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**Volume 28, Issue 6 ~ Administrative Register Contents ~ February 11, 2022**
From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the Administrative Register (A.A.R.) posted on the Arizona Secretary of State’s website is the official published version for 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 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 notices of rules terminated by the agency and rules that have expired.

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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 authenticated pdf of Code Chapters posted on the Arizona Secretary of State’s website are the official published version of rules in the A.A.C. 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. Very 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.
### 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.

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### Arizona Regular Rulemaking Process

**START HERE**

APA, statute or ballot proposition is passed. It gives an agency authority to make rules. It may give an agency an exemption to the process or portions thereof.

- **Agency opens a docket.**
  - Agency files a Notice of Rulemaking Docket Opening; it is published in the Register. Often an agency will file the docket with the proposed rulemaking.

- **Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.**

- **Agency files Notice of Proposed Rulemaking.**
  - Notice is published in the Register.
  - Notice of meetings may be published in Register or included in Preamble of Proposed Rulemaking.

**Agencies decide not to act and closes docket.**

The agency may let the docket lapse by not filing a Notice of Proposed rulemaking within one year.

- **Agency decides not to proceed and does not file final rule with G.R.R.C. within one year after proposed rule is published. A.R.S. § 41-1021(A)(4).**
  - Agency decides not to proceed and files Notice of Termination of Rulemaking for publication in Register. A.R.S. § 41-1021(A)(2).

- **Agency files Notice of Supplemental Proposed Rulemaking. Notice published in Register.**

  - Oral proceeding and close of record. Comment period must last at least 30 days after publication of notice. Oral proceeding (hearing) is held no sooner than 30 days after publication of notice of hearing.

  - **Substantial change?**
    - If no change then
      - Rule must be submitted for review or terminated within 120 days after the close of the record.

      - A final rulemaking package is submitted to G.R.R.C. or A.G. for review. Contains final preamble, rules, and Economic Impact Statement.

      - G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

      - After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing with the Secretary of State (unless otherwise indicated).

      - Final rule is published in the Register and the quarterly Code Supplement.
Definitions


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.


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

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 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 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

[R22-17]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R20-5-1401 Amend
   R20-5-1405 New Section
   R20-5-1406 New Section
   R20-5-1407 New Section

2. Citations to agency's statutory rulemaking authority to include the authorizing statute and the implementing statutes:
   Authorizing statute: A.R.S. §§ 23-107(A)(1), 23-921(B)
   Implementing statute: A.R.S. § 23-971
   Note: An exception from the moratorium on rulemaking, Executive Order 2022-01, was provided for this rulemaking by Brian Norman, Policy Advisor in the Office of the Arizona Governor, by e-mail dated January 26, 2022.

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:

4. The agency's contact person who can answer questions about the rulemaking:
   Name: Gaetano Testini, Chief Counsel
   Address: Industrial Commission of Arizona
   800 W. Washington St., Suite 303
   Phoenix, AZ 85007
   Telephone: (602) 542-5905
   Fax: (602) 542-6783
   Email: Gaetano.Testini@azica.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:
   A.R.S. § 23-971, enacted in 2021, requires insurance carriers, self-insured employers, and self-insurance pools that provide workers' compensation coverage to firefighters and fire investigators to “compile and report to the [C]ommission claim and claim reserve information for all cancer-related claims filed by or on behalf of firefighters and fire investigators.” A.R.S. § 23-971(A)-(B). The Commission is required to aggregate and make the data available to insurance carriers, rating organizations, employers, public safety workers and workers' compensation pools “to assist with the setting of workers' compensation insurance rates and to ensure the adequate reserving for cancer claims for the class codes associated with firefighters and fire investigators.” A.R.S. § 23-971(D).

   The proposed rules are intended to: (1) specify who may complete cancer-related claim reporting under A.R.S. § 23-971 on behalf of an insurance carrier, self-insured employer, or self-insurance pool; (2) establish the method by which cancer-related claim data is to be submitted to the Commission; (3) prescribe the durations of time that a cancer-related claim must be reported; (4) establish an annual reporting cycle with a designated reporting deadline; and (5) define the general and specific data elements that must be included in annual reporting to ensure accuracy and consistency. The proposed rules seek to add clarity to the general requirements in A.R.S. § 23-971, which the Commission anticipates will ultimately reduce the burden associated with cancer-related claim
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:**

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

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

Not applicable

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

A.R.S. § 23-971 requires insurance carriers, self-insured employers, and self-insurance pools who cover firefighters and fire investigators to “compile and report to the [C]ommission claim and claim reserve information for all cancer-related claims filed by or on behalf of firefighters and fire investigators.” A.R.S. § 23-971(A)-(B). The proposed rulemaking is primarily responsive to § 23-971, and, as such, creates minimal economic, small business, or consumer impact beyond that already created by § 23-971.

The Commission anticipates that the proposed rules will reduce regulatory burden and uncertainty by establishing a streamlined process and timeline for reporting cancer-related claim data to the Commission. The proposed rules will: (1) allow designees of impacted stakeholders, such as an adjuster or third-party administrator, to complete claim reporting; (2) establish that reporting is required only once per year; (3) establish specific reporting durations for claims to eliminate the need for impacted stakeholders to continue reporting on claims after the data is no longer valuable; (4) establish a streamlined electronic process for submitting data to the Commission; and (5) define the data elements that must be reported, which will assist impacted stakeholder in reporting consistent and accurate data. The proposed rules promote clarity, efficiency, and consistency for the cancer-related claim reporting process. The proposed rules will have minimal, if any, adverse economic impact on small businesses or consumers.

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

Name: Gaetano Testini, Chief Counsel
Address: Industrial Commission of Arizona
800 W. Washington St., Suite 303
Phoenix, AZ 85007
Telephone: (602) 542-5905
Fax: (602) 542-6783
Email: Gaetano.Testini@azica.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:**

Written comments can be submitted to the addresses listed in items 4 and 9 by the close of the comment period, which is at 5:00 p.m. on March 21, 2022. An oral proceeding on the proposed amended rule is scheduled for March 21, 2022, at 10:00 a.m., at the Industrial Commission of Arizona, 800 West Washington, Room 339, Phoenix, Arizona 85007.

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

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

   The proposed rules do not require issuance of a regulatory permit or license.

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 is no federal law directly applicable to the subject of the proposed rulemaking.

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:**

   An analysis was not submitted.

