

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

Editor's Note: The following Notice of Proposed Rulemaking is exempt from Laws 2010, Ch. 287, § 18. (See the text of § 18 on page 1918.)

[R10-150]

PREAMBLE

1. Sections Affected

R1-1-102
R1-1-210
R1-1-212
R1-1-502
R1-1-507
R1-1-602
R1-1-701
R1-1-801
R1-1-902

Rulemaking Action

Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend

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: 16 A.A.R. 1912, September 24, 2010

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

Name: Scott Cancelosi
Director, Public Services Division

Address: Office of the Secretary of State
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007

Telephone: (602) 542-0223

Fax: (602) 542-4366

E-mail: scancelosi@azsos.gov

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

The Office is amending the Secretary of State's rules on the rulemaking process to make citation references consistent with current statute, improve clarity, and comply with mandated statutory updates.

The Office will focus on rules pertaining to office forms to assist with rule review under Laws 2010, Ch. 287 (H.B. 2260).

Mandated additions for rule review include: whether the rules requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used; whether federal law is applicable to the subject of the rule,

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whether the rule is more stringent than federal law and if so, the citation to the statutory authority to exceed the requirements of federal law; and whether a person submitted an analysis to the agency that compares the rules' impact of the competitiveness of business in this state to the impact on businesses in other states. If yes, an analysis will be filed with the rulemaking.

Other mandated amendments include updates under Laws 2010, Ch. 88 (H.B. 2209, § 3) which pertain to Notices of Agency Ombudsman filed with the Office.

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

None

7. A showing of good cause why the 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:

These rule amendments will assist the Governor's Regulatory Review Council (G.R.R.C.) when reviewing rulemakings and related rulemaking documents.

These rule amendments will help state agencies comply with state law when agencies prepare rules for filing and publication.

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 rulemaking:

Name: Scott Cancelosi
Director, Public Services

Address: Office of the Secretary of State
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007

Telephone: (602) 542-0223

Fax: (602) 542-4336

E-mail: scancelosi@azsos.gov

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: Wednesday, October 27, 2010

Time: 10:00 a.m. to 11:00 a.m.

Location: Secretary of State's Conference Room
State Capitol Executive Tower, 7th Floor
1700 W. Washington St., 7th Floor
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
R1-1-102. Codification Outline

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

Section
R1-1-210. Notice of Agency Guidance Document; Notice of Substantive Policy Statement
R1-1-212. Agency Ombudsman

ARTICLE 5. PROPOSED RULEMAKING

Section
R1-1-502. Notice of Proposed Rulemaking
R1-1-507. Notice of Supplemental Proposed Rulemaking

ARTICLE 6. FINAL RULEMAKING

Section
R1-1-602. Notice of Final Rulemaking

ARTICLE 7. EMERGENCY RULEMAKING

Section
R1-1-701. Notice of Emergency Rulemaking

ARTICLE 8. SUMMARY RULEMAKING

Section
R1-1-801. Notice of Summary Rulemaking

ARTICLE 9. EXEMPT RULEMAKING

Section
R1-1-902. Notice of Exempt Rulemaking

ARTICLE 1. GENERAL PROVISIONS

R1-1-102. Codification Outline

A. All rules ~~filed with the Office and made, amended, renumbered, or repealed and filed with the Office after September 30, 1992,~~ under:

- ~~1. the The Act, or~~
- ~~2. or under an exemption Exempt from all or part of the rulemaking process specified as required in:~~
 - ~~a. the The Act, or~~
 - ~~b. Arizona Revised Statute, or~~
 - ~~c. As provided in the Constitution of Arizona, and rules made under an exemption from the Act by other statutes and submitted to the Office after September 30, 1992,~~

B. ~~are~~ Rules shall be organized published within the following Titles:

- ~~1.~~ Title 1. Rules and the Rulemaking Process
- ~~2.~~ Title 2. Administration
- ~~3.~~ Title 3. Agriculture
- ~~4.~~ Title 4. Professions and Occupations
- ~~5.~~ Title 5. Corrections
- ~~6.~~ Title 6. Economic Security
- ~~7.~~ Title 7. Education
- ~~8.~~ Title 8. Emergency and Military Affairs
- ~~9.~~ Title 9. Health Services
- ~~10.~~ Title 10. Law
- ~~11.~~ Title 11. Mines
- ~~12.~~ Title 12. Natural Resources
- ~~13.~~ Title 13. Public Safety
- ~~14.~~ Title 14. Public Service Corporations; Corporations and Associations; Securities Regulation
- ~~15.~~ Title 15. Revenue
- ~~16.~~ Title 16. Tax Appeals
- ~~17.~~ Title 17. Transportation

- 18. Title 18. Environmental Quality
- 19. Title 19. Alcohol, Horse and Dog Racing, Lottery, and Gaming
- 20. Title 20. Commerce, ~~Banking~~, Financial Institutions, and Insurance

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

R1-1-210. Notice of Agency Guidance Document; Notice of Substantive Policy Statement

- A. An agency shall submit to the Office a Notice of Agency Guidance Document under A.R.S. § 41-1013(B)(14) for publication in the *Register*. This notice shall contain the heading NOTICE OF AGENCY GUIDANCE DOCUMENT, in bold 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 guidance document and the guidance document number by which the document is referenced;
 2. Date of the publication of the guidance document and the effective date of the document if different from the publication date;
 3. Summary of the contents of the guidance document; ~~and~~
 4. Statement as to whether the guidance document is a new document or a revision; and
 5. The agency contact person who can answer questions about the agency guidance document. The information shall include the contact's:
 - a. Name;
 - b. Address;
 - c. Area code and telephone number; and
 - d. Fax number, e-mail and web site addresses, if applicable.
 6. Information about where a person may obtain a copy of the guidance document and the costs for obtaining the guidance document.
- 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 bold 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 substantive 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. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement; ~~and~~
 5. Statement as to whether the substantive policy statement is a new statement or a revision; ~~and~~
 6. The agency contact person who can answer questions about the substantive policy statement. The information shall include the contact's:
 - a. Name;
 - b. Address;
 - c. Area code and telephone number; and
 - d. Fax number, e-mail and web site addresses, if applicable.
 7. 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 concern only one agency guidance document or substantive policy statement.
- D. A Notice of Agency Guidance Document or a Notice of Substantive Policy Statement shall include two agency receipts as specified in R1-1-106.

