. ~~The Department GITA~~ shall inform the budget unit ~~CEO~~ of ~~its~~ the review decision in writing.
  - 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.
  - 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. 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. 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 GOVERNMENT INFORMATION 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. The ITAC shall inform a Budget Unit regarding its decision on any appeal within 90 days of receipt of the appeal.

#### **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.



NOTICES OF FINAL EXEMPT RULEMAKING

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

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

Questions about the interpretation of the final exempt rule should be addressed to the agency proposing them.

Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING
TITLE 7. EDUCATION
CHAPTER 2. STATE BOARD OF EDUCATION

[R18-283]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
3. The effective date of the rules and the agency's reason it selected the effective date:
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
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:
8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
9. The summary of the economic, small business and consumer impact, if applicable:
10. A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):
11. A summary of the comments made regarding the rule and the agency response to them:



**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

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

Not applicable

**14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**

Not applicable

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

**TITLE 7. EDUCATION**

**CHAPTER 2. STATE BOARD OF EDUCATION**

**ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES**

Section

R7-2-201. Advisory Committees

R7-2-206. Certification Denial Appeals Process for Applications for Certification that Do Not Involve Allegations of Immoral or Unprofessional Conduct

**ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES**

**R7-2-201. Advisory Committees**

- A. The State Board of Education (“Board”) may create an advisory committee for the purpose of providing advice and recommendations as assigned by the Board. In this rule, unless the context otherwise requires, the following definitions shall apply:
  - 1. “Ad Hoc Advisory Committee” means a committee, established by the Board, for a limited time and scope, for the purpose of providing advice and recommendations to the Board.
  - 2. “Executive Committee” means a committee, whose members consist of the President and Vice-President of the Board, established for the purpose of appointing ad hoc advisory committee members.
  - 3. “Standing Advisory Committee” means the Certification Advisory Committee, ~~the Certification Appeals Advisory Committee,~~ and the Professional Practices Advisory Committee, or any other designated permanent committee, established by the Board, for the specific purpose of providing ongoing advice and recommendations as assigned by the Board.
- B. Any advisory committee or similar body that has been created by either the Board or statute shall be appointed and conduct its business in accordance with this rule except as otherwise required by law.
- C. The Board shall determine the structure, membership, and tasks of any standing advisory committee the Board has created.
- D. The Board’s Appointments Subcommittee, whose members are appointed by the President of the Board, shall review nominations submitted by the Board members for appointment to a standing advisory committee and shall provide a recommendation to the Board for consideration. A vacancy on a standing advisory committee shall be filled in the manner described in this Section.
- E. The Board shall determine the structure and task of an ad hoc advisory committee it has created and may make suggestions as to members. The Executive Committee shall appoint the members of an ad hoc advisory committee. An ad hoc advisory committee shall exist for the time necessary to accomplish its assigned task or for one year from the date it is created, whichever is less. An ad hoc advisory committee may continue to function beyond a one-year period only with the express approval of the Executive Committee. A vacancy on an ad hoc advisory committee shall be filled in the manner prescribed by the Executive Committee.
- F. The Board may in its discretion remove any member from and dissolve any standing advisory committee that the Board has created. The Executive Committee may in its discretion remove any member from and dissolve any ad hoc advisory committee that the Executive Committee has created.
- G. An advisory committee shall not conduct a meeting of its members without prior acknowledgment from the Executive Director of the Board that the notice and agenda for the meeting have been approved by the President of the Board and posted and that there are sufficient funds to meet all expenses that would be incurred in connection with such meeting. An advisory committee member shall not obligate the payment of Board funds.
- H. The meetings of a committee shall be held at the offices of the Board or any other facility for which no charges would be incurred for use of the facility.
- I. Activities of an advisory committee are limited to preparation of advice and recommendations to be presented to the Board for issues which relate directly to the task assigned by the Board.
- J. Advisory committees are not authorized the use of Board letterhead stationery without the express approval of the President of the Board and are not authorized the use of Department of Education letterhead stationery without the express approval of the Superintendent of Public Instruction.
- K. An advisory committee shall:
  - 1. Annually select from its members a chair and vice chair;
  - 2. Request information, assistance, or opinions from the Department of Education necessary to accomplish its task. An advisory committee shall convey any such request through the Department liaison designated pursuant to this rule.
- L. A quorum of an advisory committee shall be a majority of the voting members of the advisory committee. Voting members shall be only those members specifically appointed by the Board or Executive Committee. A quorum of an advisory committee is necessary to conduct its business. An affirmative vote of the majority of voting members present is necessary for an advisory committee to take action.



