

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), 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)

NOTICE OF PROPOSED RULEMAKING

TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 1. SECRETARY OF STATE RULES AND RULEMAKING

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
R1-1-101	Amend
R1-1-103	Amend
R1-1-104	Amend
R1-1-105	Amend
R1-1-106	Amend
R1-1-107	Amend
R1-1-108	Amend
R1-1-109	Amend
R1-1-110	Amend
R1-1-111	Repeal
R1-1-112	Amend
R1-1-113	Amend
R1-1-114	Amend
R1-1-201	Amend
R1-1-202	Amend
R1-1-203	Repeal
R1-1-204	Amend
R1-1-205	Amend
R1-1-207	Repeal
R1-1-208	Amend
R1-1-209	Amend
R1-1-210	Amend
R1-1-211	Amend
R1-1-212	Amend
R1-1-301	Amend
R1-1-302	Amend
R1-1-401	Amend
R1-1-402	Amend
R1-1-403	Amend
R1-1-404	Amend
R1-1-406	Amend
R1-1-407	Amend
R1-1-408	Amend
R1-1-409	Amend
R1-1-410	Amend

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R1-1-411	Amend
R1-1-412	Amend
R1-1-413	Amend
R1-1-414	Amend
R1-1-415	New Section
R1-1-501	Amend
R1-1-502	Amend
R1-1-504	Amend
R1-1-506	Amend
R1-1-507	Amend
R1-1-601	Amend
R1-1-602	New Section
R1-1-701	Amend
R1-1-801	Amend
R1-1-901	Amend
R1-1-902	New Section
Article 10	New Article
R1-1-1001	New Section

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):

Authorizing statute: A.R.S. § 41-1011

Implementing statutes: A.R.S. §§ 41-1001 through 41-1036

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 5 A.A.R. 1022, April 9, 1999

Notice of Proposed Rulemaking: 5 A.A.R. 1474, May 21, 1999

Notice of Rulemaking Docket Opening: 7 A.A.R. 1679, April 20, 2001

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

Name: Scott Cancelosi
Assistant Director, Public Services Division

Address: Office of the Secretary of State
1700 West Washington, 7th Floor
Phoenix, Arizona 85007

Telephone: (602) 542-4751

Fax: (602) 542-4366

E-mail: scancelosi@sos.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The purpose of this rulemaking is to update the Secretary of State's rules on the rulemaking process. The changes are necessary to make the rules uniform and consistent, improve clarity, comply with changes in the Administrative Procedure Act, and respond to requests for updates by agency rulewriting personnel. A new Article will require agencies to file a Notice of Recodification when recodifying their rules. Most of the fees for the *Register* and *Code* have increased slightly.

6. A reference to any study that the agency relied on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

7. 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

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

Many of the changes in these rules will benefit state agencies when they prepare rules for filing and publication. The new Article on recodification will have a minimal impact on agencies that recodify their rules.

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The Office will begin to sell the *Register* on electronic media. Because technology is changing rapidly, the Office is not specifying the medium or media involved. This will change as technology changes. The cost of the medium will always reflect the cost of the medium to the Office. *Register* prices were last changed January 1, 1995.

The rules will have a minimal impact on the Secretary of State's Office.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Scott Cancelosi
Assistant Director, Public Services

Address: Office of the Secretary of State
1700 West Washington, 7th Floor
Phoenix, Arizona 85007

Telephone: (602) 542-4751

Fax: (602) 542-4336

E-mail: scancelosi@sos.state.az.us

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

Oral and written comments will be accepted at the location listed in item #4 between 8:00 a.m. and 5:00 p.m., Monday through Friday.

An oral proceeding will be held as follows:

Date: January 15, 2002

Time: 9:00 a.m.

Location: Secretary of State's Conference Room
State Capitol Executive Tower, 7th Floor
1700 W. Washington
Phoenix, AZ 85007

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

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 1. RULES AND THE RULEMAKING PROCESS

**CHAPTER 1. SECRETARY OF STATE
RULES AND RULEMAKING**

ARTICLE 1. GENERAL PROVISIONS

Section	
R1-1-101.	Definitions
R1-1-103.	Submission Requirements for Publication and Filing
R1-1-104.	Submitting Material for Publication
R1-1-105.	Forms for Publication or Filing <u>Certificates</u>
R1-1-106.	Receipts
R1-1-107.	Filing Location
R1-1-108.	Editing and Relabeling by the Office
R1-1-109.	Correction of Errors
R1-1-110.	Effective Dates
R1-1-111.	Agency Liaisons and Rule Specialists <u>Repealed</u>
R1-1-112.	Public Inspection of Documents; Copies

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- R1-1-113. Fees
R1-1-114. Official Distribution of the ~~Register~~ Register and the ~~Code~~ Code at No Charge

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

Section

- R1-1-201. Publication Schedule and Deadlines
R1-1-202. Contents
R1-1-203. ~~Publication Requirements~~ Repealed
R1-1-204. Indices to the ~~Register~~ Register
R1-1-205. Notice of Rulemaking Docket ~~Openings~~ Opening
R1-1-207. ~~Supplemental Notices on Proposed Rules~~ Repealed
R1-1-208. Notice of Proposed Delegation ~~Agreements~~ Agreement; Notice of Final Delegation Agreement
R1-1-209. ~~Notices of Public Hearings~~ Notice of Oral Proceeding, Public ~~Workshops~~ Workshop, or Other ~~Meetings~~ Meeting
R1-1-210. ~~Notices~~ Notice of Agency Guidance ~~Documents and~~ Document; Notice of Substantive Policy ~~Statements~~ Statement
R1-1-211. Summary of Council Action
R1-1-212. Agency Ombudsman

ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE

Section

- R1-1-301. Development of the ~~Code~~ Code
R1-1-302. Publication of the ~~Code~~ Code and its Supplements

ARTICLE 4. RULE DRAFTING

Section

- R1-1-401. Drafting Rules
R1-1-402. Assignment of ~~Titles, Chapters, Articles, and Sections~~ Code Divisions; Headings
R1-1-403. Numbering System
R1-1-404. Renumbering Sections within a Chapter
R1-1-406. Re-using Chapter, Subchapter, Article, Part, or Section Numbers
R1-1-407. Authority Notes
R1-1-408. Text of the Rules; Subsections
R1-1-409. Citations to the ~~Code~~ Code, ~~Register~~ Register, Statutes, and ~~Incorporated-by-reference Materials~~ Federal Laws and Rules
R1-1-410. Standard Abbreviations
R1-1-411. Automatic Repeal of Rules
R1-1-412. Supplementary Material; Camera-ready Material
R1-1-413. Statutory Language; Italics
R1-1-414. Incorporation by Reference; Citation of Referenced Material
R1-1-415. Repeal of a Section; New Text

ARTICLE 5. PROPOSED RULEMAKING

Section

- R1-1-501. Assignment of Chapters
R1-1-502. Notice of Proposed Rulemaking
R1-1-504. ~~Public Hearings (Oral Proceedings)~~ Oral Proceedings on Proposed Rulemaking
R1-1-506. Notice of Termination of Rulemaking
R1-1-507. ~~Supplemental Notices~~ Notice of Supplemental Proposed Rulemaking

ARTICLE 6. FINAL RULEMAKING

Section

- R1-1-601. Preparation and Filing of a Final Rulemaking Package
R1-1-602. Notice of Final Rulemaking

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ARTICLE 7. EMERGENCY RULEMAKING

Section
R1-1-701. Preparation and Filing of an Emergency Rulemaking Package

ARTICLE 8. SUMMARY RULEMAKING

Section
R1-1-801. Summary Rulemaking

ARTICLE 9. EXEMPT RULEMAKING

Section
R1-1-901. Exempt Rulemaking
R1-1-902. Notice of Exempt Rulemaking

ARTICLE 10. RECODIFICATION

Section
R1-1-1001. Notice of Recodification

ARTICLE 1. GENERAL PROVISIONS

R1-1-101. Definitions

The following definitions shall apply in this ~~Title~~ Chapter unless the context otherwise requires:

1. "Act" means A.R.S. §§ 41-1001 et seq., (the Administrative Procedure Act).
"Agency" means an agency, board, or commission of the state of Arizona.
2. "Amendment" means a change to:
 - a. A Section, including added language, deleted language, or renumbering;
 - b. A Part, by the addition, repeal, or renumbering ~~or of~~ one or more Sections;
 - c. An Article, by the addition, repeal, or renumbering of one or more Sections or Parts;
 - d. A Subchapter, by the addition, repeal, or renumbering of one or more Articles, Parts, or Sections; or
 - e. A Chapter, by the addition, repeal, or renumbering of one or more Subchapters, Articles, Parts, or Sections.
3. "Appendix" means supplementary material to a set of rules, written in prose format.
"Arizona Rulemaking Manual" means the manual prepared by and available from the Office as a guide for agencies to follow when promulgating rules in codified format, as specified in this Chapter.
4. "A.R.S." means the Arizona Revised Statutes, the laws of the state of Arizona.
5. "Article" means a division of an agency's rules under a Chapter containing a unified set of rules.
6. "Authority" means the statutory right or power to ~~adopt~~ make, amend, or repeal rules.
7. "Authority ~~Note note~~" means the information, not a part of the rule, appearing at the beginning of a Chapter, ~~or~~ Subchapter, Article, or Part) ~~which that~~ which that cites the implementing and authorizing statutes for the rules appearing in that Chapter.
8. "Camera-ready" material means items ~~which that~~ which that meet the requirements of ~~R1-1-412(D)~~ R1-1-412(E).
9. "Chapter" means a division in the codification scheme for the ~~Code~~ Code designating a state agency or, for a large agency, a major program.
"Close of record" means the last date on which the agency accepts comments, either written or oral, on a rulemaking package.
10. "Code" means the *Arizona Administrative Code* published ~~pursuant to~~ under A.R.S. § 41-1011.
11. "Codification" means the labeling and numbering scheme for the rules contained in the ~~Code~~ Code.
"Commercial purpose" has the same meaning as under A.R.S. § 39-121.03.
12. "Council" means the Governor's Regulatory Review Council established ~~pursuant to~~ under A.R.S. § 41-1051.
13. "Economic, ~~Small Business, and Consumer Impact Statement~~ small business, and consumer impact statement" means the statement ~~which that~~ which that an agency shall make to show that the agency has studied the rule's economic impact on the regulated community as well as the impact on small businesses and consumers.
"Electronic media" or "electronic medium" means any type of material for data storage used by a computer.
14. "~~Emergency Rule~~" means a rule (or amendment or repeal of a rule) ~~adopted pursuant to A.R.S. § 41-1026.~~ "Emergency rule" means the same as defined in A.R.S. § 41-1001.
"Exempt rule" means a rule that is exempt from the provisions of the Act. "Exempt rule" does not include a rule that is exempt only from Council review.
15. "Exhibit" means ~~a form of~~ supplementary material used for items ~~which that~~ which that do not fit the definition of an Appendix, Table, or Illustration.
16. "Heading" means the caption for any level of division within the ~~Code~~ Code.

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17. “Historical ~~Note~~ note” means the note appearing after each Section of a Chapter, or after each separate Appendix, Exhibit, Illustration, or Table, in the ~~published edition of the Code which~~ Code that gives the history of that particular Section, Appendix, Exhibit, Illustration, or Table, including the action, the Register citation, the effective date, and the ~~Code~~ Code Supplement number in which the rules were published.
18. “Illustration” means ~~a form of~~ supplementary material used for diagrams, pictures, and other ~~similar items~~ graphics.
19. “Label” means the number or letter ~~which~~ that is assigned to the divisions of the ~~Code~~ Code and to their subsections and ~~which~~ that identifies the particular ~~Code~~ Code division or subsection.
20. “Office” means the Office of the Secretary of State, Public Services ~~Department~~ Division.
21. “Part” means a division of the ~~Code~~ Code between Article and Section.
“Public record,” for purposes of this Chapter, means the rulemaking documents as filed by state agencies with the Secretary of State, the rules as published by the Secretary of State in either the Code or the Register, or the rules as generated in any electronic format by the Secretary of State.
22. “Register” means the *Arizona Administrative Register*, published under A.R.S. § 41-1013 ~~the publication which contains the rulemaking activity of the state’s agencies, agency and Council notices, the Governor’s Executive Orders and proclamations of general applicability, summaries of Attorney General opinions, and Governor’s appointments to the state’s boards and commissions.~~
23. “Renumbering” means changing the numbers of one or more whole Sections. Renumbering involves only entire Sections or Articles. Renumbering does not include changing the labels of subsections within a Section.
24. “Repeal” means ~~the process of rescinding, revoking, or cancelling~~ to rescind, revoke, or cancel a rule.
25. “Rule” means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of an agency. Rule includes prescribing fees or the amendment or repeal of a prior rule but does not include intra-agency memoranda that are not delegation agreements. (A.R.S. § 41-1001(17))
26. “Rulemaking” or “rulemaking activity” ~~refers to~~ means the process a state agencies use agency uses to adopt make, amend, or repeal a rule.
27. “Rulemaking package” or “rulemaking documents” means all material filed as a unit with the Office as part of a rule-making ~~action~~.
28. “Section” means an individual rule. ~~A Section that~~ is a unit of an Article or Part.
29. “Section number” means the number ~~which~~ that identifies the Section.
30. “Style Manual” means the manual prepared by and available from the Office as a guideline giving examples for agencies to follow when promulgating rules in codified format, as specified in this Chapter.
31. “Subchapter” means a division of the ~~Code~~ Code between Chapter and Article.
32. “Subsection” means a division of a Section of the ~~Code~~ Code.
33. “Summary Rule” means a rule adopted pursuant to A.R.S. § 41-1027. “Summary rule” means a rule adopted under A.R.S. § 41-1027.
34. “Supplement” means a quarterly update to the ~~Code~~ Code.
35. “Table” means ~~a form of~~ supplementary material containing tabular information.
36. “Title” means a subject area in the codification scheme for the ~~Code~~ Code.