R1-1-212. Agency Ombudsman

- A. An agency shall ~~designating~~ designate an agency ombudsman under A.R.S. § 41-1006.
- B. An agency shall prepare and file a Notice of Agency ~~shall submit the name of its ombudsman~~ Ombudsman with the Office at least annually no later than February 1 December 31 of each year to the Office for publication in the *Register*.
- C. An agency shall file only one notice per ombudsman.
- D. The notice shall contain:
1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF AGENCY OMBUDSMAN, in all capital letters, centered on a line approximately one inch from the top of the page followed by the items listed below
 2. On a centered line under the notice heading in the same numbered order:
 - 1-a. The agency's name;

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- 2-b. The ombudsman's:
 - i. name Name;
 - 3-ii. The ombudsman's title Title;
 - iii. Agency division, if applicable;
 - 4-iv. The ombudsman's office Office address, to include the city, state, and including zip code; and
 - 5-v. The ombudsman's office Area code and telephone number, and fax number, and e-mail, if available.

E. A Notice of Agency Ombudsman shall include:

- 1. Two agency receipts as specified in R1-1-106, and
- 2. An original and two copies of the Notice as specified in R1-1-103.

ARTICLE 5. PROPOSED RULEMAKING

R1-1-502. Notice of Proposed Rulemaking

- A. If an agency determines ~~A~~ a proposed new Section, an amendment to a Section, ~~or a~~ repeal of an existing Section, or a renumbering ~~renumber~~ of a Section, meets the provisions of A.R.S. § 41-1022 and the Act, the agency shall prepare when other changes are also being made, submitted for publication in the *Register* shall be part of a Notice of Proposed Rulemaking as prescribed by this Section. Questions, answers, and other information required to appear in the Preamble of the Notice of Proposed Rulemaking shall appear in the proper order. No question on the notice may be answered "See attached." Supplemental pages may not be used.
- B. The ~~A~~ notice Notice of Proposed Rulemaking shall contain:
 - 1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF PROPOSED RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page;
 - 2. On a centered line under the notice heading, the agency's *Code* followed by the Title, its number, and heading centered on the line under the notice heading;
 - 3. On a centered line under the Title number and heading, the agency's *Code* followed by the Subchapter, its label and heading (if applicable) centered on the line under the Title; followed by the Chapter, its number and heading centered on the line under the Title;
 - 4. If applicable, on a centered line under the Chapter number and heading, the agency's *Code* Subchapter label and heading;
 - 5. On a centered line under the Chapter heading or Subchapter label, whichever is applicable, followed by the word heading in all capital letters and underlined, PREAMBLE in all capital letters, on a line under the Chapter; The Preamble of the Notice of Proposed Rulemaking shall include followed by the items listed below in the same numbered order:
 - 1-a. ~~The~~ In two columns a list of Sections Affected affected and the Rulemaking rulemaking Action action of each Section affected in two columns;
 - a-b. ~~In the~~ The first column shall contain the heading "Sections Affected" under each Section upon which shall list in sequential and numerical order: rulemaking activity is being proposed shall appear in numerical order under the heading "Sections Affected."
 - i. If an Article Articles or Part Parts affected if is involved in the rulemaking because its an Article heading or Part label or heading is being made, repealed, added, amended, repealed, 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. Article headings or Part labels shall be listed multiple times, each on a separate line, if the Article or Part has more than one rulemaking action. Article headings or Part labels that currently exist but are not affected by the rulemaking, shall not be listed.
 - ii. Under each Article or Part affected in subsection (B)(5)(a)(i), shall be a list of Section numbers of Sections being made, amended, repealed or renumbered. Section numbers shall be listed multiple times, each on a separate line, if the Section has more that one rulemaking action applied to it. Sections that currently exist but are not affected under each Article or Part, shall not be listed.
 - ii. Sections, Parts, and Articles shall not be grouped together in this column; each Section, Part, or Article shall appear individually.
 - iii. If an existing Section is being repealed and new text is being made at that number or if 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 will appear multiple times with the appropriate individual actions appearing in the second column.
 - iv. A Section not containing text before the rulemaking and not having text added by the rulemaking shall not appear in this column.
 - b-c. In the ~~The~~ second column, shall contain 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:" under which will be listed the rulemaking activity being applied to each Article, Part or Section listed in the first col-

