



Arizona Administrative REGISTER

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

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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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed 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 12. OFFICE OF THE SECRETARY OF STATE**

[R18-285]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R2-12-901 | New Section |
| R2-12-902 | New Section |
| R2-12-903 | New Section |
| R2-12-904 | New Section |
| R2-12-905 | New Section |
| R2-12-906 | New Section |
| R2-12-907 | New Section |
| R2-12-908 | New Section |
| R2-12-909 | 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. § 36-3295(C)
 Implementing statute: A.R.S. § 36-3295(C)
- 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: 24 A.A.R. 793, April 13, 2018
- 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Patricia A. Viverto, Director
 Address: Secretary of State, Business Services
 1700 W. Washington St., 7th Floor
 Phoenix, AZ 85007
 Telephone: (602) 542-6187 (Include area code)
 Fax: (602) 542-4366
 E-mail: pviverto@azsos.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 current Health Care Directives Registry has been in place since 2005. Participants file their documents via mail or by delivering them in person to the Secretary of State (SOS). The documents are scanned into a database and the participant’s personal information is manually keyed into the registry database. The participant is mailed a verification form and a wallet card with an assigned username and password. The participant is required to return a signed verification form indicating that no corrections are needed at which time the directive is activated and can only be accessed by entering the participant’s username and password. Health care providers can only access the directive if the participant shares with them their username and password.
 H.B. 2076 was signed into law on April 17, 2017, and requires the Secretary of State to establish a process in rule for health care providers to access the registry. The bill also clarifies that emergency medical service providers and emergency service technicians providing emergency medical services are health care providers as defined in A.R.S. § 36-2201. The goal is to establish a means by which healthcare providers may access registry documents in an expedient manner while maintaining stringent security standards.



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:**

Not applicable

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

Not applicable

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:**

The agency does not intend to hold a public hearing on these rules unless a public hearing is requested within 30 days of publication of this notice in the *Administrative Register*. The agency will accept written comments within 30 days of the publication of these rules in the *Register*, Monday through Friday, 8:00 a.m. to 5:00 p.m. Please submit written comments to the following person:

Name: Patricia A. Viverto, Director
Address: Secretary of State, Business Services
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007
Telephone: (602) 542-6187
Fax: (602) 542-4366
E-mail: pviverto@azsos.gov

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

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

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

TITLE 2. ADMINISTRATION

CHAPTER 12. OFFICE OF THE SECRETARY OF STATE

ARTICLE 9. ~~RESERVED~~HEALTH CARE DIRECTIVES REGISTRY

Section	
<u>R2-12-901.</u>	<u>Definitions</u>
<u>R2-12-902.</u>	<u>Opt Out Option for Existing Health Care Directive Participants</u>
<u>R2-12-903.</u>	<u>Requirements to Become Part of Registry Network</u>
<u>R2-12-904.</u>	<u>HIO and Secretary of State Access Requirements</u>
<u>R2-12-905.</u>	<u>Participant and Health Care Provider Access to the Health Care Directives Registry</u>
<u>R2-12-906.</u>	<u>Registrant Responsibilities</u>
<u>R2-12-907.</u>	<u>Registration of Health Information Organization</u>
<u>R2-12-908.</u>	<u>Health Information Organization Responsibilities</u>
<u>R2-12-909.</u>	<u>Secretary of State Responsibilities</u>

**ARTICLE 9. RESERVED HEALTH CARE DIRECTIVES REGISTRY****R2-12-901. Definitions**

“Emergency Medical Service Provider” shall have the same meaning as defined in A.R.S. § 36-2201.

“Emergency Service Technician” shall have the same meaning as defined in A.R.S. § 36-2201.

“Health Care Directive” shall have the same meaning as defined in A.R.S. § 36-3201.

“Health Care Directives Registry” or “Registry” means a database established by the Secretary of State pursuant to A.R.S. §§ 36-3291 through 36-3297.