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 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE**

**CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

**ARTICLE 14. MUNICIPAL FIREFIGHTER CANCER REIMBURSEMENT FUND AND FIREFIGHTER AND FIRE INVESTIGATOR CANCER CLAIM REPORTING**

Section
R20-5-1401. Application of the Article and Definitions
R20-5-1405. Cancer Claim Reporting Method; Frequency; Deadlines; Duration
R20-5-1406. Cancer Reporting; Required General Data Elements
R20-5-1407. Cancer Reporting; Required Claim-Specific Data Elements

ARTICLE 14. MUNICIPAL FIREFIGHTER CANCER REIMBURSEMENT FUND AND FIREFIGHTER AND FIRE INVESTIGATOR CANCER CLAIM REPORTING

R20-5-1401. Application of the Article and Definitions

A. This Article applies to reimbursement claims submitted to the Municipal Firefighter Cancer Reimbursement Fund under Arizona Revised Statues (“A.R.S.”), Title 23, Chapter 11, and firefighter and fire investigator cancer claim reporting under A.R.S. § 23-971.

B. The definitions in A.R.S. §§ 23-1701 and 23-901.09 apply in this Article.

C. “Cancer-related claims” as used in A.R.S. § 23-971 and this Article shall mean Arizona workers’ compensation claims involving any disease, infirmity, or impairment of health that is caused by cancer.

D. “Fiscal year” or “reporting period” shall mean the 12-month cycle that begins on July 1 and ends on June 30.

E. “Loss valuation date” shall mean the last day of the reporting period and the date on which firefighter and fire investigator cancer claim data shall be determined for reporting purposes.

F. An “open” claim shall mean a workers’ compensation claim that is eligible for temporary compensation and/or active medical treatment. A “closed” claim shall mean a workers’ compensation claim in which temporary compensation and active medical treatment have been terminated.

R20-5-1405. Cancer Claim Reporting Method; Frequency; Deadlines; Duration

A. Cancer-related claim reporting under A.R.S. § 23-971 and this Article shall be performed electronically through the commission’s electronic claims portal. Insurance carriers, self-insured employers, self-insurance pools, or a designee (including third-party administrators or an adjuster) are authorized to complete required claim reporting. Duplicate reporting of the same claim information is prohibited.

B. Subject to the claim reporting durations specified in subsection D of this section, insurance carriers, self-insured employers, and self-insurance pools subject to A.R.S. § 23-971 shall annually report the data elements specified in R20-5-1407 and R20-5-1408 for cancer-related claims filed by or on behalf of firefighters and fire investigators.

C. Claim data reported pursuant to subsection B of this section shall be determined as of the loss valuation date for the applicable reporting period.

D. Claim reporting shall be completed within 31 days after each applicable reporting period, i.e., no later than July 31 of each year.

E. Claim reporting under A.R.S. § 23-971 is subject to the following claim reporting durations:

1. Denied Claims: Reported one time following the reporting period during which the claim is denied by a notice of claim status. Reporting is not required for claims denied prior to July 1, 2021.

2. Claims Accepted on or after July 1, 2021: Reported for the longer of: (a) the duration the claim remains open plus two additional annual reports after the claim is closed; or (b) ten annual reports after acceptance of the claim.

3. Claims Accepted before July 1, 2021: If the claim was open on July 1, 2021, the claim shall be reported for the duration the claim remains open plus two additional annual reports after the claim is closed. If the claim was closed as of July 1, 2021, and was accepted prior to July 1, 2011, reporting is not required.

4. Reopened Claims: Reported for the longer of: (1) the duration the claim remains open (following acceptance of the petition to reopen), plus two additional annual reports after the claim is closed; or (2) ten annual reports after acceptance of the petition to reopen.

5. Claims that Develop into Cancer-Related Claims: If a claim develops into a cancer-related claim, reporting should begin following the reporting period in which the claim developed into a cancer-related claim. In these circumstances, the claim shall be reported for the longer of: (1) the duration the claim remains open plus two additional annual reports after the claim is closed; or (2) ten annual reports.

6. Non-Cancer-Related Claims: If a cancer-related claim develops into a claim that no longer meets the definition of a cancer-related claim, no further annual reporting is required.

7. Informational Claims: Claims that have been filed but have not been accepted or denied as of the applicable loss valuation date shall not be reported.

R20-5-1406. Cancer Reporting; Required General Data Elements

A. Name of Data Provider (i.e., What entity is reporting the data?): The name of the insurance carrier, self-insured employer, self-insurance pool, or designee submitting the cancer-related claim data.

B. Data Provider Type Code: Insurance Carrier; Self-Insured Employer; Self-Insurance Pool; Third-Party Administrator; or Other Designee.

C. Name of Person Submitting Data: The name of the individual submitting the cancer-related claim data.

D. Name of Data Provider Primary Contact: The name of the individual designated by the Data Provider who can be contacted regarding the data submission. (May be the same as the “Name of Person Submitting the Data.”).

E. Data Provider Primary Contact Phone Number: The phone number of the Data Provider Primary Contact.

F. Data Provider Primary Contact Email Address: The email address of the Data Provider Primary Contact.

G. Loss valuation date: The last day of the 12-month reporting period.

H. Total Number of New Cancer-Related Claims: Total number of cancer-related claims filed by or on behalf of firefighters and fire investigators during the applicable reporting period (whether or not the claims are included in the detailed reporting).
1. **Accepted:** Total number of new cancer-related claims accepted during the applicable reporting period.
2. **Denied:** Total number of cancer-related claims denied during the applicable reporting period.
3. **Pending:** Total number of cancer-related claims pending decision on the applicable loss valuation date.

**R20-5-1407. Cancer Reporting: Required Claim-Specific Data Elements**

**A. Unique Claim Identifier:** The unique, alphanumeric claim identifier (up to 20 characters, but no less than 7 characters) assigned by the carrier, self-insured employer, or self-insurance pool to a specific claim. The claim identifier shall remain the same throughout the life of the claim. Usage of the commission’s claim number is prohibited. Usage of claimant name, personally-identifiable information, or carrier/self-insured employer/self-insurance pool name in identifier is prohibited.

**B. Transaction Type Code:** The code that identifies a report as an initial report (01) or subsequent report (02).

**C. Occupational Descriptor Code:** (01) = Firefighter (02) = Fire Investigator.

**D. Sex Code:** The sex of the injured worker. (M = Male, F = Female, N = Not Reported).

**E. Year of Hire:** The 4-digit year when the injured worker was hired by the employer as a firefighter or fire investigator (either full-time or part-time). If unknown, enter (U).

**F. Name of Carrier, Self-Insured Employer, or Self-Insurance Pool:** Complete business name of insurance carrier or self-insured employer/pool responsible for the claim.

**G. Year of Hire:** The 4-digit year when the claim was reported to the carrier/self-insured employer/self-insurance pool.

**H. Reopened Date:** If the claim re-opened during reporting period, report the date of claim reopening. (Required if the claim re-opened during the reporting period.)

**I. Clam Acceptance Date:** The date the claim was first accepted as compensable. If the claim was denied, enter (D).

**J. Claim Denial Code:** The code corresponding to the reason a claim was denied. (01) = Claim not compensable; (02) No coverage; (03) Other reason. If the claim was accepted, enter (A).