R1-1-103. Submission Requirements for Publication and Filing

- A. Each An agency submitting materials for filing or publication in the Register Register or ~~Code~~ Code shall send ~~an~~ one original and ~~four~~ two copies to the Office.
- B. All pages of the original document and all copies, including all receipts and certificates accompanying the package, shall be printed on only one side. ~~Each page~~ All pages shall have a one-inch margin ~~margins of one inch~~ on all edges of the page. All pages of the original document shall be double-spaced or spaced space-and-a-half. The following may be single-spaced:
 1. The Concise Explanatory Statement;
 2. The Economic, Small Business, and Consumer Impact Statement; and
 3. Incorporated by reference materials.
- C. ~~The original and each copy shall be~~ The text and images on all original pages and copies shall appear clear and legible, ~~all Appendices, Exhibits, Tables, and Illustrations~~ All pages of an Appendix, Exhibit, Table, or Illustration shall be camera-ready when and submitted in with the original copy. ~~Any rule package~~ The Office shall return to the agency a rulemaking package ~~which~~ that does not contain an original of both the text and all supplementary material ~~will be returned to the agency~~. An agency shall not use ~~no~~ a text font size in the text smaller than 9 point or larger than 12 point; ~~corresponding typewriter sizes are Pica (10 pitch) and Elite (12 pitch).~~
- D. ~~The~~ An agency shall file only one Chapter per notice for any rulemaking activity. If an agency submits more than one Chapter per notice, the Office shall return the package to the agency ~~to be split into separate rulemaking packages, one per Chapter.~~

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- ~~E.~~ If an agency wishes to file with the Office more than one rulemaking package on a single Chapter for publication in the single issue of the Register, the agency shall first apply to the Office for the designation of a Subchapter or a Part or both to allow for further division of its Chapter. An agency using Subchapters may amend its rules by Subchapter; an agency using Parts may amend its rules by Article.
- ~~E.~~ All rulemaking packages submitted for publication shall meet the following requirements:
1. The original shall not be stapled, nor shall it or any of the copies be hole punched. The Office shall not accept pleading paper, with numbers and vertical lines along the right- or left-hand margins.
 2. Each document containing rules or relating to the rulemaking process submitted for publication shall specify on the notice or on the Preamble, as applicable, the Code citation, Code divisions, and the specific Sections involved. Subsections shall not be specified in the column headed "Sections Affected". Articles, Parts, and Subchapters shall be specified if their labels or headings are being changed or if the Articles, Parts, and Subchapters are being added to the Chapter or repealed in their entirety.
 3. Underlining shall be used for text and images being added to rules. This includes new language for a Chapter, Article, or in an existing Section, the addition of an entire Section, the addition of new language in existing supplementary material, or the addition of new supplementary material. Underlining shall not be used in the text of rules for any other purpose.
 4. A rulemaking package shall not contain footnotes or endnotes. This subsection does not apply to the following parts of a rulemaking package:
 1. The Concise Explanatory Statement;
 2. The Economic, Small Business, and Consumer Impact Statement; and
 3. Material that is incorporated by reference.
 5. A table of contents listing all Sections and other divisions of the Chapter on which rulemaking is taking place shall be included in the rulemaking package after the last item in the Preamble and before the text of the first Section. Sections, Articles, or Parts, if applicable, not having rulemaking action taken in a particular rulemaking package shall not be included. The table of contents shall not include page numbers to the various Sections in the rulemaking, nor shall it be labeled "Table of Contents."
 6. Pages in the package shall be consecutively numbered, from the first page of the Preamble through the last page of the text of the rules or supplementary material appearing at the end of the rulemaking package. Material, such as incorporated by reference material and a concise explanatory statement, included with the rulemaking package but not published in the Register or Code as part of the rulemaking, shall be numbered separately.
 7. An agency shall compile a rulemaking package before submitting it to the Office. An agency shall place the receipts on top of the entire submission and place the original package and each copy of the items listed below in the following order:
 - a. The Council certificate of approval or the Attorney General certificate of approval, if applicable;
 - b. The agency certificate;
 - c. The notice, including the Preamble;
 - d. The table of contents;
 - e. The text of the rule including supplementary material within the rules.
 - f. Incorporated by reference material and other information required to be filed with the rules.

R1-1-104. Submitting Material for Publication

- ~~A.~~ Each An agency submitting a rulemaking package or other notice, as specified in the Act and this Chapter, to the Office for publication in the ~~Register~~ Register shall follow the deadlines established by the Office and published in the ~~Register~~ Register.
- ~~B.~~ An agency shall submit its rulemaking package in paper copy and in an electronic medium. All electronic media submissions shall be compatible with the Office's computer system and software. An agency shall not save electronic format rules as templates, and may also submit the material on computer disk that is compatible with the Office's computer system and software.
1. An agency submitting materials for publication in the Register either on computer disk only or in both paper copy and on computer disk, shall comply with the deadline date for paper and disk and
 2. An agency submitting materials for publication in the Register in paper copy only shall comply with the deadline for paper only.
- ~~B-C.~~ Information other than rulemaking notices required by law to be published in the Register Register but not required to be filed in the Office may shall be submitted to the Office on either computer disk or in an electronic medium and in paper copy. This information includes agency ombudsmen names and addresses, notices of substantive policy statements, and notices of guidance documents, rulemaking docket openings, notices of proposed and final delegation agreements, and notices of formal rulemaking advisory committees.
- ~~C.~~ An agency shall contact the Office before submitting material on computer disk to ensure that the disk is compatible with the Office's computer system and software.

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D. An agency shall use the correct notice form when submitting material to the Office for publication or filing. If an agency uses an incorrect notice form, the agency shall prepare and file a notice of public information for publication in the *Register* to correct the error.

R1-1-105. Forms for Publication or Filing Certificates

~~A.~~ Each agency submitting a rule for filing and publication shall attach the appropriate notice form.

~~B.A.~~ An agency certificate shall accompany each rulemaking package ~~subject to Council or Attorney General review. A package submitted to the Office without an agency certificate shall not be considered formally filed. This~~ The certificate shall specify the following in the same numbered order:

1. The agency name;
2. The Chapter heading;
3. The ~~Code~~ Code citation for the Chapter;
4. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, in numerical order;
5. The signature, in ink, of the agency chief executive officer or designee, attesting that the material being submitted is a true and correct version of the rule ~~adopted~~ made by the agency. The certificate shall include the printed or typed name of the person signing the form, the person's title, and the date of signing; and
6. A statement that no changes have been made ~~since the Council approved the rule, if applicable. since the Council approved the rule if the rule is subject to Council review, or since the Attorney General approved the rule if the rule is subject to Attorney General review.~~

~~C.B.~~ A Council certificate of approval shall accompany all final rules subject to Council review. ~~If~~ When the Council submits the rules to the Office for the agency, the certificate shall be attached to the rules as approved by the Council. ~~If the agency submits the rule to the Office, the certificate shall be attached to a sealed container or envelope containing the rules as approved by Council.~~ The Office shall not accept any final rulemaking package subject to Council review and approval from an agency if the Council certificate of approval is missing or altered in any way or if the seal on the envelope or container is broken.

~~D.C.~~ An Attorney General certificate of approval shall accompany all final, exempt, summary, and emergency rules subject to Attorney General review under A.R.S. § 41-1044. The certificate shall be attached to the original rulemaking document within the rulemaking package. The Office shall not accept any final rulemaking package subject to Attorney General review and approval if the Attorney General certificate of approval is missing or altered. If the Attorney General does not approve one or more Sections in the rulemaking, the Attorney General may prepare a Certificate of Disapproval listing all Sections not approved and attach it to the package.

~~E.D.~~ An agency certificate accompanying ~~each~~ a rulemaking package containing rules exempt from both Council and Attorney General review shall include the information specified in ~~subsection~~ subsections ~~(B)(1)~~ (A)(1) through ~~(6)(5)~~ and shall include a statement specifying why the rules are exempt from review along with a citation to the statutory or constitutional provision or a citation to the court decision specifying the exemption.

~~F.E.~~ The Office shall not file but shall return to the agency ~~any rule~~ a rulemaking package that does not meet the requirements of this Chapter, with incorrect or incomplete notice forms.

~~G.F.~~ On all certificate forms, the agency chief executive officer's name and title shall be typed under the signature and the date of signing shall be indicated. If a designee signs the form, the designee's typed name and title shall be typed under the signature and the date of signing shall be indicated. ~~Certificate forms which contain~~ The Office shall not accept a certificate form that contains one person's signature and another person's typed name will not be accepted.

R1-1-106. Receipts

An agency submitting a rulemaking package or other document to the Office for publication or filing ~~pursuant to~~ under the Act shall attach at least two copies of a receipt. The Office ~~will~~ shall time- and date-stamp ~~both all~~ both copies and keep one for its files and ~~will~~ return ~~one the other~~ copies to the agency. The receipt shall be printed on one side and shall state the following:

1. The heading "AGENCY RECEIPT" in capital letters centered on a line at least one inch from the top of the page;
2. The type of notice being submitted, in capital letters centered on a line below "AGENCY RECEIPT";
3. The following numbered items:
 - 1-a. The agency's name;
 - 2-b. The Title, Chapter, Subchapter (if applicable), the Article, the Part (if applicable), and the Sections that are contained in the rulemaking package and the rulemaking action occurring on each.

R1-1-107. Filing Location

An agency shall either file its rules in person with the Office at the State Capitol Executive Tower, 1700 West Washington, Suite 403 7th Floor, Phoenix, Arizona 85007, or mail the rules to: Secretary of State, Public Services ~~Department~~ Division, 1700 West Washington, ~~Seventh~~ 7th Floor, Phoenix, Arizona 85007-2888. The Office shall accept a document for filing or publication only if it meets the requirements specified in the Act and this Chapter.

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R1-1-108. Editing and Relabeling by the Office

The Office may edit and relabel the text of rules pursuant to under A.R.S. § 41-1011(~~C~~).

R1-1-109. Correction of Errors

- A. After a proposed rulemaking package has been filed with the Office, an agency shall make a substantial substantive change in the text may be corrected only by the filing of a supplemental rulemaking package showing the change, as specified in R1-1-507 and A.R.S. § 41-1022(D).
- B. After a final, ~~proposed summary, final~~ summary, ~~exempt~~, or emergency rulemaking package has been filed, an agency may request that the Office correct a manifest typographical or clerical error in the text may be corrected only by the filing of the corrected pages, accompanied by a letter signed by the agency's chief executive officer requesting the Office to make the corrections correct the error and specifying why the agency considers the error a manifest typographical or clerical error. The corrected pages and the letter shall both indicate the specific changes to be made. Both the original rulemaking package and the corrected pages shall remain on file. Errors considered An error that the Office considers substantive in nature shall not be corrected except through the regular rulemaking process.
- C. If, upon review, an issuing agency discovers ~~errors an error~~ in its rules as published in the ~~Code Code or Register Register~~, the agency shall notify the Office in writing about the ~~printing errors error~~.
1. If an error is substantive and was in the document as submitted by the agency, the agency shall go through the regular rulemaking process to correct the error.
 2. If the error is a manifest typographical or clerical error, the agency shall follow the procedure in subsection (B), and the Office shall follow the procedure in subsection (D) ~~below for printing to print~~ the correction.
- D. If the Office ~~makes finds~~ an error in the printing of ~~rules a rulemaking package~~ in the ~~Register Register or Code Code~~ or ~~the an~~ agency has notified the Office about a manifest typographical or clerical error and followed the procedures specified in this Section, ~~the error shall be corrected the Office shall correct the error~~ in the next available issue of the ~~Register Register or supplement to the Code Code~~ if the Office determines that the error would ~~lead to~~ confuse or mislead the reader. If the error would not confuse or mislead the reader or is in a note or heading not considered part of the rule, the error ~~will shall~~ be corrected by the Office and published in the next supplement to the ~~Code Code~~ containing other amendments to the Chapter ~~adopted made~~ by the agency.