“Health Care Provider” shall have the same meaning as defined in A.R.S. § 36-3201.

“Health Information Exchange” or “HIE” means the secure sharing of patient health care information electronically among authorized providers within a region, community or hospital system.

“Health Information Organization” or “HIO” means an entity that facilitates the secure exchange of patient health care information electronically among authorized providers within a region, community or hospital system.

“HIO Registration and Agreement” means a document in a form prescribed by the Secretary of State which is filed with the Secretary of State by the HIO who requests to become an authorized user of the secure web portal to access Directives.

“Opt Out” means an individual’s written decision that the individual’s Health Care Directive cannot be shared through a Health Information Organization or “HIO”.

“Registration Agreement” means a document in a form prescribed by the Secretary of State, which is submitted by a registrant to the Secretary of State and which authorizes the Secretary of State to store electronically the registrant’s Directive in the Registry under the authority of A.R.S. §§ 36-3291 through 36-3297. For the purposes of this definition the form may be in electronic format and uploaded into a secure portal on the Secretary of State’s website or on the website of a third party authorized user registered with the Secretary of State.

R2-12-902. Opt Out Option for Existing Health Care Directive Participants

- A.** Existing participants in the Secretary of State’s Health Care Directives Registry will be sent a correspondence providing the participant the option to “opt out” of the ability for health care providers to access their Directive through an HIE network. Participants that “opt out” of HIE access will continue to have the ability to access their Directive utilizing their previously assigned user name and password. Only those agents or providers that the participant chooses to share their access information with will have access to participant’s Directive.
- B.** Directives received by the Secretary of State on or after July 1, 2019 shall be uploaded into a secure portal on the Secretary of State’s website or the website of a third party HIO authorized user and the Directive will be accessible to health care providers through an HIE network.

R2-12-903. Requirements to Become Part of Registry Network

- A.** Shall be an HIE that abides by HIO standards and the provisions of A.R.S. §§ 36-3801 through 36-3809.
- B.** Shall provide secure access to patient health information.
- C.** Shall provide secure exchange of patient health information between the HIE and its participating organizations and providers.
- D.** Shall agree to use the Secretary of State’s provided web services.
- E.** Shall meet stringent security standards.

R2-12-904. HIO and Secretary of State Access Requirements

- A.** HIO shall provide a secure web service available to the Secretary of State’s Registry to submit registrant’s identifying information. The HIO shall return a unique identifier assigned to that patient. If the patient does not exist in the HIE network, it shall be created and the new identifier returned. The HIO web service shall be accessed by the Secretary of State in a form prescribed by the Secretary of State.
- B.** For applicants submitting a Directive for the first time, the Secretary of State shall use the HIO web service to obtain the HIO’s unique identifier.
- C.** The Secretary of State shall provide a secure web service available to authorized HIO’s that shall allow an HIO to query whether a patient has an existing Directive in the Registry. The HIO shall submit their unique identifier only and the Secretary of State shall return true or false if the patient has an existing Directive.
- D.** The Secretary of State shall provide a secure web service available to authorized HIO’s that shall allow an HIO to request the entire Directive document from the registry. The HIO shall submit their unique identifier only and the Secretary of State shall return the Directive in PDF format.
- E.** All web services, both HIO and Secretary of State provided shall maintain industry standard encryption, security and authorization as appropriate for transmitting personal identifying information and health records.

R2-12-905. Participant and Health Care Provider Access to the Health Care Directives Registry

- A.** Existing participants in the Registry that choose to “opt out” may access his or her directive using the unique user name and password provided during the initial registration process.
- B.** Health Care Providers shall access the Health Care Directives Registry through a participating Health Information Exchange.
- C.** Only users with specific privileges can view the directive. Users that only have access to patient records may only see that a directive exists and not the Directive documents.