M. The Superintendent shall designate an employee of the Department of Education to serve as a liaison to each advisory committee. The President of the Board may appoint a member of the Board to serve as an additional liaison to each advisory committee as the President deems appropriate.

**R7-2-206. Certification Denial Appeals Process for Applications for Certification that Do Not Involve Allegations of Immoral or Unprofessional Conduct**

~~A. The Certification Appeals Advisory Committee (“Committee” or “CAAC”) shall act in an advisory capacity to the State Board of Education (“Board”) and shall serve as the hearing body for the Board in regard to appeals of certification denials pursuant to A.R.S. § 15-534.01 that do not involve allegations of immoral or unprofessional conduct. Applications for certification that involve allegations of immoral or unprofessional conduct shall be reviewed by the Professional Practices Advisory Committee as established by R7-2-205.~~

~~B. The Committee shall be appointed by the Board and shall consist of five members comprised of the following:~~

- ~~1. One certificated elementary classroom teacher,~~
- ~~2. One certificated secondary classroom teacher,~~
- ~~3. One certificated administrator,~~
- ~~4. One lay member, and~~
- ~~5. One local Governing Board member.~~

~~C. Terms of the members~~

- ~~1. All regular terms shall be for two years except as set forth in subsection (D).~~
- ~~2. A member may be reappointed with Board approval.~~

~~D. The Board may remove any member from the Committee. All vacancies shall be filled in a timely fashion and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.~~

~~E. The Committee shall:~~

- ~~1. Select from its members a Chairman and Vice Chairman.~~
- ~~2. A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.~~
- ~~3. Hold meetings once a month or as often as necessary to conduct hearings or other Committee business.~~
- ~~4. Recommend the removal of any member who is absent from three consecutive meetings.~~
- ~~5. Conduct appeals pursuant to A.R.S. Title 41, Chapter 6, Article 6 and this Section.~~

~~FA. Request for hearing. A person who has had an application for certification denied by the Board or the Department of Education pursuant to A.R.S. § 15-534.01(B) may file a written request for a hearing with the Board within 15 days after receiving the notice of denial being served notice of the denial pursuant to subsection C of this section. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation of the 15 days. If the final day of the 15 day deadline falls on a Saturday, Sunday or legal holiday, the next business day is the final day of the deadline. Applications for certification that involve allegations of immoral or unprofessional conduct shall be reviewed by the Professional Practices Advisory Committee pursuant to R7-2-205.~~

~~GB. Notice of hearing~~

- ~~1. If an applicant requests a hearing to appeal the denial of an application for certification, a notice of hearing shall be given at least 20 days prior to the date set for the hearing.~~
- ~~2. The notice shall include:
 
  - ~~a. A statement of the time, place and nature of the hearing.~~
  - ~~b. A statement of the legal authority and jurisdiction under which the hearing is to be held.~~
  - ~~c. A reference to the particular sections of the statutes and rules involved.~~
  - ~~d. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.~~~~
- ~~3. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.~~
- ~~4. The Board may dispose of any certification appeal by decision or approved stipulation, agreed settlement, consent agreement or by default.~~
- ~~5. A hearing before the hearing body or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.~~
- ~~6. The hearing body may reschedule the hearing, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.~~
- ~~7. The record in an appeal of a certification denial shall include:
 
  - ~~a. All pleadings, motions and interlocutory rulings.~~
  - ~~b. Evidence received or considered.~~
  - ~~c. A statement of matters officially noticed.~~
  - ~~d. Objections and offers of proof and rulings thereon.~~
  - ~~e. Proposed findings of fact and conclusions of law and exceptions thereto.~~
  - ~~f. Any decision, opinion, recommendation or report of the hearing body.~~
  - ~~g. All staff memoranda, other than privileged communications, or data submitted to the hearing body in connection with its consideration of the case.~~~~
- ~~8. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.~~

~~HC. Service of documents; change of address notice requirement~~

- ~~1. Every notice or decision issued by the Board or the Department pertaining to the denial of an application for initial certification or renewal of a certificate shall be served by personal delivery, first class mail or certified mail, return receipt requested, to the applicant or certificated person’s last address of record with the Department of Education or by any other method that is reason-~~



ably calculated to give actual notice to the applicant or the certificated person. A document is filed with the Board on the date it is received by the Board, as established by the Board's date stamp on the face of the document. A document issued by the Board or the Department pursuant to this section is served on a party as follows:

- a. On the date it is personally served.
- b. Five days after it is mailed by first class mail.
- c. On the date of the return receipt if it is mailed by certified mail.