R1-1-110. Effective Dates

- A. If a final, ~~summary, or~~ emergency, ~~or exempt~~ rulemaking package does not specify an effective date, the date of filing in the Office is the effective date. If an agency submitting a final, ~~summary, or~~ emergency, ~~or exempt~~ rulemaking package indicates a specific effective date for the rules ~~which that~~ is later than the date filed in the Office, ~~pursuant to under~~ A.R.S. § 41-1032, the agency shall ~~also~~ specify the reason for the delayed date. Rules filed in the Office shall not be retroactively effective.
- B. If a final, emergency, or exempt rulemaking specifies an effective date that has already passed before an agency files the rules with the Office, the Office shall change the specified effective date to the date the rules were filed with the Office.
- C. Proposed summary rules shall take interim effect on the date the rules are published in the Register. The interim effective date shall become the permanent effective date when the final summary rules are filed with the Office.

R1-1-111. Agency Liaisons and Rule Specialists Repealed

- A. ~~Each agency shall designate a liaison who shall represent the agency in the submission of rulemaking documents to the Office and shall work with the Office should problems arise with that agency's rules. Each agency shall send the name, title, address, and telephone number of the liaison to the Office in January of each year and shall notify the Office immediately when changes occur. If an agency with multiple divisions wishes to appoint a liaison for each division promulgating rules, the agency shall notify the Office to that effect.~~
- B. ~~If an agency selects a specialist to represent the agency on a particular rule or set of rules, the agency shall indicate the specialist's name, address, and telephone number on the document filed as the person to whom comments or questions may be addressed.~~

R1-1-112. Public Inspection of Documents; Copies

- A. Documents filed with the Office ~~pursuant to under~~ the Act ~~shall be are~~ available for public inspection in the Office during regular office hours. ~~Office Regular office~~ hours are ~~8 a.m. to 5 p.m. 8:00 a.m. to 5:00 p.m.~~, Monday through Friday, except state holidays.
- B. A person may request, during regular office hours, a copy of a rulemaking document on file in the Office. The Office shall charge the per-page statutory copy fee specified in A.R.S. § 41-126(A)(1) for all copy requests.
- C. ~~Copies of documents filed in the Office are available at the statutory per-page copy fee specified in A.R.S. § 41-126(A)(1). A governmental agency requesting a copy of materials that it has filed with the Office shall also pay the statutory per-page copy fee.~~
- C. The Office shall make available for review incorporated by reference material under R1-1-414.

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- D. A person requesting a certified copy of a document filed in the Office shall pay the statutory certification fee plus the per-page statutory copy fee as specified by A.R.S. § 41-126(A).
- E. The Office shall collect fees as listed in R1-1-113 for individual issues of the *Register* or rules as published in the *Code* in both print and electronic media.
- ~~E.~~ The Office requires advance payment of fees for any materials bought from the Office.

R1-1-113. Fees

- A. The fees for the ~~Register~~ *Register*, covering publication and distribution costs, are as follows:
1. For a one-year subscription to the ~~Register~~ *Register* in print format:
 - a. For noncommercial use: \$276.
 - b. For commercial use: \$5,500.
 2. For a single issue of the ~~Register~~ *Register*, which includes the Semi-annual Index:
 - a. In print format for noncommercial use: \$7;
 - b. In print format for commercial use: \$150;
 - c. On electronic medium for noncommercial use: the cost of computer time at \$35 per hour or portion of an hour;
 - d. On electronic media for commercial use: \$150 plus the cost of computer time at \$35 per hour or portion of an hour.
 3. For the Semi-Annual Index listing all items except rules: \$5.
 4. For the Semi-Annual Index containing only rulemaking activity: \$5.
- B. The fees for the printed ~~Code~~ *Code*, covering publication and distribution costs, are as follows:
1. For noncommercial use:
 - ~~1-a.~~ For a full set of the ~~Code~~ *Code*, including binders: \$450.
 - ~~2-b.~~ For an annual subscription for quarterly updates to the complete set of the ~~Code~~ *Code*: \$125 \$150.
 - ~~3-c.~~ For individual Chapters and Titles:
 - a-i. For an entire Title: the sum of the charges for all Chapters within the Title as specified in subsection (B)(1)(c)(ii).
 - b-ii. For each a Chapter: \$1 for one to four pages and \$1 for each additional 10 pages or portion thereof of the 10 pages.
 2. For commercial use:
 - a. For a full set of the *Code*, including binders: \$15,000.
 - b. For individual Chapters and Titles:
 - i. For a Chapter: \$85.
 - ii. For an entire Title: the sum of the charges for all Chapters within the Title, as specified in subsection (B)(2)(b)(i).
 - c. For an individual *Code* supplement: the sum of the charges of all Chapters within the supplement, as specified in subsection (B)(2)(b)(i).
- C. The fees for rules on ~~electronic media available to the Office computer disk, with each disk containing either one Title table of contents or one Chapter, or portion of a Chapter if the Chapter takes two or more disks,~~ are as follows:
1. For a person, company, organization, business, or governmental agency buying the rules a Chapter on disk ~~electronic medium~~ for noncommercial use: the cost of computer time at \$35 per hour or portion of an hour.
 2. For a person, company, organization, business, or governmental agency buying the rules a Chapter on disk ~~electronic medium~~ for a commercial purpose as stated in A.R.S. § 39-121.03: \$84 per disk or \$17,950 for the entire Code on disk \$85 and computer time at \$35 per hour or portion of an hour.
 3. For a person, company, organization, business, or governmental agency downloading a Chapter from the Internet for a commercial purpose as stated in A.R.S. § 39-121.03: \$85.
- D. The fee for each a binder for the ~~Code~~ *Code*: \$5.
- E. The fee for a copy of the ~~Style Manual~~ *Arizona Rulemaking Manual*: \$5, developed by the Office as a guideline for agencies: \$5 for members of the public; free-of-charge for state agency personnel involved in rulemaking.
- ~~F.~~ For the Office rulemaking newsletter (*Ruling Arizona The Rule(write)r's Edge*): no charge.
- E. The fee for a *Code* and *Register* price list: no charge.
- G. ~~The Office requires advance payment for any materials purchased~~ Materials bought from the Office shall be paid for in advance. Payment shall be made by cash, check, or money order only, unless the order is from a governmental agency, in which case a government purchase order or fund transfer form may be used. Do not send cash through the mail. A government agency may use a purchase order or fund transfer form.

R1-1-114. Official Distribution of the ~~Register~~ *Register* and the ~~Code~~ *Code* at No Charge

- A. Copies of the ~~Register~~ *Register* and the ~~Code~~ *Code* shall be distributed to the following, upon request, without charge:
1. Governor: one copy;
 2. Legislature:

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- a. The Senate: six copies;
 - b. The House of Representatives, six copies;
 - c. The Department of Library, Archives, and Public Records, three copies;
 3. Attorney General: 15 copies;
 4. Supreme Court: one copy;
 5. Counties. Each county law library (or one major public or university library per county if the county does not have a law library), one copy. The County Board of Supervisors shall specify to the Office the library to which the subscription shall be sent when there is no county law library;
 6. Governor's Regulatory Review Council:
 - a. The members of the Council: one copy of the ~~Register~~ *Register* each;
 - b. The Council office: two copies of the ~~Register~~ *Register* and two copies of the ~~Code~~ *Code*.
- B.** ~~One~~ The Office may distribute one copy of individual Chapters as printed in a Code supplement ~~shall be distributed free of charge to the agency adopting the filing the final, summary, emergency, or exempt rule.~~ The Office shall send the Chapters to the agency's chief executive officer unless the Office receives other instructions from the agency. An agency may ~~purchase~~ buy additional ~~copy~~ copies of its Chapter or Chapters.

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

R1-1-201. Publication Schedule and Deadlines

- A.** The Secretary of State shall publish the ~~Register~~ *Register* pursuant to under A.R.S. § 41-1013; ~~the~~ The Office shall mail the ~~Register~~ *Register* and make available copies for sale on the date of publication. The Office shall include the schedule of publication dates and deadlines in each issue of the ~~Register~~ *Register* and shall make copies of the schedule available in the Office. The Office shall publish each document filed and approved for publication in the ~~Register~~ *Register* according to the published schedule.
- B.** ~~Once an agency has filed a proposed rulemaking package with the Office for publication or filing, the agency may only withdraw the rulemaking package as specified in R1-1-507.~~
- C.** ~~B.~~ Deadlines The Office shall not waive a deadline for submission of documents ~~shall not be waived for any agency.~~

R1-1-202. Contents

Each issue of the ~~Register~~ *Register* shall contain only the categories specified by A.R.S. §§ 41-1013 and 49-112 and any other items required by state statute to be published in the ~~Register~~ *Register*, provided material is submitted for publication in each category. ~~Only documents pertaining to rulemaking or documents that are specifically authorized by statute to be published in the Register shall be accepted for Register publication.~~

R1-1-203. Publication Requirements Repealed

All rulemaking packages submitted for publication shall meet the following requirements:

1. ~~Each package shall be typewritten or produced on word-processing or computer equipment, on 8 1/2 x 11-inch white paper (20-24 lb. weight) and shall be double-spaced. Only one side of the paper shall be used. The original shall not be stapled nor shall it or any of the copies be hole-punched. Pleading paper (with numbers and vertical lines along the right- or left-hand margins) shall not be accepted.~~
2. ~~There shall be a one-inch margin on all edges of the paper.~~
3. ~~Each document containing rules or relating to the rulemaking process submitted for publication shall specify on the notice form the Code citation, Code divisions, and the specific Sections involved. Subsections shall not be specified on the notice form. Articles shall be specified if their labels or headings are being changed or if the Articles are being added to the Chapter or repealed in their entirety.~~
4. ~~Underlining shall be used for language being added to rules, except as noted in Section R1-1-502(B)(5)(b). This includes new language in an existing Section, the addition of an entire Section, the addition of new language in existing supplementary material, or the addition of new supplementary material. Underlining shall not be used in the text of rules for any other purpose.~~
5. ~~A table of contents listing all Sections and other divisions of the Chapter shall be included in the rulemaking package except that Sections, Articles, or Parts, if applicable, not having rulemaking action taken in a particular rulemaking package shall not be included.~~
6. ~~Pages in the package shall be consecutively numbered, from the first page of the notice through the last page of the text of the rules or supplementary material appearing at the end of the rulemaking package.~~
7. ~~Rulemaking packages shall be compiled by the agency before submission to the Office. The original and all copies shall be in the following order:~~
 - a. ~~The notice form, including the preamble which is part of the notice;~~
 - b. ~~The table of contents;~~
 - c. ~~The text of the rule including supplementary material in its proper location within the rules.~~
 - d. ~~Incorporated by reference material and other information required to be filed with the rules.~~

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R1-1-204. Indices to the Register ~~Register~~

- A.** ~~Twice each year, the~~ The Office shall publish a rulemaking index and a miscellaneous index to the ~~Register~~ Register under A.R.S. § 41-1013(A).
1. The rulemaking index shall contain the rulemaking activity ~~occurring from January through June or from July through December;~~
 2. The miscellaneous index shall contain ~~everything except rulemaking appearing in the Register~~ all other material published in the Register during the same two six-month periods.
- B.** These indexes shall contain information as published in the Register from January 1 to June 30 and from July 1 to December 31.

R1-1-205. Notice of Rulemaking Docket ~~Openings~~ Opening

- A.** Upon establishment of a rulemaking docket, an agency shall submit a notice of rulemaking docket opening to the Office.
- B.** ~~This~~ The Notice of Rulemaking Docket Opening shall contain the heading NOTICE OF RULEMAKING DOCKET OPENING in all capital letters approximately one inch from the top of the page; followed by the name of the agency appearing ~~one double space (two lines)~~ below the notice heading; and each shall be centered on the line. The remainder of the notice shall contain the following information in the same numbered order:
1. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; the Part and its heading, if applicable; and the appropriate Section numbers;
 - a. If an agency does not know specific Sections before drafting a rule, the agency may specify "Sections to be determined."
 - b. If an agency knows specific Sections but may want to add Sections to the rulemaking as the rulemaking is drafted, the agency shall specify the particular Sections and add the language "Sections may be added, deleted, or modified as necessary".
 2. The subject matter of the proposed rule and the agency docket number, if applicable;
 3. A citation to all published notices relating to the proceeding, including the type of published notice, the Register Reg- ister volume number; the abbreviation "A.A.R."; the page number on which the notice began; and the issue date including month, day, and year;
 4. The name and address of agency personnel with whom persons may communicate regarding the rule (this may include a telephone number, fax number, and e-mail address);
 5. The time during which the agency will accept written comments and the time and place where oral comments may be made;
 6. A timetable for agency decisions or other action on the proceeding, if known.