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- ~~um~~. If an existing Section is being repealed and new text made at that number, the Section number shall appear twice in the first column and each specific individual action shall appear in the second column. i. A Section that:
- i. contains ~~Has~~ no text because ~~it the Section~~ was previously reserved, repealed, or renumbered cannot ~~be have~~ have a rulemaking action listed as amended, renumbered, or recodified. A previously repealed Section cannot be repealed again unless new text has subsequently been made at the Section number.
 - ii. ~~If a Section has~~ Has more than one rulemaking action ~~on it in a rulemaking~~ applied to the Section, shall the listing list the actions order in the second column shall be as follows: repeal, renumber, and new Section or amend.
- ~~2-6.~~ The Citations to the agency's specific statutory rulemaking authority for the rulemaking, to including include both the authorizing statute (general) and the implementing statute (specific);
- ~~3-7.~~ A list of all previous related notices appearing published in the Register addressing to include the Register issue and page number that pertain to the record of the proposed rule;
- ~~4-8.~~ The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
- a. ~~name~~ Name; and
 - b. ~~address~~ Address; of agency personnel with whom persons may communicate regarding the rulemaking;
 - c. Area code and telephone number; and
 - d. Fax number, e-mail and web site addresses, if applicable.
- ~~5-9.~~ An agency's justification and reason why a rule should be made, amended, repealed or renumbered explanation of the rule, to including include an explanation about the agency's reasons for initiating the rulemaking;
- ~~6-10.~~ A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
- ~~7-11.~~ A showing show of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision of this state;
- ~~8-12.~~ The preliminary summary of the economic, small business, and consumer impact;
- ~~9-13.~~ The agency's contact person who can answer questions about the economic, small business, and consumer impact statement. This information shall include the contact's:
- a. ~~name~~ Name; and
 - b. ~~address~~ Address; of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
 - c. Area code and telephone number; and
 - d. Fax number, e-mail and web site addresses, if applicable.
- ~~10-14.~~ The time, place, and nature of the proceedings for the making, amendment, or repeal repealing or renumbering of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule;
- ~~11-15.~~ Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules; and, An agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
- a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states. If yes, the analysis shall be filed with the rulemaking package.
- ~~12-16.~~ A list of Any any material incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules;
- ~~13-17.~~ The phrase "The full text of the rules follows:";
- ~~18.~~ The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble. The text of the rules shall contain in sequential order:
- a. The first item in the text shall be a table of contents for the Chapter showing the label and heading for Under the Preamble shall be the Code Title and Chapter numbers and their headings.
 - b. Under the Chapter heading shall be a list of each all Article Articles, Parts and each Section Sections involved affected by a rulemaking action in the proposed rulemaking. Articles, Parts and Sections shall not be listed if they do not have a rulemaking action assigned to them.
 - b-c. Under the list in subsection (B)(18)(b) the next page shall be The the full text of the Sections on which rulemaking is taking place shall begin on the next page after the table of contents being made, amended, repealed or renumbered. The text shall include:

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- i. ~~If applicable, in sequential and numerical order, Articles and their headings, and Parts and their headings if applicable, shall appear in labels if any are their proper place in the text even when only a portion of the Article or Part is involved in the rulemaking package being made, amended, repealed or renumbered. The text shall appear as follows:~~
- i-ii. ~~Section numbers shall be listed in numerical order and follow the numbering scheme in R1-1-403. A Section shall always contain a heading, whether it is to specify the title of a rule, or to label the Section as renumbered or repealed. 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. New Section numbers, headings, and text shall be underlined; if a currently existing Section number numbers 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. Repealed Section headings and text shall be stricken. The Section numbers of repealed Sections shall not be stricken.~~
- iii. ~~A current rule being amended or repealed shall be stricken; new text being made shall be underlined.~~
- 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.~~
- e-d. ~~An agency amending that amends some but not all of the subsections in a Section may list the subsections not being amended by the subsection label only and the words "No change." Each level of subsection designated as having no change shall be individually noted labeled. Subsections shall not be grouped together.~~
- d-e. ~~If an An agency that is renumbering renumbers an existing Section, the agency shall show strike the current Section number with strike outs, and the The new Section number shall be underlined immediately beside next to the current stricken number. Renumbered rules Sections shall appear in the text at the location of their new numbers be in numerical order with the text of the rule at the location of the new Section number. 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 being amended. If an existing Section is renumbered and no text is added made, amended, or repealed at the current Section number, the current Section number shall appear be listed in its proper numerical order with strike-outs through the old heading but not through the Section number, and with a the new heading underlined and labeled "Renumbered," shall be added with underlining.~~

C. A proposed rulemaking package shall include:

1. Two agency receipts as specified in R1-1-106.
2. An original and two copies of the rulemaking package as specified in R1-1-103, and
3. An agency certificate as specified in R1-1-105.

R1-1-507. Notice of Supplemental Proposed Rulemaking

- A. ~~If an agency determines it meets the requirements of A.R.S. § 41-1022(E) and that a filed and published proposed rule requires substantial change due to either internal review or public comments, the agency shall prepare a supplemental notice Notice of Supplemental Proposed Rulemaking for publication in the Register as prescribed in this Section. A supplemental notice shall contain every Section undergoing change from the current text in the Code, as if the supplemental notice were the agency's first version of the proposed rule.~~
- B. ~~The supplemental notice A Notice of Supplemental Proposed Rulemaking shall contain:~~
 1. ~~On a centered line one inch from the top of the page, the heading, in all capital letters, NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING in all capital letters, located one inch from the top of the page;~~
 2. ~~followed by the On a centered line under the notice heading, the agency's Code Title, its number, and heading below the notice heading;~~
 3. ~~On a centered line under the Title number and heading, the agency's Code followed by the Chapter, its number, and heading below the Title;~~
 4. ~~If applicable, on a centered line under the Chapter number and heading, the agency's Code followed by the Subchapter, its label, and heading below the Chapter, if applicable;~~
 5. ~~On a centered line under the Chapter heading or Subchapter label, whichever is applicable, followed by the word heading in all capital letters and underlined, PREAMBLE in all capital letters, below the Chapter or Subchapter, all of which shall be centered on their respective lines. The Preamble of the Notice of Supplemental Proposed Rulemaking shall include, followed by the items listed below in the same numbered order:~~
 - 1-a. ~~The Register citations Citations to the agency's and dates for the Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any other Notices of Supplemental Proposed Rulemaking, if applicable, as published in the Register to include the Register volume and page number. A list of any other related notices published in the Register to include the Register volume and page number;~~