**K. Claim Status Code:** The code corresponding to the claim’s status as of the loss valuation date. (01) = claim is open (not reopened) on the loss valuation date; (02) = claim is closed on the loss valuation date; (03) = claim is reopened on the loss valuation date. If the claim was denied, enter (D).

**L. Benefit Code:** The code that identifies under which provision of the law benefits are being paid on the loss valuation date. (01) = Death; (02) = Permanent Total Disability; (03) Permanent Partial Disability - Unscheduled; (04) Permanent Partial Disability – No Loss; (05) Temporary Total Disability; (06) Temporary Partial Disability; (07) Claim Denied.

**M. Settlement Code:** (00) = Claim not subject to settlement during the reporting period; (01) = Full and final settlement during the reporting period; (02) = stipulated award during the reporting period; (03) = Compromise settlement during the reporting period; (04) = Other settlement during the reporting period; (05) Multiple settlements during the reporting period.

**N. Lump Sum Indicator:** Indicates whether the claim has been settled by a lump sum amount. N = No; Y =Yes.

**O. Closed Date:** If the claim closed during the reporting period, report the date of claim closure. (Required if the claim closed during the reporting period.)

**P. Opened Date:** If the claim re-opened during reporting period, report the date of claim reopening. (Required if the claim reopened during the reporting period.)

**Q. Primary Type of Cancer Code:** The primary type of cancer involved in the claim on the loss valuation date. Options are brain (01), bladder (02), rectal (03), colon (04), lymphoma (05), leukemia (06), adenocarcinoma (07), mesothelioma of the respiratory tract (08), buccal cavity (09), pharynx (10), esophagus (11), large intestine (12), lung (13), kidney (14), prostate (15), skin (16), stomach (17), ovarian (18), breast (19), testicular (20), non-Hodgkin's lymphoma (21), multiple myeloma (22), and malignant melanoma (23). Non-listed cancers may be designated as “other” (30).

**R. Secondary Type of Cancer Code:** If applicable, the secondary type of cancer involved in the claim on the loss valuation date. Options are brain (01), bladder (02), rectal (03), colon (04), lymphoma (05), leukemia (06), adenocarcinoma (07), mesothelioma of the respiratory tract (08), buccal cavity (09), pharynx (10), esophagus (11), large intestine (12), lung (13), kidney (14), prostate (15), skin (16), stomach (17), ovarian (18), breast (19), testicular (20), non-Hodgkin's lymphoma (21), multiple myeloma (22), and malignant melanoma (23). Non-listed cancers may be designated as “other” (30). (Required if applicable.)

**S. Amounts Paid (as of loss valuation date):**

1. **Indemnity Paid:** The total amount of paid indemnity for the claim as of the loss valuation date. These losses consist of all paid benefits due to an employee’s lost wages or inability to work, including compensation paid to a deceased claimant prior to death, burial expense, claimant’s attorney fees, vocational rehabilitation benefits, indemnity settlement payments, and employer’s liability losses and expenses. Allocated loss adjustment expense (“ALAE”) for other than employer’s liability coverage shall be excluded from indemnity losses.
2. **Medical Paid:** The total amount of medical losses paid for the claim as of the loss valuation date, including medical settlement payments.
3. **ALAE Paid:** The total amount of ALAE paid for the claim as of the loss valuation date.
4. **Death Benefits Paid:** The total amount of death benefits paid for the claim as of the loss valuation date.
W. Incurred Amounts (as of loss valuation date):
   1. Incurred Indemnity Amount: The total of “Indemnity Paid” plus the current outstanding reserve indemnity benefits, excluding loss adjustment expenses (e.g., ALAE and unallocated loss adjustment expense (“ULAE”)).
   2. Incurred Medical Amount: The total of “Medical Paid” plus the current outstanding reserve medical benefits, excluding loss adjustment expenses (e.g., ALAE and ULAE).
   3. Incurred ALAE Amount: The total of “ALAE Paid” plus the current outstanding reserve ALAE.
   4. Incurred Death Benefits Amount: The total of “Death Benefits Paid” plus the current outstanding reserve death benefits, excluding loss adjustment expenses (e.g., ALAE and ULAE).
NOTICES OF FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemakings. It is common for an agency to be exempt from some of the steps outlined in the rulemaking process as specified in Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10, otherwise known as the Arizona Administrative Procedure Act (APA). An agency's exemption is written in laws - under the APA, or by the Arizona State Legislature in statute, or under a referendum or initiative passed into law by Arizona voters.

The Office makes a distinction when publishing certain exempt rulemakings, as provided in these laws, on a case-by-case basis, as determined by an agency's exemption. Other rule exemption types are published elsewhere in the Register.

Notices of Final Exempt Rulemaking were originally proposed with specific conditions, such as requiring the notice to be published in the Register, or requiring public input, or a public hearing on the rule.

Notices of Final Exempt Rulemaking include Register publication dates where the original Notice of Proposed Exempt Rulemaking was published.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION
CHAPTER 2. STATE BOARD OF EDUCATION

[R22-18]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)  Rulemaking Action
   R7-2-614  Amend

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:
   Authorizing statute: A.R.S. § 15-203(A)(14)
   Implementing statute: A.R.S. § 15-501.01(C)(3)
   Exemption statute: A.R.S. § 41-1005(F)

3. The effective date of the rules and the agency's reason it selected the effective date:
   January 24, 2022 (the date the Board adopted the rule)
   Due to the emergency employment situation facing schools, the Board made the effective date immediate.

4. A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:
   Not applicable

5. The agency's contact person who can answer questions about the rulemaking:
   Name: Alicia Williams, Executive Director
   Address: State Board of Education
            1700 W. Washington, Suite 300
            Phoenix, AZ 85007
   Telephone: (602) 542-5057
   Fax: (602) 542-3046
   Email: inbox@azsbe.az.gov

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
   Schools are struggling to find substitute teachers, which is causing learning disruptions for students and placing pressure on teachers and administrators. To help address this, the Rural Arizona Schools Coalition (RASC) and the Arizona School Administrators Association (ASA) proposed modifications to the substitute certificate and emergency substitute certificate. The Arizona Department of Education's Certification Desk and Board staff worked with RASC and ASA to present changes to the Board's Certification Advisory Committee on December 7, 2021. The Committee unanimously approved changes to the rule, which are summarized below:
   1. Removes the 120-day teaching limitation on the substitute certificate, allowing substitute teachers to teach as long as is necessary until a contract teacher is hired.
   2. For the emergency substitute certificate:
      a. Issues the certificate for two years rather than one year to reduce the administrative burden on the emergency substitute and the school.
      b. Modifies the current limitation from 120 days at the entire local education agency (LEA) to 120 days at one school to provide more flexibility to schools to move emergency substitutes throughout the LEA. This limitation may be waived if the school is unable to hire a qualified candidate.
c. Recommends the courses/in-service hours required to reissue the emergency substitute certificate include classroom management and ethics to protect student safety. Due to the urgency of the employment situation and the deleterious impacts on learning expressed by schools through public comment and through media reports, the Board finds this is an emergency situation.