R1-1-207. Supplemental Notices on Proposed Rules Repealed

~~When an agency decides that a proposed rule requires substantial change due to public comment or internal review, the agency shall submit to the Office a supplemental notice of proposed rules for Register publication as specified in R1-1-507.~~

R1-1-208. Notice of Proposed Delegation ~~Agreements~~ Agreement; Notice of Final Delegation Agreement

- A.** An agency seeking to delegate functions, powers, or duties shall submit to the Office a Notice of Proposed Delegation Agreement ~~which that~~ shall contain the heading NOTICE OF PROPOSED DELEGATION AGREEMENT in all capital letters, centered on a line approximately one inch from the top of the page, followed by the items listed below in the same numbered order:
1. Name of the agency proposing the delegation agreement;
 2. Name of the political subdivision to which functions, powers, or duties of the agency are proposed to be delegated;
 3. Name, and address, and telephone number of agency personnel to whom persons may direct questions or comments;
 4. A summary of the delegation agreement and the subjects and issues involved;
 5. A statement that copies of the proposed delegation agreement may be obtained from the agency and any pertinent information on how persons may obtain the copies;
 6. Schedule of public hearings on the proposed delegation agreement.
- B.** An agency proposing a delegation agreement shall follow the procedures specified in A.R.S. § 41-1081.
- C.** After an agency has considered any comments received and has determined to enter into the delegation agreement, the agency shall issue a final decision. The delegation agreement is effective 30 days after written notice of the agency's final decision is given unless an appeal is filed and pending before the Council.
- D.** If no appeal is pending, at the end of the 30-day period following the agency's issuance of its final decision, the agency may submit to the Office for publication a Notice of Final Delegation Agreement that shall contain the heading NOTICE OF FINAL DELEGATION AGREEMENT in all capital letters, centered on a line approximately one inch from the top of the page, followed by the items listed below in the same numbered order:
1. Name of the agency entering into the final delegation agreement;
 2. Name of the political subdivision to which functions, powers, or duties of the agency are being delegated;
 3. A citation to the Notice of Proposed Delegation Agreement;

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4. Name and address of agency personnel to whom persons may direct questions or comments;
5. A summary of the delegation agreement and the subjects and issues involved;
6. A statement that copies of the final delegation agreement may be obtained from the agency and any pertinent information on how persons may obtain the copies;
7. Date of issuance of agency's final decision to enter into the delegation agreement; and
8. The date the delegation agreement becomes effective.

R1-1-209. ~~Notices of Public Hearings~~ Notice of Oral Proceeding, Public Workshops ~~Workshop,~~ or Other Meetings Meeting

- A. If an agency schedules ~~a public hearing~~ an oral proceeding, public workshop, or other meeting on a proposed rulemaking or ~~a public hearing~~ an oral proceeding on a proposed delegation agreement after the Notice of Proposed Rulemaking or Notice of Proposed Delegation Agreement has been submitted to the Office for publication in the ~~Register~~ Register, the agency shall send to the Office one original and ~~three~~ two copies of a notice of ~~public hearing~~ oral proceeding, public workshop, or other meeting on proposed rules or a notice of ~~public hearing~~ oral proceeding, public workshop, or other meeting on proposed delegation agreement, whichever is appropriate.
- B. A notice of ~~public hearing~~ oral proceeding on proposed rules, a public workshop, or other meeting on proposed rules, a public meeting on rules after an agency has submitted the notice of docket opening ~~has been published for publication~~ but before the Office publishes the rules ~~are published~~ as proposed rules in the ~~Register~~ Register, a notice of ~~public hearing~~ oral proceeding on a proposed delegation agreement, or a notice of ~~public hearing~~ oral proceeding on a proposed rule, ordinance, or other regulation pursuant to under A.R.S. § 49-112 shall be as specified below:
1. For ~~a hearing~~ an oral proceeding on a proposed rulemaking, the heading **NOTICE OF PUBLIC HEARING ORAL PROCEEDING ON PROPOSED RULEMAKING** in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below;
 - a. The name of the agency;
 - b. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; and the Part and its heading, if applicable;
 - c. The Sections being proposed in numerical order in one column with the specific action being taken on each Section in the second column;
 - d. The ~~Register~~ Register citation to the original notice and any supplemental Register citations to all notices published in the ~~Register~~ Register concerning this proposed rulemaking;
 - e. The date, time, and location of the ~~public hearings~~ oral proceeding;
 - f. The name, and address, ~~and telephone number~~ of agency personnel to whom questions and comments on the rules may be addressed.
 2. For a public workshop on a proposed rulemaking, the heading **NOTICE OF PUBLIC WORKSHOP ON PROPOSED RULEMAKING** in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below;
 - a. The name of the agency;
 - b. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; and the Part and its heading, if applicable;
 - c. The Sections being proposed in numerical order in one column with the specific action being taken on each Section in the second column;
 - d. The ~~Register~~ Register citation and the date of the original notice and any supplemental notices published in the ~~Register~~ Register;
 - e. The date, time, and location of the public workshop or workshops;
 - f. The name, and address, ~~and telephone number~~ of agency personnel to whom questions and comments on the rules may be addressed.
 3. For a public meeting on an open rulemaking docket, the heading **NOTICE OF PUBLIC MEETING ON OPEN RULEMAKING DOCKET** in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below;
 - a. The name of the agency;
 - b. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; and the Part and its heading, if applicable; ~~if each of these items are known~~;
 - c. The Sections being proposed in numerical order in one column with the specific action being taken on each Section in the second column, if known;
 - d. The ~~Register~~ Register citation and the date of the notice of docket opening and all supplemental notices published in the ~~Register~~ Register;
 - e. The date, time, and location of the public meeting;
 - f. The name, and address, ~~and telephone number~~ of agency personnel to whom questions and comments on the rules may be addressed.

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4. For a ~~public hearing~~ an oral proceeding on a proposed delegation agreement, the heading **NOTICE OF PUBLIC HEARING ORAL PROCEEDING ON PROPOSED DELEGATION AGREEMENT** in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below;
 - a. The name of the agency proposing the delegation agreement;
 - b. The name of the political subdivision to which the agency is proposing to delegate functions, powers, or duties;
 - c. A summary of the proposed delegation agreement;
 - d. The ~~Register~~ Register citation and date of the notice of proposed delegation agreement and all supplemental notices published in the ~~Register~~ Register;
 - e. The date, time, and location of the ~~public hearing~~ oral proceeding;
 - f. The name, ~~and~~ address, ~~and~~ telephone number of agency personnel to whom questions and comments on the rules may be addressed.

R1-1-210. ~~Notices~~ Notice of Agency Guidance Documents and Document: Notice of Substantive Policy Statements Statement

A. An agency shall submit to the Office a ~~notice of guidance documents/substantive policy statements, pursuant to Notice of Agency Guidance Document under A.R.S. § 41-1013(B)(14) for publication in the Register~~ Register. This notice shall contain the heading **NOTICE OF AGENCY GUIDANCE DOCUMENTS DOCUMENT**, ~~or the heading NOTICE OF AGENCY SUBSTANTIVE POLICY STATEMENTS~~, in all capital letters, centered on a line approximately one inch from the top of the page; followed by the name of the agency ~~one double space~~ below the notice heading and also centered on the line; followed by the items listed below in the same numbered order;

1. Title of the guidance document ~~or subject of the substantive policy statement~~ and the guidance document number ~~or substantive policy statement number~~ by which the document ~~or policy statement~~ is referenced;
2. Date of the publication of the guidance document ~~or date the substantive policy statement was issued~~ and the effective date of the document ~~or policy statement~~ if different from the publication ~~or issuance~~ date;
3. Summary of the contents of the guidance document ~~or the substantive policy statement~~;
4. A statement as to whether the guidance document ~~or substantive policy statement~~ is a new document ~~or statement~~ or a revision;
5. The name, ~~and~~ address, ~~and~~ telephone number of the person to whom questions and comments about the guidance document ~~or substantive policy statement~~ may be directed;
6. Information about where a person may obtain a copy of the guidance document ~~or the substantive policy statement~~ and the costs for obtaining the document ~~or policy statement~~.

B. An agency shall submit to the Office a Notice of Substantive Policy Statement, under A.R.S. § 41-1013(B)(14), for publication in the Register. This notice shall contain the heading NOTICE OF SUBSTANTIVE POLICY STATEMENT, in all capital letters, centered on a line approximately one inch from the top of the page; followed by the name of the agency below the notice heading and also centered on the line; followed by the items listed below in the same numbered order;

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced;
2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date;
3. Summary of the contents of the substantive policy statement;
4. A statement as to whether the substantive policy statement is a new statement or a revision;
5. The name and address of the person to whom questions and comments about the substantive policy statement may be directed;
6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement.

C. A notice shall contain only one agency guidance document or substantive policy statement.

R1-1-211. Summary of Council Action

The Council shall submit to the Office for ~~Register~~ Register publication a summary of Council action on each ~~adopted final rule~~ or proposed summary rule. Rules of one Chapter, one Subchapter (if applicable), or one Article if the Article has Parts, grouped together into one rulemaking package, may be summarized together ~~so long as~~ if the specific Sections affected are listed.

R1-1-212. Agency Ombudsman

An agency designating an ombudsman ~~pursuant to~~ under A.R.S. § 41-1006 shall submit the name of ~~their~~ its ombudsman annually no later than February ~~1st~~ 1 of each year to the Office for publication in the ~~Register~~ Register. The notice shall contain the heading **NOTICE OF AGENCY OMBUDSMAN** in all capital letters, centered on a line approximately one inch from the top of the page followed by the following items in the same numbered order:

1. The agency's name;
2. The ombudsman's name;

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3. The ombudsman's title;
4. The ombudsman's office address including zip code;
5. The ombudsman's office telephone number and ~~facsimile~~ fax number, if available.

ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE

R1-1-301. Development of the ~~Code~~ Code

- A. The Office may establish new Titles in the ~~Code~~ Code and rearrange existing Titles and Chapters to assure orderly development of the ~~Code~~ Code. The Office shall notify each agency whose rules are affected by any rearrangement.
- B. The first volume of the ~~Code~~ Code shall contain a Table of Contents for the multi-volume ~~Code~~ Code, a Table of Titles and Chapter Headings, the Administrative Procedure Act, and other material to ~~assist agencies in developing their rules and to assist help~~ the public in ~~locating~~ finding specific rules. A Title Table of Contents listing the Chapters, Subchapters, Articles, and Parts appearing in that Title shall appear at the beginning of each Title.

R1-1-302. Publication of the ~~Code~~ Code and its Supplements

- A. The Office shall publish the ~~Code~~ Code in loose-leaf form as specified in the Act.
- B. The ~~Code~~ Code shall be updated by quarterly supplements containing all final, summary, emergency, and exempt rules filed in the Office during each calendar quarter.
- C. Supplements shall be dated with the last day of the calendar quarter. Supplements shall be numbered according to the calendar year of publication and the number of the quarter. A supplement calendar shall be published in the Register.
- D. Supplements shall be printed in complete Chapters.
- E. Each time the Office publishes a supplement to the ~~Code~~ Code, the Office shall issue a new price list showing all Chapters in the ~~Code~~ Code in numerical order and indicating the last supplement in which each Chapter was printed along with the price for each Chapter.
- F. Persons may purchase buy individual Chapters or Titles of the ~~Code~~ Code, or they may ~~subscribe to the full~~ buy an entire set. ~~If they subscribe to the full set, they shall first purchase the entire set and then pay the annual subscription fee.~~ Persons who buy an entire set are eligible to buy an annual subscription, which contains four quarterly supplements.

ARTICLE 4. RULE DRAFTING

R1-1-401. Drafting Rules

~~Each~~ An agency preparing a rulemaking package for filing ~~or publication with the Office~~ shall draft it in accordance with this Chapter.

R1-1-402. Assignment of ~~Titles, Chapters, Articles, and Sections~~ Code Divisions; Headings

- A. The subject matter of the ~~Code~~ Code shall be arranged and classified according to a system of Titles. The Titles shall be divided into Chapters. ~~A~~ The heading of a Chapter containing rules of one major program or subject shall ~~also~~ specify both the name of the agency and the program or subject. ~~The~~ Chapters shall be divided into Articles. Articles that cover several subjects or regulate different groups of people shall be divided into several ~~Articles~~ Parts. Parts and Articles ~~without Parts~~ shall be divided into Sections. Some Chapters may also contain ~~a two or more Subchapter Subchapters or a Part or both.~~ An agency shall request and receive approval from the Office for Subchapter and Part divisions before using these divisions.
- B. All Titles, Chapters, Subchapters (if applicable), Articles, Parts (if applicable), and Sections shall have a heading ~~which~~ that describes the subject of that division of the ~~Code~~ Code. Headings shall not contain the words "Rule" or "Regulation."

R1-1-403. Numbering System

- A. ~~Each~~ A Section shall be preceded by the letter "R".
- B. A hyphenated numbering system shall be used in the ~~Code~~ Code.
 1. A Section number shall include the "R", the Title number, the Chapter number, the Subchapter label (if applicable), and the Section number indicating the Article number and the Part label (if applicable).
 2. The one or two numbers to the far left shall indicate the number of the Title in which the Section appears.
 3. The one or two numbers between the two hyphens shall indicate the Chapter number. If the Chapter has been assigned a Subchapter, the Subchapter letter label shall appear immediately after the Chapter number before the hyphen.
 4. The numbers to the far right shall indicate the Section number. A Section number shall have at least three digits. The last two digits shall indicate the Section and the number or numbers to the left of these two digits shall indicate the Article number. If an Article has been assigned a Part, the Part's letter label shall appear immediately after the second hyphen before the Section number.
- C. The first Section in each Article shall be numbered 101. Sections shall run consecutively through the Chapter except where ~~space is left~~ Section numbers are reserved for future expansion. Any Section number not used when the rules are originally ~~adopted~~ made is automatically reserved ~~for future use~~. An agency shall specify "Reserved" for a Section when a Section falls before a Section with text in the same Article or Part; Sections that are reserved shall be shown ~~also~~ when

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the rules are published in the ~~Code~~ Code. Sections that have been renumbered or repealed so that no text remains shall be headed with the appropriate term; “Reserved” shall not be used for these Section headings.