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- 2-b. ~~The A list of Sections Affected affected and the Rulemaking Action rulemaking action of each Section affected~~ in two columns as specified in ~~R1-1-502(B)(4)~~ R1-1-502(B)(5);
 - 3-c. ~~The Citations to the agency's specific statutory rulemaking authority for the rulemaking to including include~~ both the authorizing statute (general) and the implementing statute (specific);
 - 4-d. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. ~~name Name; and~~
 - ii. ~~address Address; of agency personnel with whom persons may communicate regarding the rulemaking;~~
 - iii. ~~Area code and telephone number; and~~
 - iv. ~~Fax number, e-mail and web site addresses, if applicable.~~
 - 5-e. An agency's justification and reason why a explanation of the rule should be made, amended, repealed, or renumbered, to including include the agency's reasons for initiating an explanation about the rulemaking;
 - f. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
 - 6-g. An explanation of the substantial change that resulted in the supplemental notice;
 - 7-h. A showing show of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision;
 - 8-i. The preliminary summary of the economic, small business, and consumer impact;
 - 9-j. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement. This information shall include the contact's:
 - i. ~~name Name; and~~
 - ii. ~~address Address; of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;~~
 - iii. ~~Area code and telephone number; and~~
 - iv. ~~Fax number, e-mail and web site addresses, if applicable.~~
 - 10-k. The time, place, and nature of the oral proceedings for the to making, make, amendment, amend, renumber, or repeal of the rule;
 - 11-l. Any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of rules; and. An agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states. If yes, the analysis shall be filed with the rulemaking package.
 - 12-m. A list of Any any material incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the text rules;
 - 13-n. The phrase "The full text of the rules follows:";
 - 6. The full text of the changes rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain the text as specified in R1-1-502(B)(18).
- C.** A supplemental proposed rulemaking package shall include:
- 1. Two agency receipts as specified in R1-1-106,
 - 2. An original and two copies of the rulemaking package as specified in R1-1-103, and
 - 3. An agency certificate as specified in R1-1-105.

ARTICLE 6. FINAL RULEMAKING

R1-1-602. Notice of Final Rulemaking

A. If an agency determines it meets the requirements of A.R.S. § 41-1024 and other requirements in the Act an agency shall prepare a Notice of Final Rulemaking as prescribed in this Section.

A-B. A Notice of Final Rulemaking shall contain:

- 1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF FINAL RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page;
- 2. followed by the On a centered line under the notice heading, the agency's Code Title, its number, and heading centered on a line under the notice heading;
- 3. On a centered line under the Title number and heading, the agency's Code followed by the Chapter, its number, and

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heading entered on a line below the Title;

4. ~~If applicable, on a centered line under the Chapter number and heading, the agency's Code followed by the Subchapter, its label, and heading entered on a line below the Chapter, if applicable;~~
5. ~~On a centered line under the Chapter heading or Subchapter label, whichever is applicable, followed by the term heading in all capital letters and underlined, PREAMBLE in all capital letters, centered on a line below the Chapter or Subchapter, whichever is applicable; The Preamble of the Notice of Final Rulemaking shall include, followed by the items listed below in the same numbered order:~~
 - 1-a. ~~The A list of Sections Affected affected and the Rulemaking Action rulemaking action of each Section affected in two columns as specified in R1-1-502(B)(4) R1-1-502(B)(5);~~
 - 2-b. ~~The Citations to the agency's specific statutory rulemaking authority for the rulemaking, to including include both the authorizing statute (general) and the implementing statute (specific);~~
 - 3-c. ~~The effective date of the rule; If an agency specifies a date:~~
 - a.i. ~~If the effective date is earlier Earlier than the 60 days day effective date as specified in A.R.S. § 41-1032(A), the after the date the final rule is filed with the Office, an agency shall specify include the earlier date, along with and state the reason for the or reasons it selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5); or~~
 - b.ii. ~~If the effective date is later Later than the 60 days day effective date as specified in A.R.S. § 41-1032(A), the after the date the final rule is filed with the Office, an agency shall specify include the later date, along with and state the reason for the or reasons it selected the later effective date as provided in A.R.S. § 41-1032(B);~~
 - 4-d. ~~A list of all previous related notices appearing published in the Register addressing to include the Register volume and page number that pertain to the record of the final rule rulemaking package;~~
 - 5-e. ~~The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:~~
 - i. ~~name Name; and~~
 - ii. ~~address Address of agency personnel with whom persons may communicate regarding the rulemaking;~~
 - iii. ~~Area code and telephone number; and~~
 - iv. ~~Fax number, e-mail and web site addresses, if applicable.~~
 - 6-f. ~~An agency's justification and reason why a rule should be made, amended, repealed, or renumbered explanation of the rule, to including include an explanation about the agency's reasons for initiating the rulemaking;~~
 - 7-g. ~~A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;~~
 - 8-h. ~~A showing show of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision of this state;~~
 - 9-i. ~~A summary of the economic, small business, and consumer impact;~~
 - 10-j. ~~A description of the any changes between the proposed rule rulemaking, to including include supplemental notices, and the final rule rulemaking;~~
 - 11-k. ~~An agency's A summary of the public or stakeholder comments made regarding about the rule rulemaking and the agency response to them the comments;~~
 - 12-l. ~~Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules; and. An agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:~~
 - i. ~~Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;~~
 - ii. ~~Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and~~
 - iii. ~~Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states. If yes, the analysis shall be filed with the rulemaking package.~~
 - 13-m. ~~A list of Any any material incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the text rule;~~
 - 14-n. ~~Whether the rule was previously made, amended or repealed as an emergency rule, and, if If so, the agency shall state whether where the text was changed between the making as an emergency and the making of the final rule rulemaking packages; and~~
 - 15-o. ~~The phrase "The full text of the rules follows:";~~
6. 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)(18).