2. Each applicant or certificated person shall inform the Department of Education and the Board of any change of address within 30 days of the change of address.

#### **FD.** Hearing process

1. All hearings shall be conducted before the Board or a hearing officer pursuant to A.R.S. Title 41, Chapter 6, Article 6 and this section.
42. Parties may participate in the hearing in person or through an attorney.
23. Upon request of either party, the ~~presiding~~ hearing officer may schedule a prehearing conference. The purpose of a prehearing conference shall be to narrow issues, attempt settlement, address evidentiary issues or for any other purpose deemed necessary by the ~~presiding~~ hearing officer.
4. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.
5. The Board may dispose of any certification appeal by decision or approved stipulation, agreed settlement, consent agreement or by default.
6. A hearing shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.
7. The hearing may be rescheduled, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.
8. The record in an appeal of a certification denial shall include:
  - a. All pleadings, motions and interlocutory rulings;
  - b. Evidence received or considered;
  - c. A statement of matters officially noticed;
  - d. Objections and offers of proof and rulings thereon;
  - e. Proposed findings of fact and conclusions of law and exceptions thereto;
  - f. Any decision, opinion, recommendation or report of the hearing officer;
  - g. All staff memoranda, other than privileged communications, or data submitted to the hearing officer in connection with its consideration of the case.
9. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
310. A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order, providing the evidence supporting such decision or order is substantial, reliable, and probative. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Every person who is a party to such proceedings shall have the right to be represented by counsel, to submit evidence in open hearing and shall have the right of cross-examination. Unless otherwise provided by law, hearings may be held at any place determined by the ~~Committee~~ Board. At such hearing such applicant shall be the moving party and have the burden of proof.
411. Copies of documentary evidence may be received in the discretion of the ~~presiding~~ hearing officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.
512. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the hearing ~~body~~ officer. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing ~~body's~~ officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

#### **FE.** Subpoenas

1. The ~~Department of Education~~ hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence on ~~its~~ the hearing officer's own volition or at the request of a party.
2. A request for a hearing subpoena shall be in writing and served on each party at least seven days prior to the date set for hearing and shall state:
  - a. The name of the ~~contested~~ case, the case number, and the date, time and place where the witness is expected to appear and testify;
  - b. The name and address of the witness subpoenaed; ~~and~~
  - c. The documents, if any, sought to be provided; ~~and~~
  - d. A brief statement of the relevance of the testimony or documents.
3. On application of a party or the agency and for use as evidence, the hearing ~~body~~ officer may permit a deposition to be taken, in the manner and upon the terms designated by the hearing ~~body~~ officer, of a witness who cannot be subpoenaed or is unable to attend the hearing.
4. The individual to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for appearance, the hearing ~~body~~ officer grants a written request to quash or modify the subpoena. The request shall state the reasons why it should be granted. The hearing ~~body~~ officer shall grant or deny such request by order.
5. The hearing officer shall quash or modify the subpoena if:
  - a. It is unreasonable or oppressive; or
  - b. The desired testimony or evidence may be obtained by an alternative method.



56. The party requesting the subpoena shall prepare it and cause it to be served upon the individual to whom it is directed in the same manner as provided for service of subpoenas in civil matters before the superior court. The return of service shall be filed with the ~~hearing body~~ Board.

~~K.F.~~ Conduct of hearing

1. The ~~presiding hearing~~ officer may conduct all or part of the hearing by telephone, ~~television~~, or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
2. Except for those hearings which may involve presentation of evidence protected by law as confidential, or which are otherwise closed pursuant to an express provision of law, all hearings are open to public observation.
3. Conduct at any hearing that is disruptive or shows contempt for the proceedings shall be grounds for exclusion from further participation or observation.