D. A Section number is not complete unless it contains all portions specified in subsection (B). Only complete Section numbers shall be used in an agency’s rules, on the notice of rulemaking activity, or in any material submitted to the Office for either publication or filing.

D.E. Titles, Chapters, Articles, and Sections shall be designated by Arabic numbers; Subchapters and Parts shall be designated by capital letters.

R1-1-404. Renumbering Sections within a Chapter

- A.** ~~When~~ If an agency renumbers one or more Sections at the time the agency amends other existing rules:
1. The table of contents for the rulemaking package shall show the old number with strike-outs and the new number with underlining.
 - a. If an agency is ~~adopting~~ making a new Section at that number, the agency shall show the old heading with strike-outs and the new heading with underlining; or
 - b. If an agency renumbers another existing Section to that Section number, the agency shall show the ~~new~~ Section heading and text of the Section at the location of ~~the old~~ its new number with and strike-outs through the old Section number and underlining under the new number; or
 - c. If an agency is not ~~adopting~~ making new text or moving text to the location of a renumbered Section, the agency shall show the old Section heading with strike-outs and the term “Renumbered” added with underlining.
 2. The table of contents shall show Sections and Articles in the order ~~that~~ the rules are being ~~adopted~~ made.
 3. The rules shall appear in numerical order as renumbered.
- B.** If an agency is renumbering ~~some one or more~~ rules within a Chapter but is making no other changes ~~to the rules~~, the agency ~~may either~~ shall do one of the following:
1. ~~Send a letter, signed by the agency head or designee, to the Office with instructions for the renumbering in which case the Office will make the changes and will publish both a notice in the Register and the renumbered rules in the next quarterly supplement to the Code; or~~
 1. Prepare a Notice of Recodification as specified under R1-1-1001.
 2. ~~Go through~~ Make the numbering change using the regular rulemaking process ~~to make the numbering change.~~
- C.** Only entire Sections may be renumbered or recodified in this manner. If an agency splits an existing Section into two or more Sections, or moves a portion of one Section to another Section, or combines two or more Sections into one Section, the agency shall follow the regular rulemaking process ~~to do the renumbering~~ make the changes.

R1-1-406. Re-using Chapter, Subchapter, Article, Part, or Section Numbers

~~After an agency has filed a rule with the Office and the~~ If an agency repeals or renumbers the a Chapter, Subchapter, Article, or Part in its entirety, the agency shall not use that Chapter, Subchapter, Article, or Part number or letter for one year ~~if the subject matter totally changes~~. If an agency repeals or renumbers a Section, the agency may re-use the Section number immediately.

R1-1-407. Authority Notes

If an agency ~~wishes~~ requests the specific or general authority for a Chapter, Subchapter, Article, or Part to ~~appear~~ be published in its rules ~~as published in the Code Code~~, the agency shall include an authority note under which the rules in that Chapter, Subchapter, Article, or Part were ~~adopted~~ made. This note shall appear immediately below the Chapter heading, the Subchapter heading, the Article heading, or the Part heading, as applicable, in the Chapter’s table of contents and shall specify the statutes ~~which that~~ the rules are implementing (the specific authority) and the statutes ~~which that~~ authorize the agency to do rulemaking (the general authority). An agency’s failure to include a statute or portion of a statute in the authority note shall not negate the agency’s authority to promulgate the rule.

R1-1-408. Text of the Rules; Subsections

- A.** ~~Each agency shall double-space the text of each Section submitted for publication or filing.~~ The divisions of the Chapter (Title, Chapter, Subchapter (if applicable), first Article, and first Part (if applicable)) and their labels and headings shall appear above the Section number and heading of the first Section in the rulemaking package. ~~Each~~ An agency shall ~~also double-space~~ center on each line these divisions and their labels and headings ~~and center them on each line~~.
- B.** If a Section has only one paragraph, an agency shall leave that paragraph unlabeled.
- C.** When a Section has an opening paragraph followed by labeled subsections, the Office shall treat the opening paragraph ~~to be~~ as an implied subsection (A). An agency shall label and indent appropriately the subsections following the opening paragraph as second-level subsections.
- D.** If a Section has two or more paragraphs at any level, an agency shall label the paragraphs as separate subsections. An agency shall label subsections as indicated below.
1. First-level subsections are designated by a capital letter, ~~i.e., (A., B., or C., and so on).~~
 2. Second-level subsections are designated by an Arabic numeral, ~~i.e., (1., 2., or 3., and so on).~~
 3. Third-level subsections are designated by a lower case letter, ~~i.e., (a., b., or c., and so on).~~

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4. Fourth-level subsections are designated by a lower case Roman numeral, ~~i.e., (i, ii, or iii, and so on).~~

E. If an agency uses the entire alphabet for subsections at the first or third level, additional subsections shall use double letters (aa., bb., cc., and so on).

F. Within the text of a subsection, an agency referring to the same subsection shall use the term “this subsection.” An agency referring to a different subsection shall use the term “subsection” and the labels of all appropriate levels, each within its own set of parentheses. If an agency refers to a different Section, the agency shall specify the correct Section number along with all subsection labels but shall not use the term “Section”.

G. An agency shall not subdivide its rules into more than four levels of subsections unless the agency has obtained permission ~~to do so~~ from the Office.

H. ~~An agency need not~~ may choose not to label definitions in alphabetical order or other lists of items in some specific order although the agency shall indent the definitions or items in the list as if they were labeled at the appropriate level of subsection, unless the agency wishes to refer to the items more specifically. If an agency chooses not to label definitions in alphabetical order or other lists in a specific order, additional levels of subsection under those definitions or lists also shall not be labeled.

I. When dividing a Section into subsections, an agency shall not:

1. Leave an unlabeled paragraph at any level after a labeled subsection at the same level;
2. Use ~~an A₁ without a B₁; a 1₁ without a 2₁; an a₁ without a b₁; or a i₁ without a ii.~~

J. When referring to one or more subsections within the text of a subsection, an agency shall enclose the label for each subsection in its own set of parentheses. When referring to second-, third-, and fourth-level subsections, an agency shall specify the labels of each preceding level of subsection. For example, an agency referring to a third-level subsection would state “subsection (A)(2)(c)”; an agency referring to a fourth-level subsection would state “subsection (B)(1)(d)(iii)”.

K. ~~Numbered~~ An agency shall not include numbered or lettered phrases within the text of a subsection ~~are not allowed.~~ These shall be labeled properly and indented at the appropriate level of subsection.

L. ~~An agency wishing to use~~ shall contact the Office when using special symbols, fonts, or formats in the text of a rule. ~~within their rules shall contact the Office for permission to do so. The Office shall grant permission if the Office’s computer software can produce the same symbols, fonts, or formats. The symbols may not appear in the text on computer disks prepared for sale by the Office.~~

M. All acronyms; and abbreviations; ~~initialisms, and shortened forms~~ not defined in the A.R.S. ~~which or in this Chapter~~ that an agency uses in the text of its rules shall be defined in a definitions Section at the beginning of the Chapter.

R1-1-409. Citations to the ~~Code~~ Code, ~~Register~~ Register, Statutes, and ~~Incorporated by reference Materials~~ Federal Laws and Rules

A. Citations to the ~~Register~~ Register shall include the volume and page number ~~and shall contain, the short form~~ abbreviation “A.A.R.” ~~for the “Arizona Administrative Register”, and the issue date. For example, 7 A.A.R. 1325, March 23, 2001.~~

B. Citations to the ~~Code~~ Code shall include the Title, Chapter, Subchapter, Article, Part, and Section, as applicable, and the short form “A.A.C.” ~~for “Arizona Administrative Code”.~~ For example, 17 A.A.C. 4 and A.A.C. R17-4-301.

C. Citations to state laws:

1. A citation to a law contained in a published edition of the Arizona Revised Statutes shall include the abbreviation “A.R.S.” and either the specific Section number or the Title number, Chapter number, and Article number in that order. For example, A.R.S. Title 41, Chapter 6.
2. A citation to a law ~~which that~~ has not yet been published in the Arizona Revised Statutes shall include the following:
 - a. If the reference is to a new Section of the statutes and the codified Section number is known, the citation shall include the Section number followed by the phrase “as added by Laws” and the year the law was passed along with the Chapter number as assigned by the Office and the specific Section of the new law. For example, A.R.S. § 41-1008 as added by Laws 1998, Ch. 57, § 22.
 - b. If the reference is to an amendment of an existing Section of the Arizona Revised Statutes, the citation shall include the Section number followed by the phrase “as amended by Laws” and the year the law was passed along with the Chapter number as assigned by the Office and the specific Section of the new law ~~which that~~ amended this Section of an existing law. For example, A.R.S. § 41-1021 as amended by Laws 1998, Ch. 57, § 27.
 - c. Citations to new laws that do not indicate a statutory citation shall include the word “Laws” and the year the law was enacted by the legislature and the Section number within that law. For example, Laws 1998, Ch. 196, § 4.
3. When an agency uses a statutory citation and also refers to that law by a commonly used heading, the agency shall enclose the commonly used heading within parentheses.

D. Citations to federal laws and rules:

1. Citations to the United States Code (U.S.C.) and the United States Code Annotated (U.S.C.A.) shall include the Title number first, followed by the appropriate abbreviation, followed by the Part number or the Section number. Neither the word “Part” or “Section” nor the Section symbol shall appear in the citation. For example, 10 U.S.C. 1. Citations to laws not yet codified into the U.S.C. or the U.S.C.A. shall be referenced by the words “Public Law” or the abbreviation “P.L.” and the number of the law. For example, P.L. 100-20191.

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2. Citations to the Code of Federal Regulations (CFR) shall list the Title number first, followed by the appropriate abbreviation, followed by the Part number or the Section number. Neither the word “Part” or “Section” nor the Section symbol shall appear in the citation. Citations to the Federal Register (FR ~~or Fed. Reg.~~) shall include the volume number first, followed by the abbreviation, followed by the page number. FR citations shall also include the date of the publication. ~~Examples of federal statutory citations appear in the Style Manual.~~ For example, 49 CFR 201; 42 FR 10109, July 1, 1997.

~~E. Citations to items incorporated by reference shall state the publication information (publisher name and address), date of publication, and a location where the item is available if different from the publisher.~~

R1-1-410. Standard Abbreviations

When drafting rules, an agency shall either write out in full or use the standard abbreviations below for any of the listed terms. If an agency uses one of these abbreviations but attaches a different meaning to it, the agency shall place this abbreviation in its definitions Section.

1. All two-letter abbreviations for the 50 states and the territories of the United States as designated by the United States Postal Service;
2. All chemical abbreviations for the elements;
3. The following terms:

Abbreviation	Definition
<u>A.A.C.</u>	<u>Arizona Administrative Code</u>
<u>A.A.R.</u>	<u>Arizona Administrative Register</u>
A.C.	Alternating Current
a.m.	ante meridiem, morning
<u>A.R.S.</u>	<u>Arizona Revised Statutes</u>
Ave.	Avenue
Blvd.	Boulevard
Btu.	British thermal unit
°C	Centigrade, Celsius
M.D.T.	Mountain Daylight Time
M.S.T.	Mountain Standard Time
CFR	Code of Federal Regulations
Ch.	Chapter (statutory citation only)
cm.	centimeter
cu.	cubic
Dr.	Drive
Pl.	Place
E.	East
et seq.	and those that follow
°F	Fahrenheit
FR	Federal Register
ft.	foot, feet
ID	Identification
A.A.C.	Arizona Administrative Code
A.A.R.	Arizona Administrative Register
A.R.S.	Arizona Revised Statutes
in.	inch
IRS	Internal Revenue Service
k.	kilogram
km.	kilometer
l.	liter
lb.	pound
Ln.	Lane
mg.	milligram
ml.	milliliter
mm.	millimeter
mph	miles per hour

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Mt.	Mount
N.	North
n/a	not applicable, not available
oz.	ounce
p.	page
p.m.	post meridiem, afternoon
qt.	quart
Rd.	Road
S.	South
sq.	square
St.	Saint, Street
U.S.	United States
U.S.C.	United States Code
U.S.C.A.	United States Code Annotated
W.	West
yd.	yard

R1-1-411. Automatic Repeal of Rules

- A. An agency may provide for the automatic repeal of a Section, in the Section being automatically repealed, by specifying in the text of that Section the date (including day, month, and year) by including the day, month, and year of the automatic repeal. This automatic repeal shall only be used to repeal an entire Sections Section. The information specifying the automatic repeal date shall appear in a first-level subsection by itself at the end of the Section.
- B. An agency shall notify the Office, orally or by letter, when the automatic repeal date has passed so that the Office can ensure that the rules are deleted remove the rules from the Code *Code*. Chapters from which automatically repealed rules have been deleted removed shall appear in the next quarterly supplement to the Code *Code*.