R2-12-906. Registrant Responsibilities

- A.** A person shall provide the following documents when filing a Directive for submission into the Registry:



- 1. A notarized or witnessed copy of a health care power of attorney, a living will, a mental health care power of attorney, a pre-hospital medical care directive (do not resuscitate).
- 2. A completed Registration Agreement.
- B.** The documents in subsection (D)(1) and (2) may be either:
 - 1. Mailed to the Secretary of State, 1700 W. Washington St., Fl. 7, Phoenix, AZ 85007-2808, or
 - 2. Hand-delivered, in person to:
 - a. Phoenix – State Capitol Executive Tower, 1700 W. Washington St., 2nd Floor, Suite 220; or
 - b. Tucson – Arizona State Complex Building, 400 W. Congress, 1st Floor, Room 141; or
 - 3. Uploaded into the secure Health Care Directive portal on the Secretary of State’s website or on the website of a third party authorized user registered with the Secretary of State.
- C.** A registrant shall keep his or her Directive current in the Registry.
- D.** A registrant may amend or revoke his or her Directive on file by submitting a Registration Agreement and a copy of the amended documents to the Secretary of State.

R2-12-907. Registration of Health Information Organization

- A.** A Health Information Organization shall complete an HIO Registration and Agreement in a form prescribed by the Secretary of State to request access to the Registry.
- B.** Upon receipt of the HIO Registration and Agreement, the Secretary of State shall verify that the requirements specified in R2-12-903 and R2-12-904 have been met and shall issue a unique identification number and an access code to the HIO for entry into the Registry.

R2-12-908. Health Information Organization Responsibilities

- A.** The HIO shall establish internal controls with its employees to protect the identification code and access code.
- B.** An HIO shall provide ongoing training on the proper use of and the confidential nature of the information in the Registry.

R2-12-909. Secretary of State Responsibilities

- A.** The Secretary of State shall maintain an electronic log when a Health Care Directive is accessed by a registrant, agent, or health care provider.
- B.** The record shall contain:
 - 1. The date and time of access; and
 - 2. The unique identification code used by the registrant, agent or health care provider.

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

[R18-286]

PREAMBLE

- | 1. Article, Part, or Section Affected (as applicable) | Rulemaking Action |
|--|--------------------------|
| Article 10 | New Article |
| R12-4-1001 | New Section |
| R12-4-1002 | New Section |
| R12-4-1003 | New Section |
| R12-4-1004 | New Section |
| R12-4-1005 | New Section |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
 Authorizing statute: A.R.S. § 17-231(A)(1), (A)(4), and (A)(8)
 Implementing statute: A.R.S. §§ 28-1171, 28-1172, 28-1173, 28-1174, 28-1175, 28-1177, 28-1178, and 28-1179
 - 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. 128, January 18, 2019 (*in this issue*)
 - 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: David Rigo, Off Highway Vehicle Law Enforcement Program Coordinator
 Address: Arizona Game and Fish Department
 5000 W. Carefree Highway
 Phoenix, AZ 85086
 Telephone: (623) 236-7206
 Fax: (623) 236-7945
 E-mail: DRigo@azgfd.gov
 Please visit the AZGFD website to track the progress of this rule; view the regulatory agenda and all previous Five-year Review Reports; and learn about any other agency rulemaking matters at <https://www.azgfd.com/agency/rulemaking/>.



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

Off-highway vehicle (OHV) recreation is one of the most popular recreational activities taking place on public and state lands in Arizona. The Arizona Off-Highway Vehicle Program was created by the Legislature in 1991 to manage off-highway vehicle (OHV) use in Arizona. The legislation defined the parameters for off-highway vehicle use in Arizona and created an OHV Recreation Fund to be used to meet the needs of OHV recreation.