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 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:**
   Not applicable

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:**
   Not applicable

9. **The summary of the economic, small business and consumer impact, if applicable:**
   The rules are not expected to have significant, if any, economic impact on small businesses.

10. **A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):**
    Not applicable

11. **A summary of the comments made regarding the rule and the agency response to them:**
    The Certification Advisory Committee met on December 7, 2021 to review and recommend changes to the substitute and emergency substitute certificate. The Committee received three public comments in support of the rule changes. The Board received public comments in support of the rule. The Board also received a public comment requesting charter schools be removed from the rule due to the possibility that their inclusion could be misconstrued as a requirement for charter schools to hire certified teachers. Although the proposed rule does not impose such a requirement, the Board agreed to remove the references for the sake of clarity.

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 6. CERTIFICATION**

Section R7-2-614. Other Teaching Certificates

**ARTICLE 6. CERTIFICATION**

**R7-2-614. Other Teaching Certificates**

A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607.

B. Substitute Certificate - PreK through 12

1. The certificate is valid for six years and renewable by reapplication.

2. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only a substitute certificate shall not be assigned a contract teaching position.

3. An individual who holds a valid teaching or administrator certificate shall not be required to hold a substitute certificate to be employed as a substitute teacher.

4. A person holding only a substitute certificate shall be limited to teaching 120 days in the same school each school year.

5. The requirements for issuance are:

   a. A bachelor’s degree, and
   b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

6. Substitute certificates previously issued as valid for life under this Section shall remain valid for life.

7. A person holding only a substitute certificate may be exempt from the limit on teaching 120 days in the same school each school year if the school district superintendent has provided verification to the Department of Education that the position is continuously advertised on a statewide basis at a minimum of three sites with at least one being a higher education institution and that a highly qualified and employable candidate was not found. An exemption from teaching 120 days shall not be granted to the same individual more than three times.

C. Emergency Substitute Certificate - PreK through 12
1. The certificate is valid for two school years or part thereof. The expiration date shall be the following July 1 in the year of expiration.

2. The certificate entitles the holder to substitute only in the district that has a verified emergency employment situation exists.

3. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only an emergency substitute certificate shall not be assigned a contract teaching position.

4. The holder of an emergency substitute certificate shall be limited to 120 days of substitute teaching per school year in the same school each school year. A person holding an emergency substitute certificate may be exempt from the limit on teaching 120 days in the same school each school year if the school district superintendent provides verification to the Department that the position has been continuously advertised on a statewide basis at a minimum of three sites with at least one being a higher education institution and that an employable candidate was not found. An exemption from teaching 120 days shall not be granted to the same individual more than three times.

5. The requirements for initial issuance are:
   a. A high school diploma, General Education diploma, or associate’s degree;
   b. Verification from the school district superintendent that an emergency employment situation exists; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

6. The requirements for each reissuance are:
   a. Two semester hours of academic courses completed since the last issuance of the Emergency Substitute Certificate. District in-service programs designed for professional development may substitute for academic courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Academic courses and in-service programs completed pursuant to this section may include classroom management and professionalism and ethics. Individuals who have earned 30 or more semester hours are exempt from this requirement,
   b. Verification from the school district superintendent that an emergency employment situation exists, and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

D. Emergency Teaching Certificate - birth through grade 12

1. The emergency teaching certificate is valid one school year or part thereof. The expiration date shall be the following July 1. Excluding an emergency teaching certificate issued under subsection (D)(6), an emergency teaching certificate shall not be issued more than three times to an individual.

2. The emergency teaching certificate entitles the holder to enter into a teaching contract.

3. Emergency teaching certificates shall be issued for early childhood, elementary and secondary certificates required by A.R.S. § 15-502(B) and required endorsements.

4. The emergency teaching certificate entitles the holder to teach only in the district or charter school that verifies that an emergency employment situation exists.

5. The requirements for initial issuance are:
   a. A bachelor’s degree,
   b. Verification from the school district superintendent or charter school administrator that an emergency employment situation exists, and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

6. Notwithstanding this subsection, an emergency teaching certificate entitling the holder to teach in any Arizona school district or charter school may be issued for early childhood, elementary, middle grades, secondary, special education, and PreK through 12 teaching certificates for applicants who meet the following requirements:
   a. A bachelor’s degree,
   b. Completion of a teacher preparation program in the certification area, as described in R7-2-608, R7-2-609, R7-2-609.01, R7-2-610, R7-2-611 and R7-2-613, from a Board-approved educator preparation program or from an accredited institution offering substantially similar training,
   c. Verification that the applicant was unable to take one or all portions of the proficiency assessments required for the requested certificate as the result of a public health emergency declared by the governor or a public health official, and
   d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

7. Emergency teaching certificates issued pursuant to subsection (D)(6) shall not be renewed or re-issued.

E. Alternative Teaching Certificate - PreK through 12

1. The certificate is valid for two years from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (E)(5) are met.

2. The alternative teaching certificate entitles the holder to enter into a teaching contract while completing the requirements for an Arizona teaching certificate. During the valid period of the alternative teaching certificate the holder may teach in a Structured English Immersion classroom, or in any subject area in which the holder has passed the appropriate Arizona Teacher Proficiency Assessment. Alternative Teaching certificate holders who teach in a Structured English Immersion classroom shall hold a valid Provisional or full Structured English Immersion Endorsement, an English as a Second Language Endorsement, or a Bilingual Endorsement, if applicable. The candidate shall be enrolled in a Board authorized alternative path to certification program or a Board approved teacher educator preparation program.

3. An individual is not eligible to hold the alternative teaching certificate more than once in a five year period.
4. The requirements for initial issuance of the alternative teaching certificate are:
   a. A bachelor’s degree or higher from an accredited institution;
   b. Verification of enrollment in a Board approved alternative path to certification program, or a Board approved educator preparation program; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

5. The requirements for the extension of the alternative teaching certificate are:
   a. The alternative teaching certificate outlined in subsection (E)(4),
   b. Verification from the educator preparation program in which the alternative teaching certificate holder is enrolled, that the certificate holder has made adequate progress toward completion of the program,
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

6. The holder of the alternative teaching certificate may apply for a Standard teaching certificate upon completion of the following:
   a. Successful completion of a Board authorized alternative path to certification program or a Board-approved educator preparation program.
   b. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment as applicable;
   c. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment that corresponds to the Board approved alternative path to certification program in which the applicant is enrolled, unless the applicant has a bachelor’s, master’s or doctoral degree in the corresponding content area;
   d. The submission of an application for a Standard teaching certificate to the Department;
   e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

7. Placement decisions of alternative teaching certificate holders shall only be based on agreements between the educator preparation provider, the provider’s partner organizations and the local education agency except as otherwise provided in this subsection.