R1-1-412. Supplementary Material; Camera-ready Material

- A. An agency including tabular materials, illustrations, diagrams, figures, and other supplementary material in a set of rules which do not fit within the column margins of the published Code (3 3/8 inches by 9 1/4 inches) shall place them at the end of an Article and shall label them as Appendices, Exhibits, Illustrations, or Tables. An agency shall use supplementary materials material to make the rule understandable by persons affected by the rule. An agency shall consider all supplementary materials material included in a set of rules as part of the rules and shall refer to them the supplementary material within the text of one or more Sections. An agency shall list Appendices, Exhibits, Tables, and Illustrations in the table of contents for the Chapter.
- B. An agency shall number all Appendices, Exhibits, Illustrations, and Tables with either capital letters or Arabic numbers using a consistent numbering scheme. The specific term the agency uses (Appendix, Exhibit, Illustration, or Table) and its label shall appear in the text along with a heading in the same format that a Section number and heading appear at the beginning of a Section.
- C. All supplementary material appearing sideways on the page shall appear at the end of the Article. Tabular material appearing within the text of a Section shall not be labeled with numbers or letters and shall not appear in the table of contents. When referencing tabular material appearing within the text of a Section, an agency shall use the appropriate subsection label.
- D. An agency shall submit only camera-ready supplementary material to the Office for publication or filing. Camera-ready means that the material must be clear and legible when the text is reproduced at 9-point size or the illustration are is reproduced to fit within the one-inch margin requirements of an 8 1/2 inch by 11 inch sheet of paper. Material is camera-ready when it is clearly typed (or produced on word processing or computer equipment) in solid black ink on one side of an 8 1/2 x 11 inch sheet of white paper (uncoded stock) with one inch margins on all edges of the page. Dot matrix type, photocopies, or facsimile copies are not camera-ready. Uncoded stock means paper (20-24 lb. weight) with no visible watermark when held up to the light. Bond paper with watermarks shall not be used.
- E. An agency shall create tabular material in a rulemaking package using a spreadsheet program or the table function of a word processing program. This subsection does not apply to a Concise Explanatory Statement, an Economic, Small Business, and Consumer Impact Statement, and material incorporated by reference.

R1-1-413. Statutory Language; Italics

- A. Summary rules Rules may contain statutory language that repeats verbatim existing statutory authority granted to the agency that repeats verbatim existing statutory authority granted to the agency.
- B. Whenever If an agency finds it necessary to repeat repeats statutory language within the text of a rule, the statutory language shall appear in italics, and the statutory citation shall appear after the statutory language, distinguishing type. Italics

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are reserved for statutory language. Whenever an agency does not have the capability for producing italic type, it shall use another form of distinguishing type, specifying to the Office in a letter accompanying the rules package the distinguishing type used. Underlining shall not be used as distinguishing type.

C. Rules may contain the following language in italics:

1. Titles of books, periodicals, and reports;
2. Scientific names; and
3. Court cases (for example, *Marbury v. Madison*).

R1-1-414. Incorporation by Reference; Citation of Referenced Material

- A. Items that may be incorporated by reference within an agency's rules are specified in A.R.S. § 41-1028.
- B. ~~Each~~ An agency shall keep in the agency's principal office one copy of any item incorporated by reference.
- C. ~~Each~~ An agency shall file one copy of any item incorporated by reference in its rules when the agency files its final, emergency, or exempt rules with the Office.
- D. Any item incorporated by reference shall be cited as specified in ~~R1-1-410~~ R1-1-409. Following the citation of incorporated by reference material in the text of the rules shall be a statement specifying that the incorporated material contains no later editions or amendments.
- E. A citation to an item incorporated by reference shall state the publisher's name and address, date of publication, and a location where the item is available if different from the publisher.
- ~~E.F.~~ Any An item incorporated by reference and filed with an agency's final rules may be viewed in the Office. The Office shall not photocopy any copyrighted material ~~or federal code or regulation provisions~~ incorporated by reference.

R1-1-415. Repeal of a Section; New Text

If an agency deletes the language in an existing Section and inserts new language in the same Section at the same time, the rulemaking action of the change shall be one of the following:

1. A repeal and a new Section if both the text of the Section and the Section heading are completely changed; or
2. An amendment if the entire existing text is repealed, but the Section heading is not completely changed.

ARTICLE 5. PROPOSED RULEMAKING

R1-1-501. Assignment of Chapters

An agency preparing to promulgate rules for the first time shall contact the Office, orally or by letter, for assignment of a Title and Chapter number within the codification system. An agency that already has at least one Chapter on file shall contact, orally or by letter, the Office when ~~adding new Articles or when~~ the agency needs a new Chapter assignment.

R1-1-502. Notice of Proposed Rulemaking

- A. ~~Each~~ A proposed new Section, amendment or repeal of an existing Section, or renumbering of a Section when other changes are also being made, submitted for publication in the ~~Register~~ Register shall be part of a Notice of Proposed Rulemaking. ~~The Notice of Proposed Rulemaking may consist of multiple pages. Questions, answers, and other information required to appear in the Preamble of or the Notice of Proposed Rulemaking, and the Preamble which is part of this Notice, shall appear in the proper location on the Notice order. No question on the notice may be answered "See attached."~~ Supplemental pages shall not be used.
- B. The notice shall contain the heading NOTICE OF PROPOSED RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number, and heading centered on the line ~~one double-space~~ under the notice heading; followed by the Subchapter, its label and heading (if applicable) centered on the line ~~one double-space~~ under the Title; followed by the Chapter, its number and heading centered on the line ~~one double-space~~ under the Title; followed by the word PREAMBLE in all capital letters, on a line ~~one double-space~~ under the Chapter; followed by the following items in the same numbered order:
 1. Sections Affected and the Rulemaking Action in two columns;
 - a. In the first column, each Section upon which rulemaking activity is being proposed shall appear in numerical order under the heading "Sections Affected".
 - i. If an Article or Part is also involved in the rulemaking because its ~~the~~ label or heading is being repealed, added, amended, or renumbered, the Article and its label or the Part and its label shall appear in this list in its appropriate order immediately preceding the Sections contained in that Article or Part.
 - ii. Sections, Parts, and Articles shall not be grouped together in this column; each Section, Part, or Article shall appear individually.
 - iii. In cases where an existing Section is being repealed and new text is being ~~adopted~~ made at that number or where the text of an existing Section is being renumbered and new text, ~~(either totally new language or text renumbered from another Section),~~ is being placed at that number, the Section number could appear in the list three times with the appropriate individual actions appearing in the second column. ~~Sections without text because they were previously reserved, repealed, or renumbered cannot be amended. Previously repealed~~

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Sections cannot be repealed again unless new text has subsequently been adopted at that number. Previously repealed, reserved, or renumbered Sections where no text appears shall not be renumbered;

- iv. A Section not containing text before the rulemaking and not having text added by the rulemaking shall not appear in this column.
- b. In the second column, the rulemaking activity occurring on each Section shall be specified directly across from and on the same line as the Section number under the heading "Rulemaking Action." In cases where an existing Section is being repealed and new text ~~adopted~~ made at that number, the Section number ~~will~~ shall appear twice in the first column and each specific individual action ~~will~~ shall appear in the second column. ~~Text of one Section shall be repealed or renumbered first before any other action can happen on that Section.~~
 - i. A Section containing no text because it was previously reserved, repealed, or renumbered shall not be amended, renumbered, or recodified. Previously repealed Sections shall not be repealed again unless new text has subsequently been made at that Section number.
 - ii. If a Section has more than one action on it in a rulemaking, the listing order in the second column shall be as follows: repeal or renumber, renumber, and new Section or amend.
2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific);
3. A list of all previous notices appearing in the Register addressing the proposed rules;
- ~~3-4.~~ The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
- ~~4-5.~~ An explanation of the rule, including the agency's reasons for initiating the rule;
6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material;
- ~~5-7.~~ 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;
- ~~6-8.~~ The preliminary summary of the economic, small business, and consumer impact;
- ~~7-9.~~ The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
- ~~8-10.~~ The time, place, and nature of the proceedings for the ~~adoption~~ making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule, and the close of record date;
- ~~9-11.~~ Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
- ~~10-12.~~ Incorporations by reference and their location in the rules.
- ~~11-13.~~ The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble. An agency amending some but not all of the subsections in a Section may list those subsections not being amended by subsection label only and the words "No Change." Each level of subsection having no change shall be individually noted as such. Subsections shall not be grouped together.
 - a. The first item in the text shall be a table of contents for the Chapter showing the label and heading for each Article and each Section involved in the proposed rulemaking.
 - b. The full text of the Sections on which rulemaking is taking place shall begin on the next page after the table of contents. Articles and their headings, and Parts and their headings if applicable, shall appear in their proper place in the text even when the entire Article or Part is not involved in this rulemaking package. The text shall appear as follows:
 - i. If the rulemaking package consists of all new rules, the text of the rules shall be properly labeled, in numerical order by Section number, and shall indicate Articles and Parts and their labels and headings. ~~If the rulemaking consists entirely of new Sections with no proposed amendments to or repeals of existing rules, the text need not be underlined. New Section numbers, headings, and text shall be underlined. If the Section number currently exists in the Code, it shall not be underlined.~~
 - ii. If the rulemaking package consists of only repeals of existing complete Sections, the full text of the Sections being repealed shall appear in numerical order by Section number and shall indicate Articles and Parts including their labels and headings. ~~If the only action being taken on the Sections in the proposed rule package is to repeal existing complete Sections and no other changes to any other rule in the package are being proposed, the old rules need not have strike-outs through the text. Repealed Section headings and text shall be stricken. Section numbers shall not be stricken.~~
 - iii. If the rulemaking package consists of amended Sections or a combination of amended Sections, new Sections, and repealed Sections, the full text of all Sections on which rulemaking action is occurring shall appear with underlining indicating new language and strike-outs indicating repealed language. Within a Section, stricken text shall appear before new, underlined text.

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- d. If an agency is changing an existing Section number, the agency shall show that Section number with strike-outs and the new rule number underlined immediately beside the old number. Renumbered rules shall appear in the text at the location of their new numbers. If the only action being taken on a Section is to renumber it, immediately under the Section number and its heading shall appear the words "No Change" to indicate that the text is not changing. If no new text is added at the old Section number, the Section shall still appear in its proper numerical order with strike-outs through the old heading but not through the Section number, and a new heading "Renumbered" shall be added with underlining.

R1-1-504. Public Hearings (Oral Proceedings) Oral Proceedings on Proposed Rulemaking

- A. An agency shall refer to the publication schedule of the ~~Register~~ Register when scheduling ~~an oral proceeding a public hearing (oral proceeding).~~ An agency shall hold the oral proceeding public hearing shall be held no earlier than 30 days after the ~~Office publishes the~~ notice of proposed rulemaking is published in the ~~Register~~ Register, pursuant to ~~under~~ A.R.S. § 41-1023. ~~The Office shall include oral proceedings Public hearings~~ shown in the notice of proposed rulemaking preamble shall be included in the proposed rules portion of the Register Register. ~~The Office shall list in a different section of the Register oral proceedings Public hearings~~ on rulemaking packages not scheduled by the agency until after the agency has submitted the proposed rulemaking package has been submitted to the Office shall be submitted as specified in R1-1-209(B)(1) and will appear in a different section of the Register.
- B. If an agency submits a proposed rulemaking package to the Office and indicates in the Preamble that an oral proceeding has been scheduled to take place before 30 days after the anticipated publication date in the Register, the Office shall return the package to the agency.
- ~~B.C.~~ If a public hearing an oral proceeding is not scheduled; and if an agency receives a written request for a public hearing an oral proceeding from five one or more persons, the agency shall file a notice of public hearing oral proceeding on proposed rules with the Office in accordance with the Register publication schedule in the Register, scheduling a public hearing an oral proceeding to be held no earlier than 30 days after the notice of public hearing oral proceeding is published in the Register Register, pursuant to under A.R.S. § 41-1023. The agency shall file with the Office one original and ~~four~~ two copies of the Notice of ~~Public Hearing~~ Oral Proceeding on Proposed Rulemaking. This notice shall be as stated in R1-1-209(B)(1).
- ~~C.D.~~ If a public hearing an oral proceeding has commenced and the hearing proceeding officer publicly announces a time and place for a continuation of the public hearing oral proceeding at the time of the original public hearing oral proceeding, the agency need not is not required to submit a notice of public hearing oral proceeding to the Office for publication in the Register Register.