The use of OHVs has increased 347% since 1998; and has outpaced the existing funding to manage that growth, protect wildlife habitat, and help maintain recreational access. During the Second Regular Session of the 48th Arizona State Legislature, the Legislature amended A.R.S. Title 28 to regulate the use of off-highway vehicles more closely and authorize the Arizona Department of Transportation to administer an off-highway vehicle user indicia program. The goal of these regulations is to provide better OHV management and protection of natural resources while maintaining access. Funds generated from this program will be used to help ensure sustainable opportunities by bolstering grant programs that pay for maintenance, signage, habitat mitigation, education and enforcement.

The Commission proposes to pursue rulemaking to specify the minimum standards for an educational course of instruction in off-highway safety and environmental ethics to be approved; establish a fee that is reasonable and commensurate for the educational course; and adopt the current sound measurement standard of the society of automotive engineers for all-terrain vehicles and motorcycles and the current sound measurement standard of the international organization for standardization for all other OHVs.

In addition, during the Second Regular Session of the 53rd Arizona State Legislature, the Legislature amended A.R.S. Titles 28 and 17 to allow the Arizona Game and Fish Commission to administer the nonresident off-highway user indicia program. The Commission proposes to pursue rulemaking to establish the application procedure, indicia placement, and user fee associated with the nonresident off-highway vehicle user indicia prescribed under A.R.S. § 28-1177.

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

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

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

Not applicable

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

The rulemaking will have a positive economic impact on the provider of an educational course of instruction that is approved by the Department. A course provider is not required to have the course approved by the Department. However, there is an economic advantage to obtaining the Department's approval because under A.R.S. § 28-1174(G) a judge may require a person who violates the statute to take an approved course. The provider of an approved course may also charge any fee up to the course fee established in this rulemaking. In determining the maximum fee that the provider of an approved educational course of instruction in off-highway vehicle safety and environmental ethics may charge, the Director reviewed fees currently charged for related courses. For example: the Motorcycle Safety Foundation currently charges \$185 for basic rider training; the ATV Safety Institute charges \$55 to \$150 for ATV Rider training depending on the student's age. The Director set the maximum fee at an amount believed to be consistent with fees currently charged, allowing for market competition among providers and enabling providers to increase the fee over time. Because of the course fee, the rulemaking may have economic impact on those who participate in an approved course, either voluntarily or under court order. However, the Department offers a low-cost online course to the public through Kalkomey Enterprises, LLC; and has partnered with the Recreational Off-highway Vehicle Association and the ATV Institute to offer no-fee online courses.

The Commission anticipates a minimal economic impact to qualified persons and business entities seeking to operate OHVs, as defined under A.R.S. § 28-1177. Depending on the owner's declared use, costs may include additional administrative expenses for preparing the prescribed application and a nominal user fee for each ATV or OHV registered with the Department under A.R.S. § 28-1179.

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

Name: David Rigo, Off Highway Vehicle Law Enforcement Program Coordinator
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (623) 236-7206
Fax: (623) 236-7945
E-mail: DRigo@azgfd.gov

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

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

Date: April 5, 2019
Time: 8:00 a.m. to 5:00 p.m.
Location: 5000 W. Carefree Highway
Phoenix, AZ 85086



Close of record: April 5, 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:

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

The rule complies with A.R.S. § 41-1037. The nonresident off-highway user indicia described in R12-4-1005 falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

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

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

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:

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

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

Society of Automotive Engineers, J1287, Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles, April 2017, available from SAE International, 400 Commonwealth Dr., Warrendale, PA 15096 or online at www.sae.org, incorporated under R12-4-1004.

International Organization for Standardization, ISO5130:2007, Acoustics--Measurements of Sound Pressure Level Emitted by Stationary Road Vehicles, 2077, available from American National Standards Institute, Attention Customer Service Department, 25 W. 43rd St., 4th Floor, New York, NY 10056 or online at: www.iso.org, incorporated under R12-4-1004.