B.C. ~~An original A final rulemaking package submitted to the Office for filing and publication shall include:~~

1. ~~two Two copies of the agency receipt receipts as specified in R1-1-106; one copy of incorporated by reference mate-~~

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- rial, and
2. ~~the An~~ original and two copies of the rulemaking package as specified in R1-1-103; ~~including copies of the following documents:~~
 - ~~1-3.~~ An agency certificate as specified in R1-1-105;
 - ~~2-4.~~ A certificate of approval of the rules from either:
 - a. by Council, if the rules are subject to Council review; or
 - ~~3-b.~~ A certificate of approval from the Attorney General, if the rules are subject to Attorney General review; and, if applicable, a certificate of disapproval if rules in the rulemaking package are disapproved; and
 - ~~4-5.~~ The An economic, small business, and consumer impact statement if required by A.R.S. § 41-1055; if applicable.

ARTICLE 7. EMERGENCY RULEMAKING

R1-1-701. Notice of Emergency Rulemaking

- A. If an agency determines ~~that~~ a proposed new Section, an amendment to a Section, or a repeal of an existing Section ~~falls meets within~~ the emergency provisions of A.R.S. § 41-1026, the agency shall prepare a Notice of Emergency Rulemaking; ~~as prescribed in this Section.~~
- B. ~~The A~~ Notice of Emergency Rulemaking shall contain:
 1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF EMERGENCY RULEMAKING in all capital letters, centered on the line approximately one inch from the top of the page;
 2. ~~followed by the~~ On a centered line under the notice heading, the agency's Code Title, its number, and heading, centered on a line below the notice heading;
 3. ~~followed by the~~ On a centered line under the Title, the agency's Code Chapter, its number, and heading, centered on a line below the Title;
 4. If applicable, on a centered line under the Chapter number and heading the agency's Code followed by the Subchapter, its label; and heading, if applicable;
 5. On a centered line under the Chapter heading or Subchapter label, whichever is applicable, followed by the term heading in all capital letters and underlined, PREAMBLE in all capital letters centered on a line below the Chapter or Subchapter, whichever is applicable; The Preamble of the Notice of Emergency Rulemaking shall include, followed by the items listed below in the same numbered order:
 - ~~1-a.~~ The A list of Sections Affected affected and the Rulemaking Action rulemaking action of each Section affected in two columns, as specified in R1-1-502(B)(1) R1-1-502(B)(5);
 - ~~2-b.~~ The Citations to the agency's specific statutory rulemaking authority for the rulemaking to including include both the authorizing statute (general) and the implementing statute (specific);
 - ~~3-c.~~ The effective date of the rule; If an agency specifies a date:
 - ~~a.i.~~ If the effective date is earlier Earlier than the 60 days day effective date as specified in A.R.S. § 41-1032(A) after the date the final rule is filed with the Office, an agency shall specify include the earlier date, along with and state the reason for the or reasons it selected the earlier effective date as provided in A.R.S. § 41-1032(B); or
 - ~~b.ii.~~ If the effective date is later Later than the 60 days day effective date as specified in A.R.S. § 41-1032(A) after the date the final rule is filed with the Office, an agency shall specify include the date, along with and state the reason for the or reasons it selected the later effective date as provided in A.R.S. § 41-1032(B);
 - ~~4-d.~~ A list of all related Whether the rulemaking is a renewal of a previous emergency rulemaking notices and, if so, published in the Register to include the Register volume and page number that pertain the record of citation to the previous this notice of emergency rulemaking and the Register issue date;
 - ~~5-e.~~ The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. name Name; and
 - ii. address Address of agency personnel with whom persons may communicate regarding the rulemaking;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - ~~6-f.~~ An agency's justification and reason why a rule should be made, amended, repealed, or renumbered explanation of the rule, to including include an explanation about the agency's reasons for initiating the rulemaking;
 - ~~g.~~ A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
 - ~~7-h.~~ A showing show of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision of this state;
 - ~~8-i.~~ The A summary of the economic, small business, and consumer impact summary;
 - ~~9-j.~~ Any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of

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~~rules.~~ When applicable, matters shall include but are not limited to:

- ~~i.~~ Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
- ~~ii.~~ Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
- ~~iii.~~ Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states. If yes, the analysis shall be filed with the rulemaking package.

~~10.k.~~ A list of ~~Any any~~ material incorporated by reference ~~material as specified in A.R.S. § 41-1028~~ and its location in the ~~text~~ rule;

~~11.l.~~ An agency explanation of ~~about~~ the situation justifying the ~~rule's making~~ rulemaking as an emergency rule;

~~12.m.~~ The date of the Attorney General's ~~General~~ approval ~~approved~~ of the rule; and

~~13.n.~~ The phrase "The full text of the rules follows:";

~~6.~~ The full text of the rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain the text as specified in ~~R1-1-502(B)(13)~~ R1-1-502(B)(18).

~~C.~~ A emergency rulemaking package shall include:

~~1.~~ Two agency receipts as specified in R1-1-106;

~~2.~~ An original and two copies of the rulemaking package as specified in R1-1-103;

~~3.~~ An agency certificate as specified in R1-1-105;

~~4.~~ An economic, small business, and consumer impact statement if required by A.R.S. § 41-1055.

~~B.D.~~ An agency shall submit the ~~an~~ emergency rulemaking package to the Attorney General for ~~approval~~ review. The package shall contain an agency certificate as specified in R1-1-105(A) before filing the rules with the Office and two copies of a receipt form as specified in R1-1-106.

~~C.E.~~ The Attorney General shall indicate approval of the emergency rulemaking package by signing ~~prepare~~ a certificate of approval and, if applicable, a certificate of disapproval if rules in the rulemaking package are disapproved.