~~L.G.~~ Evidence

1. All witnesses shall testify under oath or affirmation.
2. The hearing ~~body~~ officer shall have the power to administer oaths and affirmations.
3. All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and fair disclosure of the facts.
4. The hearing ~~body~~ officer shall receive evidence, rule upon offers of proof, and exclude evidence the hearing ~~body~~ officer has determined to be irrelevant, immaterial, or unduly repetitious.
5. Unless otherwise ordered by the hearing ~~body~~ officer, documentary evidence shall be limited in size when folded to 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and furnish a copy of each exhibit to each party present. One additional copy shall be furnished to the hearing ~~body~~ officer unless the hearing ~~body~~ officer otherwise directs. When evidence offered by any party appears in a larger work, containing other information, the party shall plainly designate the portion offered. If the evidence offered is so voluminous as would unnecessarily encumber the record, the book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered shall be subject to appropriate and timely objection.

~~M.H.~~ Stipulations. Parties to an appeal of a certification denial may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the ~~presiding hearing~~ officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. The hearing ~~body~~ officer may require presentation of evidence for proof of stipulated facts for the hearing ~~body~~ officer's consideration. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

~~N.I.~~ Recommendations

1. A recommended decision shall be prepared for the Board by the ~~CAAC hearing officer and shall include findings of fact and conclusions of law, separately stated.~~
2. ~~Parties shall be notified either personally or by mail to their last known address of any decision or order.~~
23. A recommended decision shall be delivered to the Board within 30 days after the close of the hearing unless the Board extends the period for good cause.

~~O.J.~~ Decisions and orders

1. Any final decision or order adverse to a party shall be in writing or stated in the record.
2. When the Board is the hearing body, the decision shall be rendered within 60 days following the final day of the hearing.
3. Within 30 days after receipt of any recommended decision from the ~~CAAC hearing officer~~, the Board shall render a decision to affirm, reverse, adopt, modify, supplement, amend or reject the recommendation and may remand the matter to the hearing ~~body~~ officer with instructions, or may convene itself as the hearing body.

~~P.K.~~ Rehearing and review of decisions

1. After a hearing is held, a party in an appeal of a certification denial who is aggrieved by a decision rendered by the Board may file with the Board, not later than 30 days after such decision has been made, a written motion for rehearing specifying the particular grounds therefor. A motion for rehearing under this Section may be amended at any time before it is ruled upon by the Board. A response may be filed within 15 days after service of such motion by any other party. The Board may require the filing of written briefs on the issues raised in the motion or response and may provide for oral argument.
2. A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:
  - a. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  - b. Misconduct of the hearing body or the prevailing party.
  - c. Accident or surprise which could not have been prevented by ordinary prudence.
  - d. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the hearing.
  - e. Excessive or insufficient penalties.
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  - g. That the decision is not justified by the evidence or is contrary to the law.
3. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in ~~subsection (B) herein paragraph 2 of this subsection.~~ An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
4. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.



5. Not later than 20 days after a decision is rendered, the Board may, on its own initiative, order a rehearing of its decision for any reasons for which it might have granted a rehearing on motion of a party. The order granting such a rehearing shall specify the grounds therefor.
6. When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may, within 10 days after service of such motion, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. After a hearing has been held and a final administrative decision has been entered, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.
8. Any party in an appeal of a certification denial who is aggrieved by a decision rendered by the Board may file with the Board, not later than 20 days after such decision has been made, a written request for review of the decision. If a review of the decision is granted, the Board may affirm or modify the previous decision.





economic, small business, and consumer impact statement is not required.

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

Not applicable

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

Not applicable

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

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

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

Not applicable

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

There are no federal laws directly applicable to this rule.

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

No analysis was submitted to the Department.

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

This rulemaking incorporates no materials by reference.