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 10. RESERVED OFF-HIGHWAY VEHICLES

Section

- R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational Course
- R12-4-1002. Course-approval Procedure
- R12-4-1003. Fee for an Approved Course
- R12-4-1004. Off-highway Vehicle Sound-level Requirements
- R12-4-1005. Nonresident Off-highway Vehicle User Indicia

ARTICLE 10. RESERVED OFF-HIGHWAY VEHICLES

R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational Course

The Department may approve an educational course of instruction in basic off-highway vehicle (OHV) safety and environmental ethics, provided the course meets the following minimum standards:

- 1. Course content. The course shall provide information regarding:
 - a. OHV safety;
 - b. Responsibilities of users of OHVs;
 - c. Use of an OHV in a manner that does not harm the natural terrain, plants, or animals;
 - d. Use of an OHV in a manner that minimizes air pollution; and
 - e. State statutes and rules regarding use of OHVs.
- 2. Course procedures. The course provider shall:
 - a. Use a written examination to measure the extent to which a participant learned the course content; and
 - b. Provide a certificate of completion to a participant who receives a score of 80% or above on the written examination or that demonstrates an equivalent proficiency.

R12-4-1002. Course-approval Procedure

A. To obtain approval of an educational course of instruction in basic off-highway vehicle (OHV) safety and environmental ethics, the course provider shall submit an application to the Department using a form furnished by the Department. The provider shall include the following information on the application form:

- 1. Name of provider
- 2. If the provider is not an individual, the name of the person who will maintain contact with the Department
- 3. Business address
- 4. Business email address and
- 5. Business and contact telephone numbers.

B. In addition to the application form required under subsection (A), a provider shall include a copy of all of the following:

- 1. The curriculum that will be used to provide the educational course;
- 2. Any materials that will be provided to course participants;
- 3. The written examination required under R12-4-1001(2)(a); and



4. The certificate of completion required under R12-4-1001(2)(b).
- C. The Department shall either approve or deny a request to approve an educational course within 60 days of receiving the application. The Department shall not approve an educational course that fails to meet the requirements established under R12-4-1001 or this Section. The Department shall provide a written notice to the course provider stating the reason for the denial.
- D. The provider of an educational course of instruction that is not approved by the Department may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

R12-4-1003. Fee for an Approved Course

Under A.R.S. § 28-1175(B), the provider of an approved educational course of instruction in basic off-highway vehicle safety and environmental ethics may collect a fee from each participant that:

1. Is reasonable and commensurate for the course, and
2. Does not exceed \$300.

R12-4-1004. Off-highway Vehicle Sound-level Requirements

- A. A peace officer who has reason to believe that an off-highway vehicle (OHV) is being operated in violation of A.R.S. § 28-1179(A)(3) may direct the operator to submit the OHV to an onsite test to measure the OHV's sound level. In accordance with A.R.S. § 28-1179(A)(3), the sound level of an OHV shall be measured using the following procedures, which are incorporated by reference and are available for inspection at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086:
 1. All terrain vehicle or motorcycle. Society of Automotive Engineers, J1287, Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles, April 2017, available from SAE International, 400 Commonwealth Dr., Warrendale, PA 15096 or online at www.sae.org; and
 2. Other OHV. International Organization for Standardization, ISO 5130:2007, Acoustics-Measurements of Sound Pressure Level Emitted by Stationary Road Vehicles, 2007, May 31, 2007 Edition 2, available from American National Standards Institute, Attention Customer Service Department, 25 W. 43rd St., 4th Floor, New York, NY 10056 or online at www.iso.org.
- B. If a peace officer directs the operator of an OHV to submit the OHV to an onsite test to measure the OHV's sound level, the operator shall allow the OHV and associated equipment to be tested. If the peace officer believes that more than one test of the OHV's sound level is necessary to ensure that an accurate measure is obtained, the operator shall allow multiple tests.
- C. If it is determined that an OHV is being operated in violation of A.R.S. § 28-1179(A)(3), the operator of the OHV shall:
 1. Immediately stop operating the OHV; and
 2. Ensure the vehicle is not operated again until it can be operated in compliance with A.R.S. § 28-1179(A)(3), except:
 - a. During a period of emergency; or
 - b. When the operation is directed by a peace officer or other public authority.
- D. This Section does not include any later amendments or editions of the incorporated materials.