R1-1-506. Notice of Termination of Rulemaking

- A. To terminate a proposed rulemaking at any stage of the rulemaking process before the final rules are filed with the Office, ~~the an~~ agency shall file with the Office one original and four two copies of the a Notice of Termination of Rulemaking. An agency shall attach the original and two copies of the Notice of Termination of Rulemaking to a copy of the original Notice of Proposed Rulemaking if an agency has filed a Notice of Proposed Rulemaking with the Office.
- B. The Notice of Termination of Rulemaking shall contain the heading NOTICE OF TERMINATION OF RULEMAKING in all capital letters, centered on the line approximately one inch from the top of the page; followed by the Title, its number, and heading, centered on a line ~~one double space~~ below the notice heading; followed by the Chapter, its number and heading, centered on a line ~~one double space~~ below the Title; and the following items in the same numerical order.
1. The Register citation and the date of the Notice of Rulemaking Docket Opening;
 - ~~1-2.~~ The Register Register citation and the date of the Notice of Proposed Rulemaking; and
 - ~~2-3.~~ The Section numbers (and Article and Part numbers or labels) in numerical order in one column and the action that had been proposed in the second column.
- ~~B.C.~~ Both the original Notice of Proposed Rulemaking and the Notice of Termination of Rulemaking shall remain on file with the Office.
- ~~C.D.A~~ The Office shall publish a listing of the rules terminated shall be published in the Register Register. The Office shall not publish the full text of rules being terminated shall not appear in the Register Register.

R1-1-507. Supplemental Notices Notice of Supplemental Proposed Rulemaking

- A. If an agency determines that a proposed rule requires substantial change due either to internal review or public comments, the agency shall prepare a supplemental notice for publication in the ~~Register~~ Register.
- B. The supplemental notice shall contain the heading NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING in all capital letters, located one inch from the top of the page; followed by the Title, its number, and heading, ~~one double space~~ under the notice heading; followed by the Chapter, its number, and heading; ~~one double space~~ below the Title; followed by the Subchapter, its label, and heading ~~one double space~~ below the Chapter, if applicable; followed by the word PREAMBLE in all capital letters, ~~one double space~~ below the Chapter or Subchapter, all of which shall be centered on their respective lines, followed by the items listed below in the same numbered order:

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1. Register citation ~~Register citations~~ and date for the original Notice of Rulemaking Docket Opening and the Notice of Proposed Rulemaking;
2. The Sections Affected and the Rulemaking Action in two columns as specified in ~~R1-1-502(B)(4)(a)~~ R1-1-502(B)(1), listing the Sections contained in the proposed rulemaking and the supplemental proposed rulemaking;
3. The specific statutory authority for the rulemaking including both the authorizing statute (general) and the statutes the rule is implementing (specific);
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
5. An explanation of the rule, including the agency's reasons for initiating the rule;
6. An explanation of the substantial change ~~which that~~ resulted in this supplemental notice;
7. 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;
8. The preliminary summary of the economic, small business, and consumer impact;
9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
10. The time, place, and nature of the oral proceedings for the adoption making, amendment, or repeal of the rule;
11. Any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of rules; and
12. Whether the rulemaking contains any incorporations by reference and their location in the text.
13. The full text of the changes shall begin on the page after the last page of the preamble.

ARTICLE 6. FINAL RULEMAKING

R1-1-601. Preparation and Filing of a Final Rulemaking Package

- ~~A.~~ If an agency's rules are subject to review by the Council, the agency shall submit its adopted rules final rulemaking package to the Council within 120 days after the close of the rulemaking record. After approval by the Council approves the final rulemaking package, the agency Council shall submit its the agency's final rules rulemaking package to the Office for filing and publication and filing. The final rulemaking package shall be as specified in ~~subsection (D)~~ R1-1-602.
- ~~B.~~ If an agency's rules are exempt from the rulemaking process pursuant to under A.R.S. § 41-1005 or another state statute, the agency shall follow the procedures in Article 9 and submit its final rules rulemaking package to the Office within 120 days after the close of the record.
- ~~C.~~ If an agency's rules are exempt from Council review pursuant to under A.R.S. § 41-1057, the agency shall submit its adopted rules final rulemaking package to the Attorney General for approval within 120 days after the close of the record. After approval, the Attorney General shall submit the final rule package to the Office for filing and publication.
- ~~D.~~ If an agency adopts an emergency rule, the agency shall follow the procedures in Article 7.
- ~~E.~~ The Notice of Final Rulemaking shall contain the heading NOTICE OF FINAL RULEMAKING in all capital letters, approximately one inch from the top of the page followed by the Title, its number and heading appearing one double-space under the notice heading; followed by the Chapter, its number and heading centered on the line immediately below the Title, followed by the Subchapter, its label and heading one double-space below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters, one double-space below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:
1. Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(4)(a);
 2. The specific statutory authority for the rulemaking including both the authorizing statute (general) and the statutes the rule is implementing (specific);
 3. The effective date for the rules (if different from the date the rules are filed with the Office);
 4. A list of all previous notices appearing in the Register addressing the final rule;
 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
 6. An explanation of the rule, including the agency's reasons for initiating the rule;
 7. 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;
 8. The summary of the economic, small business, and consumer impact;
 9. A description of the changes between the proposed rules, including supplemental notices, and final rules;
 10. A summary of the principal comments and the agency response to them;
 11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
 12. Incorporations by reference and their location in the text;
 13. Whether the rule was previously adopted as an emergency rule and, if so, whether the text was changed between adoption as an emergency and the adoption of these final rules;
 14. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble and contain the text as specified in R1-1-502(B)(11)(a), (b)(i), and (d). However, if the rules are complete Sections

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being repealed only, the text shall not appear but the Section number and its heading shall appear with strike-outs through the heading only.

- F.** Each original final rulemaking package submitted to the Office for filing and publication shall include the following with the copies of the rulemaking package including copies of these same documents:
1. An agency certification as specified in R1-1-105(B);
 2. A certificate of approval of the rules by Council if the rules are subject to Council review;
 3. A certificate of approval from the Attorney General if the rules are subject to Attorney General review;
 4. A concise explanatory statement as required by A.R.S. § 41-1036.
- G.** An agency incorporating materials by reference shall include one copy of the material with each original final rulemaking package filed with the Office.

R1-1-602. Notice of Final Rulemaking

- A.** The Notice of Final Rulemaking shall contain the heading NOTICE OF FINAL RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number, and heading centered on a line under the notice heading; followed by the Chapter, its number, and heading centered on a line below the Title; followed by the Subchapter, its label, and heading centered on a line below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters, centered on a line below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:
1. Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(1);
 2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific);
 3. The effective date of the rules:
 - a. If the effective date is the date the final rules are filed with the Office, the agency shall answer this question, "The date filed with the Secretary of State's Office";
 - b. If the effective date is later than the date the final rules are filed with the Office, the agency shall specify the date in the answer, along with the reason for the delayed effective date;
 4. A list of all previous notices appearing in the *Register* addressing the final rule;
 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
 6. An explanation of the rule, including the agency's reasons for initiating the rule;
 7. A reference to any study that the agency relied on in its evaluation or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material;
 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state;
 9. The summary of the economic, small business, and consumer impact;
 10. A description of the changes between the proposed rules, including supplemental notices, and final rules;
 11. A summary of the principal comments and the agency response to them;
 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
 13. Incorporations by reference and their location in the text;
 14. Whether the rule was previously made as an emergency rule and, if so, whether the text was changed between making as an emergency and the making of these final rules;
 15. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble. If the rules are complete Sections being repealed only, the text shall not appear but the Section number and heading shall appear with strike-outs through the heading but not through the Section number.
- B.** An original final rulemaking package submitted to the Office for filing and publication shall include two copies of the agency receipt, one copy of incorporated by reference material, and the original and two copies of the rulemaking package, including copies of the following documents:
1. An agency certificate as specified in R1-1-105(B);
 2. A certificate of Approval of the rules by Council if the rules are subject to Council review;
 3. A certificate of Approval from the Attorney General if the rules are subject to Attorney General review;
 4. A concise explanatory statement as required by A.R.S. § 41-1036;
 5. The economic, small business, and consumer impact statement required by A.R.S. § 41-1055.

ARTICLE 7. EMERGENCY RULEMAKING

R1-1-701. Preparation and Filing of an Emergency Rulemaking Package

- A.** ~~When~~ If an agency determines that ~~the~~ a proposed new Section, an amendment to a Section, or a repeal of an existing Section falls within the emergency provisions of A.R.S. § 41-1026, the agency shall prepare a Notice of Emergency Rulemaking ~~which~~. The Notice shall contain the heading NOTICE OF EMERGENCY RULEMAKING in all capital letters,

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centered on the line approximately one inch from the top of the page; followed by the Title, its number, and heading, centered on a line ~~one double space~~ below the notice heading; followed by the Chapter, its number, and heading, centered on a line ~~one double space~~ below the Title; followed by the Subchapter, its label, and heading, if applicable; followed by the term PREAMBLE in all capital letters centered on ~~the a line one double space~~ below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:

1. The list of Sections Affected and the Rulemaking Action in two columns, as specified in ~~R1-1-502(B)(1)(a)~~ R1-1-502(B)(1);
 2. The specific statutory authority for the rulemaking including both the authorizing statute (general) and the statutes the rule is implementing (specific);
 3. The effective date of the rules, ~~if different from the date filed with the Office~~;
 - a. If the effective date is the date the final rules are filed with the Office, the agency shall answer this question, "The date filed with the Secretary of State";
 - b. If the effective date is later than the date the final rules are filed with the Office, the agency shall specify the date in the answer, along with the reason for the delayed effective date;
 4. Whether the rulemaking is a renewal of a previous emergency rulemaking and, if so, the ~~Register~~ Register citation or citations to the previous notice or notices of emergency rulemaking and the ~~Register~~ Register issue date or dates;
 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
 6. An explanation of the rule, including the agency's reasons for initiating the rule;
 7. 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;
 8. The economic, small business, and consumer impact summary;
 9. Any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of rules;
 10. Incorporations by reference and their location in the text;
 11. An explanation of the situation justifying the rule's adoption making as an emergency rule;
 12. The date of the Attorney General's approval of the rule.
 13. The full text shall begin on the page after the last page of the preamble and contain the text as specified in ~~R1-1-502(B)(11)~~ R1-1-502(B)(13).
- B.** ~~The An~~ agency shall submit the emergency rulemaking package to the Attorney General for approval, if the agency's rules are subject to Attorney General review. The package shall contain an agency ~~certification certificate~~ as specified in R1-1-105(B) before filing the rules with the Office and two copies of a receipt form as specified in R1-1-106.
- C.** The Attorney General shall indicate ~~his~~ approval of the emergency rulemaking package by signing ~~an approval form a~~ Certificate of Approval, which shall be attached to the first page of the original of the notice, and shall forward the original and two copies of the rules to the Office. If the Attorney General does not approve one or more Sections in the rulemaking, the Attorney General shall prepare a Certificate of Disapproval and attach it to the package. If the rulemaking contains more than one Section, and the Attorney General approves at least one Section and disapproves at least one Section, the Attorney General shall attach a Certificate of Approval and a Certificate of Disapproval to the rules.
- D.** Emergency rules are effective from the date the rules are filed with the Office unless an agency specifies a later date is specified. Emergency rules are effective for 180 days and may be renewed for ~~a maximum of two an~~ additional 180-day ~~periods period, pursuant to~~ under the provisions of A.R.S. § 41-1026.
- E.** If the text of a renewed emergency rule differs from the text of the previous emergency rule, the agency shall submit to the Office, at the time of filing the renewed emergency rule, a list of every change made to the latest emergency rule since the previous emergency rule was ~~adopted made~~.
- F.** ~~Each An~~ agency shall prepare a renewal of an emergency rule ~~shall be prepared~~ in the manner prescribed in this Section.

ARTICLE 8. SUMMARY RULEMAKING

R1-1-801. Summary Rulemaking

~~A.~~ The summary rulemaking process may be used as specified in A.R.S. § 41-1027(A).

B. ~~A.~~ When submitting summary rules to the Office for filing and for publication in the ~~Register~~ Register, the ~~an~~ agency shall prepare a Notice of Proposed Summary Rulemaking ~~which~~. The Notice shall include the heading NOTICE OF PROPOSED SUMMARY RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number and heading centered on the line ~~and appearing one double space~~ under the notice heading; followed by the Chapter, its number, and heading centered ~~one double space~~ below the Title; followed by the Subchapter, its label and heading centered ~~one double space~~ below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters ~~one double space~~ centered on a line below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:

1. Sections Affected and the Rulemaking Action in two columns as specified in ~~R1-1-502(B)(1)(a)~~ R1-1-502(B)(1);
2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific);

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3. The interim effective date of the summary rules;
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
5. An explanation of the rule, including the agency's reasons for initiating the rule;
6. 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;
7. The preliminary summary of the economic, small business, and consumer impact;
8. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
9. The time, place, and nature of the proceedings for the adoption making, amendment, or repeal of the rules;
10. An explanation of why summary proceedings are justified;
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
12. Any incorporations by reference and their location in the text.
13. The full text shall begin on the page after the last page of the Preamble and contain the text as specified in ~~R1-1-502(B)(11)~~ R1-1-502(B)(13).