~~E.~~ The Attorney General ~~which shall be attached~~ attach to the first page of the certificate or certificates to the original of the notice, and shall forward the original and two copies of the rules to ~~file~~ the emergency rulemaking package, to include all documents listed under subsection (C), with 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.G.~~ Emergency rules are effective ~~in effect~~ for 180 days and may be renewed for an additional 180-day period, under the provisions of A.R.S. § 41-1026.

~~E.H.~~ Emergency rules may be renewed for an additional 180-day period under the provisions of A.R.S. § 41-1026. If the ~~an~~ agency amends the text of a rule 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, ~~prepare~~ a list of every change amendment made to the renewed emergency rule since the previous emergency rule was made. The list of amendments shall be included and attached to the renewal notice when filed with the Office.

~~F.~~ An agency shall prepare a notice of renewal of an emergency rule in the manner prescribed in this Section.

ARTICLE 8. SUMMARY RULEMAKING

R1-1-801. Notice of Summary Rulemaking

~~A.~~ If an agency determines it meets the requirements of A.R.S. § 41-1027 and other requirements in the Act an agency shall prepare a Notice of Summary Rulemaking as prescribed in this Section.

~~A.B.~~ When submitting a proposed summary rule to the Office for filing and for publication in the *Register*, an agency shall prepare a ~~A~~ Notice of Proposed Summary Rulemaking shall contain:

~~1.~~ On a centered line one inch from the top of the page, The Notice shall include the heading ~~in all capital letters~~, NOTICE OF PROPOSED SUMMARY RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page;

~~2.~~ followed by the ~~On a centered line under the notice heading~~, the agency's *Code* Title, its number and heading centered on the line under the notice heading;

~~3.~~ On a centered line below the Title number and heading, the agency's *Code* followed by the Chapter, its number, and heading centered below the Title;

~~4.~~ If applicable, on a centered line under the Chapter number and heading the agency's *Code* followed by the Subchapter, its label and heading centered below the Chapter, if applicable;

~~5.~~ On a centered line under the Chapter heading or Subchapter label, whichever is applicable, followed by the term heading in all capital letters and underlined, PREAMBLE in all capital letters centered on a line below the Chapter or Subchapter, whichever is applicable; The Preamble of the Notice of Summary Rulemaking shall include, followed

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by the items listed below in the same numbered order:

- 1-a. ~~A list of The Sections Affected~~ affected and the ~~Rulemaking Action~~ rulemaking action of each Section affected in two columns as specified in ~~R1-1-502(B)(4)~~ R1-1-502(B)(5);
 - 2-b. ~~The Citations to the agency's~~ statutory rulemaking authority ~~for the rulemaking, to including~~ include both the authorizing statute (general) and the implementing statute (specific);
 - 3-c. The interim effective date of the summary rule as specified in A.R.S. § 41-1027(D);
 - 4-d. ~~The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:~~
 - i. ~~name~~ Name; and
 - ii. ~~address~~ Address of agency personnel with whom persons may communicate regarding the rulemaking;
 - iii. ~~Area code and telephone number; and~~
 - iv. ~~Fax number, e-mail and web site addresses, if applicable.~~
 - 5-e. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered ~~explanation of the rule, to including~~ include an explanation about the agency's reasons for initiating the rulemaking;
 - 6-f. A ~~showing~~ show of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state;
 - 7-g. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
 - 8-h. ~~If required, The a~~ preliminary summary of the economic, small business, and consumer impact, ~~if required or~~ If not required, a statement of exemption under A.R.S. § 41-1055(D);
 - 9-i. ~~The Agency personnel to contact about the accuracy of the summary of the economic, small business, and consumer impact statement. This information shall include the contact's:~~
 - i. ~~name~~ Name; and
 - ii. ~~address~~ Address of agency personnel with whom persons may communicate regarding the accuracy of the summary of the economic, small business, and consumer impact statement;
 - iii. ~~Area code and telephone number; and~~
 - iv. ~~Fax number, e-mail and web site addresses, if applicable.~~
 - 10-j. The time, place, and nature of the proceedings ~~for the to making~~ make, amendment amend, or repeal of the rule or rules;
 - 11-k. ~~An A~~ explanation of justification to why the use of summary proceedings are justified;
 - 12-l. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules; ~~An agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:~~
 - i. ~~Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;~~
 - ii. ~~Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and~~
 - iii. ~~Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states. If yes, the analysis shall be filed with the rulemaking package.~~
 - 13-m. The phrase "The full text of the rules follows:";
 6. The full text of the rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain the text as specified in ~~R1-1-502(B)(13)~~ R1-1-502(B)(18).
- ~~B.C.~~ Within 90 days after publication in the Register and after consideration of any comments, an ~~If~~ agency determines it meets the requirements in A.R.S. § 41-1027(A) through (E) it shall prepare a Notice of Final Summary Rulemaking. An agency shall, within 90 days after publication in the Register and after consideration of any comments, submit to the Council its final summary rule, along with the Preamble, concise explanatory statement, and economic, small business, and consumer impact statement.
- ~~C.D.~~ An agency shall submit a summary rulemaking package to the Council as specified in subsection (B). The ~~A~~ Notice of Final Summary Rulemaking shall include contain:
1. ~~On a centered line one inch from the top of the page, the heading in all capital letters~~ NOTICE OF FINAL SUMMARY RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page;
 2. ~~followed by the~~ On a centered line under the notice heading, the agency's Code Title, its number and heading entered under the notice heading;
 3. On a centered line under the Title number and heading, the agency's Code followed by the Chapter, its number; and heading entered below the Title;
 4. ~~If applicable, on a centered line under the Chapter number and heading the agency's Code followed by the~~ Subchapter, its label and heading, if applicable, centered on a line below the Chapter;