R12-4-1005. Nonresident Off-highway Vehicle User Indicia

- A. The owner or operator of an all-terrain vehicle (ATV) or off-highway vehicle (OHV) as defined under A.R.S. § 28-1171 shall not operate the ATV or OHV off-highway in this state without an Arizona off-highway vehicle user indicia. This requirement only applies to an ATV or OHV that:
 1. Is designed by the manufacturer primarily for travel over unimproved terrain.
 2. Has an unladen weight of two thousand five hundred pounds or less.
- B. For lawful Arizona off-highway operation, the owner or operator of a qualifying nonresident ATV or OHV shall apply to the Department for an off-highway vehicle user indicia as prescribed under A.R.S. § 28-1177. The owner or operator shall submit to the Department:
 1. The nonresident off-highway vehicle user indicia application furnished by the Department and available on the Department's website.
 2. The fee established under subsection (C)(1), and
 3. The convenience fee established under subsection (C)(2).
- C. As authorized under A.R.S. § 28-1177:
 1. The fee for the nonresident off-highway vehicle user indicia is \$25.
 2. The Department may also collect and retain a reasonable and commensurate fee for its services.
- D. The owner or operator of the ATV or OHV titled or registered out-of-state shall display the nonresident off-highway user indicia in a manner that is clearly visible to outside inspection:
 1. For vehicles with three or more wheels, on the left side rear quadrant of the vehicle.
 2. For two-wheeled vehicles, the indicia shall be displayed on the left fork leg.
- E. A printed receipt or an electronic copy of the receipt of payment for an annual decal that is purchased online shall serve as a temporary permit for a period of 30 days from the date of purchase.
- F. Under A.R.S. § 28-1178, a person may operate an ATV or OHV in this state without the nonresident off-highway user indicia required under A.R.S. § 28-1177 when any one of the following applies:
 1. The person is loading or unloading an ATV or OHV from a vehicle.
 2. The person is participating in an off-highway special event.
 3. The person is operating an ATV or OHV:
 - a. During an emergency or as directed by a peace officer or other public authority.
 - b. Exclusively for agriculture, ranching, construction, mining or building trade purposes.
 - c. Exclusively on private land.



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

[R18-287]

- 1. Title and its heading: 12, Natural Resources
Chapter and its heading: 4, Game and Fish Commission
Article and its heading: 10, Off-highway Vehicles
Section numbers: R12-4-1001 through R12-4-1005 (As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary)

2. The subject matter of the proposed rule: The Commission proposes to pursue rulemaking to specify the minimum standards for an educational course of instruction in off-highway safety and environmental ethics to be approved; establish a fee that is reasonable and commensurate for the educational course; adopt the current sound measurement standard of the society of automotive engineers for all-terrain vehicles and motorcycles and the current sound measurement standard of the international organization for standardization for all other OHVs; and establish the application procedure, indicia placement, and user fee associated with the nonresident off-highway vehicle user indicia prescribed under A.R.S. § 28-1177.

3. A citation to all published notices relating to the proceeding: Notice of Proposed Rulemaking: 25 A.A.R. 124, January 18, 2019 (in this issue)

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

Name: David Rigo
Off Highway Vehicle Law Enforcement Program Coordinator
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (623) 236-7206
Fax: (623) 236-7945
E-mail: DRigo@azgfd.gov

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

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

The Commission will accept comments Monday through Friday from 8:00 a.m. until 5:00 p.m., at the address listed under item #4 for 30 days from the date the Notice of Proposed Rulemaking is published in the Arizona Administrative Register. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking (in this issue).

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

To be determined.



NOTICES OF SUBSTANTIVE POLICY STATEMENT

The *Administrative Procedure Act* (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(9)).