~~C.B.~~ Within 90 days after publication in the ~~Register~~ Register and after consideration of any comments, ~~the~~ an agency shall submit to the Council its ~~adopted final~~ summary rule, along with the preamble, concise explanatory statement, and economic, small business, and consumer impact statement.

~~D.C.~~ ~~After submitting the summary rule to the Council as specified in subsection (C), the agency shall submit to the Office a Notice of Adopted Summary Rulemaking which includes~~ An agency shall submit a summary rulemaking package to the Council as specified in subsection (B). The Notice shall include the heading NOTICE OF ADOPTED FINAL SUMMARY RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number and heading centered one double space under the notice heading; followed by the Chapter, its number, and heading centered one double space below the Title; followed by the Subchapter, its label and heading, if applicable, centered on a line below the Chapter; followed by the term PREAMBLE in all capital letters, centered one double space below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:

1. Sections Affected and the Rulemaking Action in two columns as specified in ~~R1-1-502(B)(4)(a)~~ R1-1-502(B)(1);
2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific);
3. The effective date of the summary rules;
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
5. The concise explanatory statement, including an explanation of the rule and the agency's reasons for initiating the rule;
6. 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;
7. The economic, small business, and consumer impact;
8. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
9. The time, place, and nature of the proceedings for the adoption making, amendment, or repeal of the rules;
10. An explanation of why summary proceedings are justified;
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
12. Any incorporations by reference and their location in the text.
13. The full text shall begin on the page after the last page of the Preamble and contain the text as specified in ~~R1-1-502(B)(11)~~ R1-1-502(B)(13).

D. After the Council approves the final summary rule, the Council shall attach its approval form to the original of the final summary rulemaking package and submit one original and two copies of the final summary rulemaking package to the Office.

ARTICLE 9. EXEMPT RULEMAKING

R1-1-901. Exempt Rulemaking

- A. ~~Any~~ An agency shall not file with the Office an exempt rule initiated by an agency before September 30, 1992, is not filed with the Office and is not contained in the Code. Any person wishing a copy of these exempt rules shall contact the specific agency involved for copies of any rules adopted under an exemption before this date.
- B. ~~The Office shall publish in the Code any~~ Any exempt rule initiated after September 30, 1992, ~~shall be published in the Code if the agency involved submits the rulemaking package to the Office. These rulemaking packages shall be submitted as final rules. An exempt rule shall be submitted~~ following the procedures ~~outlined~~ in Article 6, ~~using the notice heading~~

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NOTICE OF EXEMPT RULEMAKING in all capital letters, of this Chapter, except that an agency shall use the notice specified in R1-1-902.

- C.** The Office shall identify in the Code each a Chapter containing rules which that were exempted from the Act and which were initiated after September 30, 1992, by an introductory statement specifying the exemption at the beginning of the Chapter and before each a Section or Article adopted made under an exemption and by specifying the exemption in the Section's historical note. When publishing the Code, the Office shall print any filed Chapter containing a rule exempted by any Arizona statute on blue paper and any filed Chapter containing a rule exempted by other reasons on green paper. The reason for the exemption shall be stated on the notice.
- D.** If a statute authorizes an agency to develop and publish in the Register a type of rulemaking not specified in this Chapter, the agency shall contact the Office orally or by letter, specifying the exact statutory citation.

R1-1-902. Notice of Exempt Rulemaking

- A.** The Notice of Exempt Rulemaking shall contain the heading NOTICE OF EXEMPT RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its label, and heading centered on a line below the notice heading; followed by the Chapter, its label, and heading centered on a line below the Title; followed by the Subchapter, its label, and heading centered on a line below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters, centered on a line below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:
1. Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(1);
 2. The specific statutory authority for the rulemaking including both the authorizing statute (general), the statutes the rule is implementing (specific), and the statute authorizing the exemption;
 3. The effective date for the rules:
 - a. If the effective date is the date the exempt rules are filed with the Office, the agency shall answer this question, "The date filed with the Secretary of State's Office";
 - b. If the effective date is later than the date the final rules are filed with the Office, the agency shall specify the date in the answer, along with the reason for the delayed effective date;
 4. A list of all previous notices published in the Register addressing the exempt rule;
 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
 6. An explanation of the rule, including the agency's reasons for initiating the rule;
 7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material;
 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state;
 9. The summary of the economic, small business, and consumer impact;
 10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable);
 11. A summary of the principal comments and the agency response to them;
 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
 13. Incorporations by reference and their location in the text;
 14. Whether the rule was previously made as an emergency rule and, if so, whether the text was changed between making as an emergency and the making of these exempt rules;
 15. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble. If the rules are complete Sections being repealed only, the text shall not appear but the Section number and its heading shall appear with strike-outs through the heading but not through the Section number.
- B.** An original exempt rulemaking package submitted to the Office for filing and publication shall include an agency certificate as specified in R1-1-105(B);
- C.** An agency incorporating materials by reference shall include one copy of the material with the original exempt rulemaking package filed with the Office.

ARTICLE 10. RECODIFICATION

R1-1-1001. Notice of Recodification

- A.** An agency renumbering one or more Sections from one Chapter to another Chapter, or within a Chapter under R1-1-404(B)(1), shall submit to the Office one original and two copies of a Notice of Recodification for filing and publication.
- B.** A Notice of Recodification shall contain the heading NOTICE OF RECODIFICATION in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number, and heading centered under the notice heading; followed by the Chapter, its number, and heading centered below the Title; followed by the Subchapter, its

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label, and heading, if applicable, centered below the Chapter; followed by the items listed below in the same numbered order:

1. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections being recodified along with their respective headings:
 2. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections as recodified along with their respective headings:
 3. A conversion table between the two numbering schemes; and
 4. The name and address of agency personnel with whom persons may communicate regarding the recodification.
- C.** If an agency renumbers or recodifies a Section, it shall make no other changes to the Section other than corrections to Section references within the text of the Section or its heading.
- D.** The effective date of a Notice of Recodification is the date the notice is filed with the Office.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 46. BOARD OF APPRAISAL

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R4-46-401 | Amend |
- 2. The specific statutory authority for the rulemaking, including the authorizing statute (general) and the statutes the rules are implementing (specific):**
- Authorizing statute: A.R.S. § 32-3605(A)
- Implementing statute: A.R.S. § 32-3605(B)(1)
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**
- Notice of Rulemaking Docket Opening: 7 A.A.R. 5260, November 23, 2001
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- Name: Edward C. Logan, Executive Director
- Address: 1400 W. Washington, Suite 360
Phoenix, AZ 85007
- Telephone: (602) 542-1543
- Fax: (602) 542-1598
- E-mail: elogan@appraisal.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Board of Appraisal's rules are written to comply with the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 and state statutes applicable to Real Estate Appraisers and Property Tax Agents. The change in this existing rule is to comply with Title XI and A.R.S. § 32-3635(A) by adopting the current version of professional appraisal standards, which is issued each year by the Appraisal Standards Board (ASB) of the Appraisal Foundation. The Appraisal Foundation issues the new USPAP after extensive public exposure to proposed changes. The current version is the Uniform Standards of Professional Appraisal Practice (USPAP) 2002 Edition, effective January 1, 2002 through December 31, 2002. The Key Features in this edition are:

A. Definitions:

The definition of *Confidential Information* was changed to indicate that confidential information can be information that is either: identified by the client as confidential when providing it to an appraiser and that is not available from any other sources; or information classified confidential or private by applicable law or regulation.

A notice was also added at lines 76-82 to alert appraisers to the passage of the Gramm-Leach-Bliley Act on November 1999 and the resultant adoption of privacy regulations that affect appraisers.

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A definition of *Jurisdictional Exception* was added at lines 109-111. This definition was added to complement the definition of *Supplemental Standards* and more clearly draw the distinction between Jurisdictional Exception and Supplemental Standards.

The definition of *Supplemental Standards* was significantly modified at lines 173-180 to establish that Supplemental Standards are *requirements issued by government agencies, government sponsored enterprises, or other entities that establish public policy which add to the purpose, intent and content of the requirements in USPAP, and that have a material effect on the development and reporting of assignment results*. A Comment was also added to further distinguish Supplemental Standards from contract agreements that are unique to individual clients.

B. Ethics Rule:

The Confidentiality section of the Ethics Rule was modified at lines 305-319 as a result of the passage of privacy legislation that made this section of the Ethics Rule inadequate. At lines 309-310 the sentence: *An appraiser must be aware of and comply with all confidentiality and privacy laws and regulations applicable in an assignment* was added. Additionally, at lines 313-315 text was added to clarify that confidential information may be provided to a peer review committee, *except when such disclosure to a committee would violate applicable law or regulation*.

A notice was also added at lines 320-325 to alert appraisers to the passage of the Gramm-Leach-Bliley Act in November 1999 and the resultant adoption of privacy regulations that affect appraisers.

C. Supplemental Standards Rule:

The Supplemental Standards Rule was modified to indicate that Supplemental Standards can be issued by government agencies, government sponsored enterprises, or other entities that establish public policy.

D. Standard 6:

This Standard has been updated in an effort to address contemporary theory and practice. Standard 6 was last updated in 1991.

E. Statement on Appraisal Standards No. 5 (SMT-5):

This statement was retired, effective July 1, 2001 due to the enactment of federal privacy regulations and conflicts that exist between the Statement and those regulations.

F. Statement on Appraisal Standards No. 8 (SMT-8):

This Statement has been retired, effective January 1, 2002 due to technological advances that were not envisioned when the Statement was originally written.

G. USPAP Structure and Usability Enhancements:

In order to enhance USPAP as a reference document, several changes have been made to the publication. These changes include: the binding has been upgraded to a "lay flat" spine, thumb tabs have been added to the pages allowing the readers to more readily determine their location within the document, and a thumb index has been added to the back cover.

H. ASB Work In Progress:

Over the years USPAP has evolved as a document in content, form, and organizational structure. It is a work in progress, with an overall goal of Standards becoming more stable over time and guidance in the form of Statements and Advisory Opinions appearing as required. Toward this end the ASB has developed a process for developing both Standards and guidance text based, in part, on written comments submitted in response to exposure draft materials and oral testimony presented at public meetings. This process requests input on proposed changes to USPAP from all interested parties, including professional appraisers and professional appraisal organizations, educators, regulators and state enforcement agencies. In July 1998, the ASB established a mechanism for organizations to interact with the ASB and present official positions on USPAP topics during the research phase of the exposure draft process. Known as "work groups," these entities, which are registered with the Appraisal Foundation, may develop recommendations for consideration by the ASB prior to its dissemination of proposed changes through the exposure draft process. Parties interested in registering as a work group must do so through the Appraisal Foundation.

6. A reference to any study that the agency relied on in its evaluation of or justification for the proposed rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:

None

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7. 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

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

The Board will bear the costs of rule writing and other administrative updating, which are covered in its budget as routine expenses. The appraiser community will bear the expense of purchasing the USPAP 2002 edition which is \$30. Not all appraisers will find it necessary to own a copy. Some may share office copies. This is a business expense that can be deducted. The benefits to be gained are: maintaining compliance with current standards as required by law; and, improving the professional work product. No cost is anticipated to private persons and consumers who may be directly affected by the proposed rule making.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Edward C. Logan, Executive Director
Address: 1400 W. Washington, Suite 360
Phoenix, AZ 85007
Telephone: (602) 542-1543
Fax: (602) 542-1598
E-mail: elogan@appraisal.state.az.us

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled where, when, and how persons may request an oral proceeding on the proposed rules:

Date: January 17, 2002
Time: 9:00 a.m.
Location: 1400 W. Washington
Phoenix, AZ 85007
Basement Conference Room B-2
Nature: The Board will hold an open meeting to hear opinions and suggestions, and to adopt, amend or repeal the rule. The Agenda for this Board Meeting will be available to the public on January 16, 2002. It may be obtained by contacting the Board Office at (602) 542-1539.

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

Not applicable

12. Incorporations by reference and their location in the rules:

The Uniform Standards of Professional Appraisal Practice, 2002 Edition published by the Appraisal Foundation and effective nationally on January 1, 2002. The location in the rules is R4-46-401.

13. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 46. BOARD OF APPRAISAL

ARTICLE 4. STANDARDS OF PRACTICE

Section
R4-46-401. Standards of Appraisal Practice

ARTICLE 4. STANDARDS OF PRACTICE

R4-46-401. Standards of Appraisal Practice

Every state-licensed or certified Appraiser, in performing the acts and services of a state-licensed or certified Appraiser, shall comply with the Uniform Standards of Professional Appraisal Practice (USPAP), ~~2001~~ 2002 edition, published by the Appraisal Foundation, which is incorporated by reference and on file with the Board and the Office of the Secretary of State. This incorporation by reference contains no future additions or amendments. A copy of the USPAP 2002 Edition may be obtained from ~~the Appraisal Foundation.~~

Arizona Administrative Register
Notices of Proposed Rulemaking

The Appraisal Foundation
1029 Vermont Avenue, N.W., Suite 900
Washington, D.C. 20005
Phone: 1-800-805-7857
Web site: www.appraisalfoundation.org.