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5. On a centered line under the Chapter heading or Subchapter label, whichever is applicable, followed by the term heading in all capital letters and underlined, PREAMBLE in all capital letters, centered below the Chapter or Subchapter, whichever is applicable; The Preamble of the Notice of Final Summary Rulemaking shall include, followed by the items listed below in the same numbered order:
 - 1-a. The A list of the Sections Affected affected and the Rulemaking Action rulemaking action of each Section affected in two columns as specified in ~~R1-1-502(B)(1)~~ R1-1-502(B)(5);
 - 2-b. The Citations to the agency's statutory rulemaking authority for the rulemaking; to including include both the authorizing statute (general) and the implementing statute (specific);
 - 3-c. The permanent effective date of the summary rule as specified in A.R.S. § 41-1027(D);
 - 4-d. A list of all related notices published in The the Register citation for to include the volume and page number the original Notice of Proposed Summary Rulemaking;
 - 5-e. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. name Name; and
 - ii. address Address of agency personnel with whom persons may communicate regarding the rulemaking;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - 6-f. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered explanation of the rule, to include an explanation about and the agency's reasons for initiating the rule rulemaking;
 - 7-g. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
 - 8-h. A showing show of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision of this state;
 - 9-i. If required, A a summary of the economic, small business, and consumer impact, if required or If not required, a statement of exemption under A.R.S. § 41-1055(D);
 - 10-j. A description of the any changes between the proposed summary rule and the final summary rule;
 - 11-k. An agency's summary of the public or stakeholder comments made regarding about the rule rulemaking and the agency response to them the comments;
 - 12-l. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules; An agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states. If yes, the analysis shall be filed with the rulemaking package.
 - 13-m. The phrase "The full text of the rules follows:";
6. 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)(18).

E. A summary rulemaking package shall include:

1. Two agency receipts as specified in R1-1-106;
2. An original and two copies of the rulemaking package as specified in R1-1-103;
3. An agency certificate as specified in R1-1-105; and
4. An economic, small business, and consumer impact statement if required by A.R.S. § 41-1055.

D.F. Upon approval of After the Council approves the a final summary rule, the Council shall prepare and attach its a certificate of approval to the original of the final summary rulemaking package as stated in R1-1-105. The Council shall file the summary rulemaking package, to include all documents listed under subsection (D), with the Office and submit one original and two copies of the final summary rulemaking package to the Office.

ARTICLE 9. EXEMPT RULEMAKING

R1-1-902. Notice of Exempt Rulemaking

A. If an agency determines it meets the requirements of A.R.S. §§ 41-1005 and 41-1057, or has been given a statutory exemption, an agency shall prepare a Notice of Exempt Rulemaking as prescribed in this Section.

A.B. A Notice of Exempt Rulemaking shall contain:

1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF EXEMPT RULE-

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MAKING in all capital letters, centered on a line approximately one inch from the top of the page;

2. ~~followed by the~~ On a centered line under the notice heading, the agency's Code Title, its label, number and heading centered on a line below the notice heading;
 3. On a centered line under the Title number and heading the agency's Code followed by the Chapter, its label, number and heading centered on a line below the Title;
 4. If applicable, on a centered line under the Chapter number and heading the agency's Code followed by the Subchapter, its label, and heading centered on a line below the Chapter, if applicable;
 5. On a centered line under the Chapter or Subchapter, whichever is applicable, followed by the term heading in all capital letters and underlined, PREAMBLE in all capital letters, centered on a line below the Chapter or Subchapter, whichever is applicable. The Preamble of the Notice of Exempt Rulemaking shall include followed by the items listed below in the same numbered order:
 - 1-a. ~~The A list of Sections Affected affected and the Rulemaking Action rulemaking action of each Section affected~~ in two columns as specified in R1-1-502(B)(4) R1-1-502(B)(5);
 - 2-b. ~~The Citations to the agency's specific statutory rulemaking authority for the rulemaking including to include the~~ authorizing statute (general), the implementing statute (specific), and the statute or session law authorizing the exemption;
 - 3-c. ~~The effective date for of the rule and the agency's reason it selected the effective date;~~
 - 4-d. ~~A list of all previous notices published in the Register addressing to include the Register volume and page number that pertain to the record of the exempt rule rulemaking;~~
 - 5-e. ~~The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:~~
 - i. ~~name Name; and~~
 - ii. ~~address Address of agency personnel with whom persons may communicate regarding the rulemaking;~~
 - iii. ~~Area code and telephone number; and~~
 - iv. ~~Fax number, e-mail and web site addresses, if applicable.~~
 - 6-f. ~~An explanation of about the rule rulemaking, including to include the agency's reasons justifications for initiating starting the rulemaking;~~
 - 7-g. ~~A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;~~
 - 8-h. ~~A showing show of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision of this state;~~
 - 9-i. ~~The summary of the economic, small business, and consumer impact, if applicable;~~
 - 10-j. ~~A description of the any changes between the proposed rule rulemaking notice, including supplemental notices, and the final rule rulemaking notice, (if applicable);~~
 - 11-k. ~~An agency's summary of the public or stakeholder comments made regarding about the rule rulemaking and the agency response to them the comments, if applicable;~~
 - 12-l. ~~Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. An agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:~~
 - i. ~~Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;~~
 - ii. ~~Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and~~
 - iii. ~~Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states. If yes, the analysis shall be filed with the rulemaking package.~~
 - 13-m. ~~A list of Any any material incorporated by reference material and its location in the text rule;~~
 - 14-n. ~~Whether the rule was previously made, amended, repealed, or renumbered as an emergency rule, and, if so, If so, the agency shall state whether where the text was changed between the making as an emergency and the making of the exempt rules rulemaking packages;~~
 - 15-o. ~~The phrase "The full text of the rules follows:".~~
 6. 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)(18).
- B-C.** An original exempt rulemaking package submitted to the Office for filing and publication shall include: an agency certificate as specified in R1-1-105 and an agency receipt as specified in R1-1-106.
1. Two agency receipts as specified in R1-1-106;
 2. An original and two copies of the rulemaking package as specified in R1-1-103;
 3. An agency certificate as specified in R1-1-105; and

4. An economic, small business, and consumer impact statement if required by A.R.S. § 41-1055.
C. ~~An agency incorporating materials by reference shall include one copy of the material with the original final exempt rule-making package filed with the Office.~~

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 1. DEPARTMENT OF ADMINISTRATION

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2010-13 as issued by Governor Brewer. (See the text of the executive order at 16 A.A.R. 1183, July 2, 2010.) The Governor's Office authorized the notice to proceed through the rulemaking process on July 2, 2010.