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

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency's

internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT REAL ESTATE DEPARTMENT

[M19-02]

1. **Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Electronic Signatures: No. 2005.10
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Effective: November 5, 2004; Renumbered April 1, 2005; Revised August 8, 2016, December 2, 2018, and January 2, 2019
3. **Summary of the contents of the substantive policy statement:**
This policy statement clarifies the Department's policy on brokers' use of electronic signatures according to statute. Authority is found in A.R.S. § 32-2151.01 and A.A.C. R4-28-1103. This revision clarifies the number of required days to 10 for a designated broker to review and initial a listing agreement, purchase agreement, lease agreement or similar instrument.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
Authority is found in A.R.S. § 32-2151.01 and A.A.C. R4-28-1103
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
This is a revision to an existing policy statement.
6. **The agency contact person who can answer questions about the substantive policy statement:**
Name: Louis Dettorre
Address: Department of Real Estate
100 N. 15th Ave., Suite 201
Phoenix, AZ 85007
Telephone: (602) 771-7760
Fax: (602) 771-7023
E-mail: ldettorre@azre.gov
7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Copies of this policy statement may be obtained at no cost via email to the person listed above or at the Department's website: www.azre.gov. Hard copies may be obtained for \$0.25 per page by contacting the person listed above.

NOTICE OF SUBSTANTIVE POLICY STATEMENT REAL ESTATE DEPARTMENT

[M19-03]

1. **Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Online Pre-Licensing Education Course and Learning Guidelines: No. 2019.01
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Effective: January 3, 2019
3. **Summary of the contents of the substantive policy statement:**
This Substantive Policy Statement clarifies and sets guidelines for Online Pre-Licensing Education Course and Learning. This policy is to inform the real estate education industry of the Department's current approach to, and opinion of, the requirements of education statutes and rules regarding Online Pre-Licensing Education which applies solely to the delivery of Online Pre-Licensing Education courses. The commissioner may determine minimal content requirements for approving educational courses and appropriate professional qualifications for approving instructors to teach individual educational courses pursuant to A.R.S. 32-2135(E).



4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

(HB2655) Laws 2018, Fifty-third Legislature, Second Regular Session, Chapter 327
A.R.S. § 32-2135(E)

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new policy statement intended to set guidelines relating to online pre-license real estate education enacted by (HB2655) Laws 2018, Fifty-third Legislature, Second Regular Session, Chapter 327.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Louis Dettorre
Address: Department of Real Estate
100 N. 15th Ave., Suite 201
Phoenix, AZ 85007
Telephone: (602) 771-7760
Fax: (602) 771-7023
E-mail: ldettorre@azre.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this policy statement may be obtained at no cost via e-mail to the person listed above, or on the Department web site: www.azre.gov requested through the Message Center. Hard copies may be obtained by contacting the person listed above for \$0.25 per page.



GOVERNOR EXECUTIVE ORDER

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

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2019-01

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

[M19-04]

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

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

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

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

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

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

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

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

WHEREAS, each State agency shall continue to conduct a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay and legal uncertainty associated with government regulation while protecting the health, peace and safety of residents; and

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

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

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

1. A State agency subject to this Order shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justifications for the rulemaking:
 - a. To fulfill an objective related to job creation, economic development or economic expansion in this State.
 - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace, or safety.
 - d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
 - f. To comply with a state statutory requirement.
 - g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
 - j. To eliminate rules which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
3. A State agency subject to this Order and which issues occupational or professional licenses shall review the agency's rules and practices related to receiving and acting on substantive complaints about unlicensed individuals who are allegedly holding them-



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

- 4. For the purposes of this Order, the term “State agencies” includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
- 5. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

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

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this ninth day of January in the Year Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Third.

ATTEST:
Katie Hobbs
SECRETARY OF STATE



REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

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

SUPPLEMENTAL PROPOSED RULEMAKING

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

FINAL RULEMAKING

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

**2019 Arizona Administrative Register
Volume 25 Page Guide**

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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 2 OF VOLUME 25.