**14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**

Not applicable

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

**TITLE 17. TRANSPORTATION  
CHAPTER 4. DEPARTMENT OF TRANSPORTATION  
TITLE, REGISTRATION, AND DRIVER LICENSES**

**ARTICLE 3. VEHICLE REGISTRATION**

Section  
R17-4-313. Public Safety Fee

**ARTICLE 3. VEHICLE REGISTRATION**

**R17-4-313. Public Safety Fee**

- A. Pursuant to A.R.S. § 28-2007, at the time of the initial or renewal registration of a vehicle, the owner or lessee shall pay a public safety fee as determined in subsection (B).
  - 1. An owner or lessee who registers a vehicle for more than one year shall be assessed a fee for each registration year at the applicable fee rate known at the time of registration.
  - 2. The fee will be assessed for the initial registration and upon each transfer of ownership of a permanent trailer.
  - 3. The fee will be assessed for each vehicle in a fleet.
  - 4. The fee will be assessed on a vehicle registered in Arizona and that is a part of the International Registration Plan.
  - 5. The fee will be assessed upon each transfer of any vehicle subject to registration by the new owner.
- B. The Department determines the annual amount for the public safety fee based upon the following:
  - 1. A vehicle owned or leased by the following shall pay a fee of ~~\$0~~ \$0.
    - a. An Arizona resident who is a member of the U.S. armed forces, including a National Guard or reserve unit, who is deployed in support of a worldwide contingency operation of the U.S. armed forces;
    - b. An educational, charitable, and religious associations association or institution not used or held for profit;
    - c. A government entity, which includes foreign government, a consul or any other official representative of a foreign government, the United States, a state or political subdivision of a state, or an Indian tribal government;
    - d. A nonresident military member;
    - e. A public health services officer;
    - f. A Supplemental Security Income recipient;
    - g. A survivor of a fallen first responder or a fallen military member;
    - h. A U.S. Department of Veterans Affairs grant recipient who qualifies for an exemption from the vehicle license tax pursuant to A.R.S. § 28-5802;
    - i. A veteran who is certified by the U.S. Department of Veterans Affairs to be 100% with a disability and drawing applicable compensation; or
    - j. A widow or widower who qualifies for an exemption of taxation of property pursuant to A.R.S. § 42-11111.
  - 2. The owner or lessee of the following shall pay a reduced fee of \$5:



- a. A registered street legal golf cart, or
- b. A registered street legal off-highway vehicle that is eligible for the reduced vehicle license tax pursuant to A.R.S. § 28-5801.

3. The owner or lessee of a vehicle that is part of the International Registration Plan shall pay an apportioned fee based on the International Registration Plan.

34. All other vehicle owners or lessees shall pay a fee, rounded up to the nearest quarter dollar, calculated as follows:

$$\text{public safety fee} = [(110\% \times D - E) - (\$5 \times R)] \div V$$

where:

- “D” is the Department of Public Safety’s highway patrol budget for a fiscal year,
- “E” is the amount of unencumbered balance in the highway patrol fund that exceeds 10% of the prior fiscal year’s deposits of the public safety fee,
- “R” is the vehicles defined in subsection (B)(2), and
- “V” is the Department’s estimate of the number of full public safety fees to be collected within the fiscal year for which the calculation is being made.

- C. If a vehicle is owned by more than one owner or lessee prescribed under subsections (B)(1)(d), (e), (f), (g), or (j), the fee of \$0 applies only to the qualified person and the fee as determined in subsection ~~(B)(3)~~ (B)(4) is applied proportionally to any additional owner or lessee.
- D. If an owner or lessee prescribed under subsections (B)(1)(f), (g), (h), (i), or (j) owns or leases more than one vehicle, the owner or lessee shall pay the fee as determined in subsection ~~(B)(3)~~ (B)(4) for each additional vehicle.
- E. If an owner or lessee prescribed under subsection (B)(1)(a) owns or leases more than two vehicles, the owner or lessee shall pay the fee as determined in subsection ~~(B)(3)~~ (B)(4) for each additional vehicle.
- F. The public safety fee shall be specified and available on the Department’s ~~web site~~ website at [www.azdot.gov](http://www.azdot.gov) and detailed on the registration renewal notice for the vehicle.
- G. The fee is nonrefundable and non-transferable.



**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  
GOVERNING COMMITTEE FOR TAX DEFERRED ANNUITY  
AND DEFERRED COMPENSATION PLANS**

[R18-281]

- 1. Title and its heading:** 2, Administration
- Chapter and its heading:** 9, Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans
- Article and its heading:** 1, General Provisions
- Section number:** R2-9-101 (*Sections may be added, deleted, or further modified as necessary.*)

- 2. The subject matter of the proposed rule:**  
The Committee needs to repeal R2-9-101 in order to reduce regulatory burden. R2-9-101 identifies obligations for a vendor who is contracted to administer the deferred compensation programs governed by the Committee. However, the Committee has the statutory authority to contract for such specific administrative services and may include prudent requirements in the contract, rather than promulgating separate rules. Thus, the rule is unnecessary and repealing the rule will reduce the regulatory burden on the contracted vendor while still achieving the same regulatory objective.

- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 25 A.A.R. 91, January 11, 2019 (*in this issue*)

- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Jessica A.R. Thomas, Rules Writer  
Address: Arizona State Retirement System  
3300 N. Central Ave., Suite 1400  
Phoenix, AZ 85012-0250  
Telephone: (602) 240-2039  
E-mail: [JessicaT@azasrs.gov](mailto:JessicaT@azasrs.gov)

- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The Committee will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking.

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

**NOTICE OF RULEMAKING DOCKET OPENING  
GOVERNMENT INFORMATION TECHNOLOGY AGENCY (GITA)**

[R18-288]

- 1. Title and its heading:** 2, Administration
- Chapter and its heading:** 18, Government Information Technology Agency (GITA)
- Articles and their heading:** 1, General Provisions  
2, Information Technology Projects  
3, Information Technology Planning  
4, Appeals of Government Information Technology Agency Decisions  
5, Alternative Access to Electronic or Information Technology
- Section numbers:** R2-18-101, R2-18-201, R2-18-301, R2-18-401, R2-18-501 through R2-18-503 (*Sections may be added, deleted, or modified as necessary.*)

- 2. The subject matter of the proposed rules:**  
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. Changes are also proposed to make the rules more clear and concise.

These rules will serve to assist agencies with interacting 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.

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

Notice of Proposed Rulemaking: 25 A.A.R. 93, January 11, 2019 (*in this issue*)

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

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](mailto:lisa.meyerson@azdoa.gov)  
Website: <https://aset.az.gov/>

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

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

Date: February 11, 2019  
Time: 11:00 a.m.  
Location: Department of Administration  
100 N. 15th Ave., Suite 400 (Sawtooth Meeting Room)  
Phoenix, AZ 85007

Written comments will be accepted until the close of record – February 15, 2019.

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

To be determined.



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## NOTICE OF AGENCY GUIDANCE DOCUMENTS

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The Administrative Procedure Act requires the publication of guidance documents and substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements and guidance documents are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements and agency guidance documents do not include internal procedural documents which may only affect the internal procedures of the agency and do not impose additional requirements or penalties on regulated parties in accordance with A.R.S. Title 41.

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### NOTICE OF AGENCY GUIDANCE DOCUMENT DEPARTMENT OF HEALTH SERVICES

[M18-87]

1. **Title of the guidance document and the guidance document number by which the document is referenced:**  
GD-116-PHS-EMS: Trauma Center Child Maltreatment Assessment Capabilities
2. **Date of the publication of the guidance document and the effective date of the document if different from the publication:**  
Date of publication: January 11, 2019  
Effective date: December 20, 2018
3. **Summary of the contents of the guidance document:**  
This guidance document provides guidance on how trauma centers may demonstrate their compliance with 9 A.A.C. 25, Article 13, Table 13.1(8) Child Maltreatment Assessment Capabilities.
4. **Statement as to whether the guidance document is a new document or a revision:**  
The guidance document is a new document.
5. **The agency contact person who can answer questions and comments about the agency guidance document:**  
Name: Terry Mullins, Bureau Chief  
Address: Arizona Department of Health Services  
Bureau of Emergency Medical Services and Trauma System  
150 N. 18th Ave., Suite 540  
Phoenix, AZ 85007-3248  
Telephone: (602) 364-3150  
Fax: (602) 364-3568  
E-mail: Terry.Mullins@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
6. **Information about where a person may obtain a copy of the guidance document and the costs for obtaining the guidance document:**  
A copy of the guidance document is available, free of charge, from the Arizona Department of Health Services, Office of Administrative Counsel and Rules at the following web address: <https://azdhs.gov/director/administrative-counsel-rules/rules/index.php#guidance-home>. A copy of the guidance document may also be obtained from the Arizona Department of Health Services, Bureau of Emergency Medical Services and Trauma System, 150 N. 18th Avenue, Suite 540, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.