F. Standard Adult Education Certificate
   1. The holder is qualified to teach Adult Basic Education, Adult Secondary Education, English Language Acquisition for Adults, or Citizenship.
   2. The requirements are:
      a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
      b. A bachelor’s degree.
   3. The renewal requirements are completion of a professional development program, described in R7-2-619.

G. Junior Reserve Officer Training Corps Teaching Certificate - grades nine through 12
   1. The standard certificate is valid at any local education agency which conducts an approved Junior Reserve Officer Training Corps program of the Air Force, Army, Navy, or Marine Corps.
   2. The requirements are:
      a. Verification by the district of an approved Junior Reserve Officer Training Corps program of instruction in which the applicant will be teaching,
      b. Verification by the district that the applicant meets the work experience required by the respective military service, and
      c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

H. Athletic coaching certificate - grades seven through 12
   1. The standard certificate entitles the holder to perform coaching duties in interscholastic and extracurricular athletic activities. It is not required for teachers who hold a valid elementary, secondary or special education certificate.
   2. The requirements are:
      a. Valid certification in first aid and Coronary and Pulmonary Resuscitation (CPR);
      b. Completion of courses, Board-approved or accredited seminars or modules of study which shall include the following:
         i. Methods of coaching,
         ii. Anatomy and physiology,
         iii. Sports psychology,
         iv. Adolescent psychology,
         v. The prevention and treatment of athletic injuries; and
         vi. Signs of physical abuse, emotional abuse, sexual abuse, neglect, bullying, hazing and cyberbullying.
      c. Two hundred fifty hours of verified coaching experience in the sport to be coached. Coaching experience may include experience as a head coach or assistant coach in a school program or in an organized athletic league; and
      d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
   4. Renewal requirements are:
      a. Completion of a professional development program described in R7-2-619,
      b. Valid certification in first aid and CPR.

I. International Teaching Certificate
1. The International Teaching Certificate is issued to teachers from foreign countries who are contracted through the foreign teacher program as authorized by federal statutes enacted by the Congress of the United States, or other foreign teacher recruitment programs approved by the United States Department of State or the United States Citizenship and Immigration Services.

2. This certificate is valid for the length of the certificate holder’s visa, not to exceed 12 years.

3. The requirements are:
   a. Verification that the applicant has completed teacher preparation in the home country or country of legal residence that is comparable to the requirements to qualify for an Arizona teaching certificate as provided in R7-2-608, R7-2-609, R7-2-610, R7-2-610.01, R7-2-610.02, R7-2-611 and R7-2-613.
   b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
   c. A valid non-immigrating visa issued by the United States Department of State or the United States Citizenship and Immigration Services for international teachers.
   d. Verification that the applicant has been contracted by an Arizona school through a foreign teacher program.

4. An individual with an international teaching certificate may qualify for a certificate to instruct students in a language other than English with submission of a letter from a department chair or dean of an accredited institution in another country or in the United States verifying that the applicant is proficient in the language.

5. The international teaching certificate may be extended with the following:
   a. Verification of an extended visa issued by the United States Department of State or the United States Citizenship and Immigration Services for international teachers. The certificate may be extended to the new expiration date of the visa not to exceed 12 years.
   b. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

J. Native American Language Certificate

1. The standard certificate is optional and issued to individuals to teach only a Native American language in grades PreK through 12.

2. The requirements are:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
   b. Language proficiency in a Native American Language. Proficiency shall be verified on official letterhead by a person, persons, or entity designated by the appropriate tribe.

3. The certificate may be renewed upon completion of professional development, as prescribed in R7-2-619.

K. Student Teaching Intern Certificate - PreK through 12

1. The student teaching intern certificate is optional and is not a requirement for participation in a student teaching capstone experience.

2. The certificate entitles the holder to perform teaching duties under the supervision of a program supervisor as defined in R7-2-604(14) and is only valid in the school district or charter school requesting the certificate.

3. The certificate is valid for one year from date of initial issuance and may be extended for one year at no cost to the applicant if the provisions in subsection (K)(4) are met.

4. The requirements are:
   a. Verification of enrollment in the culminating student teaching capstone experience of a Board approved educator preparation program pursuant to R7-2-604.01,
   b. Verification documenting completed coursework with a minimum GPA of 3.0 on a 4.0 scale or the equivalent,
   c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment that corresponds to the teaching certificate the student teaching intern is pursuing,
   d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment that corresponds to the teaching certificate the student teaching intern is pursuing,
   e. A request for issuance of the student teaching intern certificate from the district superintendent or charter school superintendent and the educator preparation program.
   f. Verification from the educator preparation provider that a written supervision plan, approved by the Board, includes the following:
      i. The educator preparation provider’s roles and responsibilities for the Program Supervisor, and
      ii. The onsite mentorship and induction provided by the Local Education Agency.
   g. A valid fingerprint card issued by the Arizona Department of Public Safety.

5. Placement decisions of student teaching intern certificate holders shall only be based on collaborative agreements between the Board approved educator preparation provider and the local education agency. Notwithstanding any other provision, a student teaching intern certificate holder may not teach in a special education classroom unless the certificate holder has a bachelor’s degree.

6. The holder of the student teaching certificate may apply for an Arizona Teaching Certificate upon completion of the following:
   a. Successful completion of a Board approved educator preparation program.
   b. The submission of an application, and all required documentation including an institutional recommendation, for the Arizona teaching certificate to the Department.