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		R2-18-401.	PM-93	R4-23-607.	SPM-19
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R18-2-1210.	P#-8; PM-8	R4-23-302.	SPM-19	Transportation, Department of - Title, Registration, and Driver Licenses	
		R4-23-407.	SPM-19	R17-4-313.	XM-104
Information Technology Agency, Government		R4-23-407.1.	SPM-19		
		R4-23-411.	SPM-19		
		R4-23-601.	SPM-19		
		R4-23-602.	SPM-19		
		R4-23-603.	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 2 OF VOLUME 25.

Docket Opening, Notices of	Guidance Document, Notices of
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Environmental Quality, Department of - Air Pollution Control; 18 A.A.C. 2; pp. 51-52	Public Information, Notices of
Pharmacy, Board of; 4 A.A.C. 23; p. 51	Environmental Quality, Department of; pp. 57-63
Tax Deferred Annuity and Deferred Compensation Plans, Governing Committee for; 2 A.A.C. 9; p. 107	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.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
November 9, 2018	November 30, 2018	December 31, 2018
November 16, 2018	December 7, 2018	January 7, 2019
November 23, 2018	December 14, 2018	January 14, 2019
November 30, 2018	December 21, 2018	January 22, 2019
December 7, 2018	December 28, 2018	January 28, 2019
December 14, 2018	January 4, 2019	February 4, 2019
December 21, 2018	January 11, 2019	February 11, 2019
December 28, 2018	January 18, 2019	February 19, 2019
January 4, 2019	January 25, 2019	February 25, 2019
January 11, 2019	February 1, 2019	March 4, 2019
January 18, 2019	February 8, 2019	March 11, 2019
January 25, 2019	February 15, 2019	March 18, 2019
February 1, 2019	February 22, 2019	March 25, 2019
February 8, 2019	March 1, 2019	April 1, 2019
February 15, 2019	March 8, 2019	April 8, 2019
February 22, 2019	March 15, 2019	April 15, 2019



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
Tuesday November 21, 2017	Tuesday December 19, 2017	Wednesday January 3, 2018	Tuesday January 9, 2018
Tuesday December 19, 2017	Tuesday January 23, 2018	Tuesday January 30, 2018	Tuesday February 6, 2018
Tuesday January 23, 2018	Tuesday February 20, 2018	Tuesday February 27, 2018	Tuesday March 6, 2018
Tuesday February 20, 2018	Tuesday March 20, 2018	Tuesday March 27, 2018	Tuesday April 3, 2018
Tuesday March 20, 2018	Tuesday April 17, 2018	Tuesday April 24, 2018	Tuesday May 1, 2018
Tuesday April 17, 2018	Tuesday May 22, 2018	Wednesday May 30, 2018	Tuesday June 5, 2018
Tuesday May 22, 2018	Tuesday June 19, 2018	Tuesday June 26, 2018	Tuesday July 10, 2018
Tuesday June 19, 2018	Tuesday July 24, 2018	Tuesday July 31, 2018	Tuesday August 7, 2018
Tuesday July 24, 2018	Tuesday August 21, 2018	Tuesday August 28, 2018	Wednesday September 5, 2018
Tuesday August 21, 2018	Tuesday September 18, 2018	Tuesday September 25, 2018	Tuesday October 2, 2018
Tuesday September 18, 2018	Tuesday October 23, 2018	Tuesday October 30, 2018	Tuesday November 6, 2018
Tuesday October 23, 2018	Tuesday November 20, 2018	Tuesday November 27, 2018	Tuesday December 4, 2018
Tuesday November 20, 2018	Tuesday December 18, 2018	Thursday January 3, 2019	Tuesday January 8, 2019
Tuesday December 18, 2018	Tuesday January 22, 2019	Tuesday January 29, 2019	Tuesday 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.