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**REGISTER INDEXES**

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

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Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**

PN = Proposed new Section  
PM = Proposed amended Section  
PR = Proposed repealed Section  
P# = Proposed renumbered Section

**SUPPLEMENTAL PROPOSED RULEMAKING**

SPN = Supplemental proposed new Section  
SPM = Supplemental proposed amended Section  
SPR = Supplemental proposed repealed Section  
SP# = Supplemental proposed renumbered Section

**FINAL RULEMAKING**

FN = Final new Section  
FM = Final amended Section  
FR = Final repealed Section  
F# = Final renumbered Section

**SUMMARY RULEMAKING****PROPOSED SUMMARY**

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

**FINAL SUMMARY**

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

**EXPEDITED RULEMAKING****PROPOSED EXPEDITED**

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

**SUPPLEMENTAL EXPEDITED**

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

**FINAL EXPEDITED**

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

**EXEMPT RULEMAKING****EXEMPT**

XN = Exempt new Section  
XM = Exempt amended Section  
XR = Exempt repealed Section  
X# = Exempt renumbered Section

**EXEMPT PROPOSED**

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

**EXEMPT SUPPLEMENTAL PROPOSED**

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

**FINAL EXEMPT RULEMAKING**

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

**EMERGENCY RULEMAKING**

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

**RECODIFICATION OF RULES**

RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

**TERMINATION OF RULES**

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

**RULE EXPIRATIONS**

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

**CORRECTIONS**

C = Corrections to Published Rules

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Volume 25 Page Guide**

Issue 1, Jan. 4, 2019.....1-87

**RULEMAKING ACTIVITY INDEX**

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

**THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 1 OF VOLUME 25.**

<b>Environmental Quality, Department of - Air Pollution Control</b>		<b>Pharmacy, Board of</b>			
R18-2-1201.	PM-8	R4-23-110.	SPM-19	R4-23-605.	SPM-19
R18-2-1202.	PM-8	R4-23-202.	SPM-19	R4-23-606.	SPM-19
R18-2-1203.	PM-8	R4-23-203.	SPM-19	R4-23-607.	SPM-19
R18-2-1204.	PM-8	R4-23-205.	PM-5; SPM-19	R4-23-676.	PN-5; SPN-19
R18-2-1205.	PM-8	R4-23-301.	SPM-19	R4-23-692.	SPM-19
R18-2-1206.	PM-8	R4-23-302.	SPM-19	R4-23-693.	SPM-19
R18-2-1207.	PM-8	R4-23-407.	SPM-19	R4-23-1102.	SPM-19
R18-2-1208.	P#-8; PN-8	R4-23-407.1.	SPM-19	R4-23-1103.	SPM-19
R18-2-1209.	PN-8	R4-23-411.	SPM-19	R4-23-1105.	SPM-19
R18-2-1210.	P#-8; PM-8	R4-23-601.	SPM-19		
		R4-23-602.	SPM-19		
		R4-23-603.	SPM-19		
		R4-23-604.	SPM-19		

**OTHER NOTICES AND PUBLIC RECORDS INDEX**

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

**THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 1 OF VOLUME 25.**

<b>Docket Opening, Notices of</b>	<b>Public Information, Notices of</b>
Environmental Quality, Department of - Air Pollution Control; 18 A.A.C. 2; pp. 51-52	Environmental Quality, Department of; pp. 57-63
Pharmacy, Board of; 4 A.A.C. 23; p. 51	Game and Fish Commission; pp. 53-57



### RULES EFFECTIVE DATES CALENDAR

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

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



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



### REGISTER PUBLISHING DEADLINES

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

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



## 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 2018/19

[M18-01]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 21, 2017	<i>Tuesday</i> December 19, 2017	<i>Wednesday</i> January 3, 2018	<i>Tuesday</i> January 9, 2018
<i>Tuesday</i> December 19, 2017	<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> January 30, 2018	<i>Tuesday</i> February 6, 2018
<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> February 27, 2018	<i>Tuesday</i> March 6, 2018
<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> March 27, 2018	<i>Tuesday</i> April 3, 2018
<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> April 24, 2018	<i>Tuesday</i> May 1, 2018
<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> May 22, 2018	<i>Wednesday</i> May 30, 2018	<i>Tuesday</i> June 5, 2018
<i>Tuesday</i> May 22, 2018	<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> June 26, 2018	<i>Tuesday</i> July 10, 2018
<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> July 31, 2018	<i>Tuesday</i> August 7, 2018
<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> August 28, 2018	<i>Wednesday</i> September 5, 2018
<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> September 25, 2018	<i>Tuesday</i> October 2, 2018
<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> October 30, 2018	<i>Tuesday</i> November 6, 2018
<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> November 27, 2018	<i>Tuesday</i> December 4, 2018
<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> December 18, 2018	<i>Thursday</i> January 3, 2019	<i>Tuesday</i> January 8, 2019
<i>Tuesday</i> December 18, 2018	<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> January 29, 2019	<i>Tuesday</i> February 5, 2019

\* 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.