L. Classroom-Based Standard Teaching Certificate
1. The requirements are:
   a. A bachelor’s degree;
   b. Successful completion of a Board-approved Classroom-Based Alternative Preparation Program;
   c. Verification of satisfactory progress and achievement with students;
   d. Demonstration of subject knowledge proficiency with:
      i. Verification of teaching courses relevant to a content area or subject matter for the last two consecutive years, and for a total of at least three years at one or more accredited postsecondary institutions; or
      ii. A bachelor’s, master’s or doctoral degree from an accredited institution in the applicable subject area; or
      iii. Verification of a minimum of five years of work experience in the applicable subject area of certification; or
      iv. Three years of verified teaching experience in the same area of certification in which the individual is applying for certification; or
      v. A passing score on the applicable subject knowledge portion of the Arizona Teacher Proficiency Assessment;
   e. Demonstration of professional knowledge proficiency with:
      i. Three years of verified teaching experience in the same area of certification in which the individual is applying for certification; or
      ii. A passing score on the applicable professional knowledge portion of the Arizona Teacher Proficiency Assessment;
   f. An individual seeking certification who was teaching courses or subjects tested by the statewide assessment must also provide:
      i. Verified evidence of two years of full-time teaching; and
      ii. Verified evidence that the individual’s students performed at grade level; or
      iii. Verified evidence that the individual’s students achieved at least one year of academic growth at a rate equivalent to the state average for the students’ associated peer groups;
   g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notices of Rulemaking Docket Opening under A.R.S. § 41-1021.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that an 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. An agency may file the Notice of Rulemaking Docket Opening along 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

INDUSTRIAL COMMISSION OF ARIZONA

[R22-19]

1. Title and its heading: 20, Commerce, Financial Institutions, and Insurance

Chapter and its heading: 5, Industrial Commission of Arizona

Article and its heading: 14, Municipal Firefighter Cancer Reimbursement Fund and Firefighter and Fire Investigator Cancer Claim Reporting

Section numbers: R20-5-1401, R20-5-1405, R20-5-1406 and R20-5-1407

2. The subject matter of the proposed rule:
A.R.S. § 23-971, enacted in 2021, requires insurance carriers, self-insured employers, and self-insurance pools that provide workers’ compensation coverage to firefighters and fire investigators to “compile and report to the [C]ommission claim and claim reserve information for all cancer-related claims filed by or on behalf of firefighters and fire investigators.” A.R.S. § 23-971(A)-(B). The Commission is required to aggregate and make the data available to insurance carriers, rating organizations, employers, public safety workers and workers’ compensation pools “to assist with the setting of workers’ compensation insurance rates and to ensure the adequate reserving for cancer claims for the class codes associated with firefighters and fire investigators.” A.R.S. § 23-971(D).

The proposed rules are intended to: (1) specify who may complete cancer-related claim reporting under A.R.S. § 23-971 on behalf of an insurance carrier, self-insured employer, or self-insurance pool; (2) establish the method by which cancer-related claim data is to be submitted to the Commission; (3) prescribe the durations of time that a cancer-related claim must be reported; (4) establish an annual reporting cycle with a designated reporting deadline; and (5) define the general and specific data elements that must be included in annual reporting to ensure accuracy and consistency. The proposed rules seek to add clarity to the general requirements in A.R.S. § 23-971, which the Commission anticipates will ultimately reduce the burden associated with cancer-related claim reporting.

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

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Gaetano Testini, Chief Counsel
Address: Industrial Commission of Arizona
800 W. Washington St., Suite 303
Phoenix, AZ 85007
Telephone: (602) 542-5905
Fax: (602) 542-6783
Email: Gaetano.Testini@azica.gov

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 written comments during a public comment period specified in the Notice of Proposed Rulemaking on page 361 of this issue. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking on page 361 of this issue.

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

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman under A.R.S. §§ 41-1006(A) and 41-1013(B)(13). An ombudsman is an agency’s point of contact who assists members of the public or regulated community seeking information or guidance from the agency.

NOTICE OF AGENCY OMBUDSMAN

GAME AND FISH DEPARTMENT

1. The agency name: Game and Fish Commission
2. The ombudsman’s:
   a. Name: Pat Barber
   b. Title: Executive Community Engagement Administrator
3. The ombudsman’s office address to include the city, state, and zip code:
   Game and Fish Commission
   5000 W. Carefree Highway, DOHQ
   Phoenix, AZ 85086
4. The ombudsman’s area code and telephone number, fax number, and email address, if available:
   Telephone: (623) 236-7373
   Fax: (623) 236-7299
   Email: PBarber@azgfd.gov

NOTICE OF AGENCY OMBUDSMAN

STATE RETIREMENT SYSTEM BOARD

1. The agency name: State Retirement System Board
2. The ombudsman’s:
   a. Name: Ryan Guerra
   b. Title: MSD Member Advocate
   c. Agency Division: Member Services Division
3. The ombudsman’s office address to include city, state, and zip code:
   Arizona State Retirement System
   3300 N. Central Ave.
   Phoenix, AZ 85012
4. The ombudsman’s area code and telephone number, fax number, and email address, if available:
   Telephone: (602) 240-2122
   Email: memberadvocate@azasrs.gov
NOTICES OF PROPOSED DELEGATION AGREEMENT
SUMMARIES AND LOCATION OF AGREEMENTS

Some agencies have been given legislative authority to delegate functions, powers, or duties to political subdivisions in Arizona. An agency that seeks to delegate functions, powers or duties shall file with the Office a summary of its proposed delegation agreement under A.R.S. § 41-1081(B).

Agencies shall provide, along with the summary, a contact to answer questions or accept comments on the notice. The notice shall also state where interested persons may obtain, upon request, a copy of the proposed delegation agreement from the agency.

NOTICE OF PROPOSED DELEGATION AGREEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Name of the agency proposing the delegation agreement:
   Arizona Department of Environmental Quality

2. The name of the political subdivision to which functions, powers, or duties of the agency are proposed to be delegated:
   Pinal County

3. The name and address of agency personnel to whom persons may direct questions or comments:
   Name: Edwin Slade, Administrative Counsel
   Telephone: (602) 771-2242
   Address: Arizona Department of Environmental Quality
   1110 W. Washington St.
   Phoenix, AZ 85007

4. Summary of the delegation agreement and the subjects and issues involved:
   ADEQ delegates some of its functions and duties to Arizona counties and cities in order to effectively regulate when those local authorities and ADEQ have agreed that it is in the best interest of the State to do so. Functions and duties that are delegated by ADEQ to local authorities must continue to be regulated consistent with the authority ADEQ has to regulate. ADEQ will enter into individual delegation agreements with each local authority when there is any delegation of ADEQ authority. Each individual delegation agreement has tables that identify exactly which functions and duties are being delegated.

   For Pinal County, ADEQ and Pinal have agreed to delegate some air major source permitting for which ADEQ has retained original jurisdiction, some solid waste functions and duties, and some wastewater functions and duties.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:
   An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:
   http://www.azdeg.gov/final-delegation-agreements
   Or contact:
   Edwin Slade, Administrative Counsel
   Arizona Department of Environmental Quality
   1110 W. Washington
   Phoenix, AZ 85007
   Telephone: (602) 771-2242
   Email: slade.edwin@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:
   Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R18-1-401 and R18-1-402.

   ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the Register by 5:00 p.m. or postmarked not later than that date.

   After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency’s decision on whether to enter into the proposed delegation agreement.

   ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coordinator at 602-771-2215 or Communications@azdeq.gov. For a TTY or other device, Telecommunications Relay Services are available by calling 711.

   ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para...
hablar, escribir o entender inglés y/o para personas con discapacidades. Las solicitudes de servicios de traducción de idiomas, interpretación ASL (lengua de signos americano), subtitulado de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación comunicándose con el Coordinador de Anti-Discriminación del Título VI al 602-771-2215 o Communications@azdeq.gov. Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 711.
NOTICES OF SUBSTANTIVE POLICY STATEMENT

SUMMARIES AND LOCATION OF STATEMENTS

Substantive policy statements are written expressions which inform the general public of an agency’s current approach to rule or regulation practice as defined under A.R.S. § 41-1001(24).

Agencies are required to prepare a notice and publish the names of its substantive policy statements, a summary of statements, and its website where full statements can be reviewed under A.R.S. § 41-1013(B)(9). These notices are published in this section of the Register.

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.

Any person may petition an agency under A.R.S. § 41-1033(A)(2) to review an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule.

Contact the agency liaison listed under Item #5.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
DIVISION OF INSURANCE

[M22-08]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
   Regulatory Bulletin 2022-01(INS): Prior Authorization laws’ requirements with two forms

2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
   Issued: January 3, 2022
   Effective: January 1, 2023

3. **Summary of the contents of the substantive policy statement:**
   The Arizona Department of Insurance and Financial Institutions, Division of Insurance (“Division”) has issued this substantive policy statement ("statement") to disseminate the uniform prior authorization request forms required by the Legislature in 2021 (HB 2621; Laws 2021, Ch. 115). The statement also provides regulatory guidance to all individual and group health insurers, health care services organizations, disability insurers, hospital service corporations, medical service corporations, utilization review agents, insurance trade associations, and all interested parties on use of the forms and how to comply with the requirements of A.R.S. §§ 20-3403, 20-3404, and 20-3406(A). The statement also defines key terms.

4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
   A.R.S. Title 20, Ch. 26, Article 1 underlies the substantive policy statement, specifically A.R.S. §§ 20-3401, 20-3403, 20-3404, and 20-3406(A). The statement also defines key terms.

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

6. **The agency contact person who can answer questions about the substantive policy statement:**
   Name: Erin Klug
   Address: Department of Insurance and Financial Institutions
   100 N. 15th Ave., Suite 261
   Phoenix, AZ 85007-2630
   Telephone: (602) 364-3762
   Email: erin.klug@difi.az.gov
   Website: https://difi.az.gov

7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
   Please contact the person listed in paragraph #6 for instructions on how to download this substantive policy statement from the Department’s website at no cost.
NOTICE OF SUBSTANTIVE POLICY STATEMENT
WATER INFRASTRUCTURE FINANCE AUTHORITY

[1] 1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:
   Document Title: Green Project Reserve Incentives Policy
   Identification Number: II.7

[2] 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:
   Original Issue Date: April 21, 2004
   Effective Date: June 23, 2021

[3] 3. Summary of the contents of the substantive policy statement:
   The Authority issued a policy to establish an incentive-based program for WIFA Financial Assistance borrowers who are actively integrating energy efficiency, water efficiency/conservation, green stormwater infrastructure, or environmentally innovative concepts.

[4] 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:
   Not applicable

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

[6] 6. The agency contact person who can answer questions about the substantive policy statement:
   Name: Dan Dialessi
   Address: Water Infrastructure Finance Authority
            100 N. 7th Ave., Suite 130
            Phoenix, AZ 85007
   Telephone: (602) 364-1310
   Fax: (602) 364-1327
   Email: ddialessi@azwifa.gov
   Website: www.azwifa.gov

[7] 7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:
   Copies are available at the Water Infrastructure Finance Authority, 100 N. 7th Ave., Suite 130, Phoenix, AZ 85007 or from the person listed above.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
WATER INFRASTRUCTURE FINANCE AUTHORITY

[1] 1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:
   Document Title: Drinking Water State Revolving Fund Eligibility Requirements
   Identification Number: II.9

[2] 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:
   Original Issue Date: April 20, 2011
   Effective Date: August 25, 2021

[3] 3. Summary of the contents of the substantive policy statement:
   The Authority issued a policy to provide guidance on determining eligibility for the Drinking Water State Revolving Fund.

[4] 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:
   Not applicable

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

[6] 6. The agency contact person who can answer questions about the substantive policy statement:
   Name: Dan Dialessi
   Address: Water Infrastructure Finance Authority
            100 N. 7th Ave., Suite 130
            Phoenix, AZ 85007
   Telephone: (602) 364-1310
7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:
Copies are available at the Water Infrastructure Finance Authority, 100 N. 7th Ave., Suite 130, Phoenix, AZ 85007 or from the person listed above.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
WATER INFRASTRUCTURE FINANCE AUTHORITY

[1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:]
Document Title: Water Projects Assistance Grants Policy
Identification Number: II.13

[2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:]
Original Issue Date: October 28, 2021
Effective Date: October 28, 2021

[3. Summary of the contents of the substantive policy statement:]
The Authority issued a policy to summarize WIFA’s process for distributing the Water Projects Assistance Grants.

[4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:]
Not applicable

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

[6. The agency contact person who can answer questions about the substantive policy statement:]
Name: Dan Dialessi
Address: Water Infrastructure Finance Authority
100 N. 7th Ave., Suite 130
Phoenix, AZ 85007
Telephone: (602) 364-1310
Fax: (602) 364-1327
Email: ddialessi@azwifa.gov
Website: www.azwifa.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 are available at the Water Infrastructure Finance Authority, 100 N. 7th Ave., Suite 130, Phoenix, AZ 85007 or from the person listed above.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
WATER INFRASTRUCTURE FINANCE AUTHORITY

[1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:]
Document Title: Water Supply Development Fund Eligibility Requirements
Identification Number: II.14

[2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:]
Original Issue Date: October 28, 2021
Effective Date: October 28, 2021

[3. Summary of the contents of the substantive policy statement:]
The Authority issued a policy to provide guidance on determining eligibility for the Water Supply Development Fund.

[4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:]
Not applicable

[5. A statement as to whether the substantive policy statement is a new statement or a revision:]
This is a new substantive policy statement.
6. **The agency contact person who can answer questions about the substantive policy statement:**
   - Name: Dan Dialessi
   - Address: Water Infrastructure Finance Authority
     100 N. 7th Ave., Suite 130
     Phoenix, AZ 85007
   - Telephone: (602) 364-1310
   - Fax: (602) 364-1327
   - Email: ddialessi@azwifa.gov
   - Website: www.azwifa.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 are available at the Water Infrastructure Finance Authority, 100 N. 7th Ave., Suite 130, Phoenix, AZ 85007 or from the person listed above.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT**

WATER INFRASTRUCTURE FINANCE AUTHORITY

[**M22-13**]

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6. **The agency contact person who can answer questions about the substantive policy statement:**
   - Name: Dan Dialessi
   - Address: Water Infrastructure Finance Authority
     100 N. 7th Ave., Suite 130
     Phoenix, AZ 85007
   - Telephone: (602) 364-1310
   - Fax: (602) 364-1327
   - Email: ddialessi@azwifa.gov
   - Website: www.azwifa.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 are available at the Water Infrastructure Finance Authority, 100 N. 7th Ave., Suite 130, Phoenix, AZ 85007 or from the person listed above.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT**

WATER INFRASTRUCTURE FINANCE AUTHORITY

[**M22-14**]
3. **Summary of the contents of the substantive policy statement:**
   The Authority issued a policy to outline qualifications to determine an applicant’s financial, legal, technical and managerial capabilities, summarize content of WIFA’s review of an applicant’s historical performance and detail financial assistance requirements.

4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
   Not applicable

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

6. **The agency contact person who can answer questions about the substantive policy statement:**
   Name: Dan Dialessi
   Address: Water Infrastructure Finance Authority
   100 N. 7th Ave., Suite 130
   Phoenix, AZ 85007
   Telephone: (602) 364-1310
   Fax: (602) 364-1327
   Email: ddiallessi@azwifa.gov
   Website: www.azwifa.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 are available at the Water Infrastructure Finance Authority, 100 N. 7th Ave., Suite 130, Phoenix, AZ 85007 or from the person listed above.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT**

WATER INFRASTRUCTURE FINANCE AUTHORITY

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1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
   Document Title: Capability Review and Financial Assistance Requirements for Non-Governmental Entities
   Identification Number: III.8

2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
   Original Issue Date: December 8, 1998
   Effective Date: October 28, 2021

3. **Summary of the contents of the substantive policy statement:**
   The Authority issued a policy to outline qualifications to determine an applicant’s financial, legal, technical and managerial capabilities, summarize content of WIFA’s review of an applicant’s historical performance, detail financial assistance requirements and define levels of loan security/documentation.

4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
   Not applicable

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

6. **The agency contact person who can answer questions about the substantive policy statement:**
   Name: Dan Dialessi
   Address: Water Infrastructure Finance Authority
   100 N. 7th Ave., Suite 130
   Phoenix, AZ 85007
   Telephone: (602) 364-1310
   Fax: (602) 364-1327
   Email: ddiallessi@azwifa.gov
   Website: www.azwifa.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 are available at the Water Infrastructure Finance Authority, 100 N. 7th Ave., Suite 130, Phoenix, AZ 85007 or from the person listed above.
GOVERNOR EXECUTIVE ORDER
RULEMAKING MORATORIUM

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

WHEREAS, burdensome regulations inhibit job growth and economic development; 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, 2018, 2019, 2020 and 2021; and

WHEREAS, the State of Arizona eliminated or improved 231 burdensome regulations in 2021 and for a total of 3,047 needless regulations eliminated or improved since 2015; and

WHEREAS, estimates show these eliminations saved job creators nearly $11.6 million in operating costs in 2021 for a total of over $169.1 million in savings since 2015; and

WHEREAS, in 2021, for every one new necessary rule added to the Administrative Code, 25 have been repealed or improved; and

WHEREAS, COVID-19 has been hard on small businesses and the economy, and administrative barriers should be removed for their sake; 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, including regular, expedited, emergency and exempt, 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 on the public, while achieving the same regulatory objective.
   c. To prevent a significant threat to 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 new 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. After the public comment period and the close of the rulemaking record, a State agency subject to this Order shall not submit the proposed rules to the Governor’s Regulatory Review Council without a written final approval from the Office of the Governor. Before considering rules submitted by a State agency, the Governor’s Regulatory Review Council must obtain from the State agency the initial approval, referenced in Section 1, and the final approval from the Office of the Governor.

3. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Governor’s Office at least three existing rules to eliminate for every one additional rule requested by the agency.
4. 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 the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.

5. A State agency that issues occupational or professional licenses shall prominently post on the agency’s website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on the landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include “universal recognition” of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.

6. A State agency that issues occupational or professional licenses must track veteran and military spouse status of applicants immediately and report that information to the Governor’s Office on an annual basis, starting July 1, 2022.

7. All State agencies that are required to issue occupational or professional licenses by “universal recognition” (established by A.R.S. § 32-4302) must track all applications received for this license type immediately and report that information to the Governor’s Office on an annual basis, starting July 1, 2021. Before any agency denies a professional or occupational license applied for under A.R.S. § 32-4302, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Governor’s Office should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.

8. 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.

9. 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.

10. This Executive Order shall expire when the provisions of this executive order are adopted in statute and become law.

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 nineteenth day of January in the year Two Thousand and Twenty Two and of the Independence of the United States of America the Two Hundred and Forty-Sixth.

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
PXMR = Proposed Exempt amended Section
PXRF = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED
SPXN = Supplemental Proposed Exempt new Section
SPXMR = Supplemental Proposed Exempt amended Section
SPXRF = Supplemental Proposed Exempt repealed Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING
FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXRF = 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
RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and 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.

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| R3-2-907. | PM-5 |
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February 11, 2022 | Published by the Arizona Secretary of State | Vol. 28, Issue 6

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### OTHER NOTICES AND PUBLIC RECORDS INDEX

Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

**This Index includes Other Notice Activity through Issue 5 of Volume 28.**

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- **State Board of Dental Examiners**: p. 233

### Docket Opening, Notices of Rulemaking

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- **Corporation Commission - Transportation**: 14 A.A.C. 5; pp. 280-281
- **Dental Examiners, State Board of**: 4 A.A.C. 11; pp. 201-202

### Environmental Quality, Department of

- **Permit and Compliance Fees**: 18 A.A.C. 14; pp. 126-127
- **Water Pollution Control**: 18 A.A.C. 9; pp. 124-125
- **Water Quality Standards**: 18 A.A.C. 11; pp. 125-126
Indexes

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Podiatry Examiners, Board of; 4 A.A.C. 25; p. 280
Public Safety, Department of - Rapid DNA; 13 A.A.C. 15; p. 124
Regulatory Board of Physician Assistants, Arizona; 4 A.A.C. 17; p. 279
Secretary of State, Office of the; 2 A.A.C. 12; p. 232

Governor's Office

Executive Order 2021-02: pp. 203-204
Executive Order 2022-01: pp. 236-237

Governor's Regulatory Review Council

Notices of Action Taken at Monthly Meetings: pp. 245

Public Information, Notices of

Environmental Quality, Department of; pp. 129-135

Substantive Policy Statement, Notices of

Department of Environmental Quality; pp. 234-235
Real Estate Department, State; p. 282
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.

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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.

<table>
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<th>Deadline Date</th>
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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 under A.R.S. § 41-1013(B)(15).

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 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit http://grrc.az.gov.

**GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2022**
*(MEETING DATES ARE SUBJECT TO CHANGE)*

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* 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.