[R10-135]

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R2-1-601 | Amend |
| R2-1-602 | Amend |
| R2-1-603 | Repeal |
| R2-1-603 | New Section |
| R2-1-604 | Repeal |
| R2-1-605 | Repeal |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 41-703 and 41-796.01
Implementing statute: A.R.S. § 41-796.01
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**
Notice of Rulemaking Docket Opening: 14 A.A.R. 1752, May 9, 2008 (*Expired*)
Notice of Rulemaking Docket Opening: 16 A.A.R. 1766, September 3, 2010
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**
Name: Melvin G. Brender, Employee Relations Section
Address: ADOA Human Resources
100 N. 15th Ave., Suite 261
Phoenix, AZ 85007
Telephone: (602) 542-0544
Fax: (602) 542-1980
E-mail: Mel.Brender@azdoa.gov
or
Name: Kayelen Rolfe, Manager, Travel Reduction Programs
Address: ADOA Human Resources
100 N. 15th Ave., Suite 261
Phoenix, AZ 85007
Telephone: (602) 542-3638
Fax: (602) 542-3636
E-mail: Kayelen.Rolfe@azdoa.gov
- 5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:**
The purpose of this rulemaking is to address the issues identified in the previous Five-year Review Report approved by the Governor's Regulatory Review Council. The proposed rulemaking will allow the compliance data to be collected through the annual travel reduction survey. In addition, the definitions will be amended and updated to proper form and to reflect current practice.

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

The agency did not utilize a study for evaluating or justifying the rulemaking.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules 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:

Adoption of this minor rule change will have minimal financial impact. The compliance data is already being collected and is the same information that is available annually from the mandatory travel reduction survey that is distributed to all state employees. The primary impact of the rules is to benefit air quality. The Department of Administration and all other state agencies bear the costs for the administration of this program. The public benefits from less congested roadways and lower levels of pollution. The only costs involve staff time associated with preparing and reviewing the collected survey data in addition to publishing these rules.

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: Melvin G. Brender, Employee Relations Section
Address: ADOA Human Resources
100 N. 15th Ave., Suite 261
Phoenix, AZ 85007
Telephone: (602) 542-0544
Fax: (602) 542-1980
E-mail: Mel.Brender@azdoa.gov

10. The time, place, and nature of the proceedings for the 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 rules:

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

Date: Wednesday, November 3, 2010
Time: 2:00 p.m.
Location: Department of Administration
100 N. 15th Ave., Room 203
Phoenix, AZ 85007

The rulemaking record will close at 5:00 p.m. on November 3, 2010.

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. Any material incorporated by reference and its location in the rules:

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 1. DEPARTMENT OF ADMINISTRATION

ARTICLE 6. ADJUSTED WORK HOURS

Section
R2-1-601. Definitions
R2-1-602. Requirements
R2-1-603. ~~Reporting~~ Monitoring
R2-1-604. ~~Exemption~~ Repealed
R2-1-605. ~~Response from Director~~ Repealed

ARTICLE 6. ADJUSTED WORK HOURS

R2-1-601. Definitions

In this ~~rule~~ Article, unless the context otherwise requires:

1. "Agency head" means the head of each department, agency, board and commission of this state.
2. "Area A" ~~has the same meaning in A.R.S. § 49-541(1).~~
3. "Area B" ~~has the same meaning in A.R.S. § 49-541(2).~~
- 2-4. "Director" means the Director of the Department of Administration- ~~or the Director's designee.~~
- 3-5. "Employee" means ~~a state employee or individual that has a legal employment agreement with the state~~ any person elected, appointed or employed, either on a part-time or full-time basis, by a department, agency, board or commission of this state.
4. "Non-attainment area" ~~means the metropolitan Phoenix area within Maricopa County or the metropolitan Tucson area within Pima County.~~
- 5-6. "Reporting period Period" means October 1 through the following April 1.
7. "Travel Reduction Survey Data" means information collected pursuant to A.R.S. § 49-588, Pima County Ordinance 1988-72, and Pinal County Ordinance 121300-AQ1.

R2-1-602. Requirements

- A. During the ~~reporting~~ period, each agency head shall ~~require~~ provide work schedule options so that a minimum of 85% of its employees whose offices are located in a ~~nonattainment area~~ Area A or Area B to comply with are on adjusted work hours to reduce carbon monoxide concentration levels. ~~These adjusted work hours may be continued during the April 2 through September 30 nonreporting period.~~ Acceptable adjusted work hours are include schedules that:
1. ~~Schedules that begin~~ Begin the workday on or before 7:30 a.m., or on or after 8:30 a.m., and conclude the workday on or before 4:30 p.m., or on or after 5:30 p.m. ~~In Maricopa County, schedules beginning on or before 7:30 a.m. and concluding on or before 4:30 p.m. have a greater air quality benefit than schedules beginning on or after 8:30 a.m. and concluding on or after 5:30 p.m.~~
 2. ~~Schedules that adjust~~ Adjust work hours into a ~~4-day~~ four-day, 40-hour work week. Employees shall avoid a workday that begins between 7:30 a.m. and 8:30 a.m. or concludes between 4:30 p.m. and 5:30 p.m., whenever possible.
 3. ~~Schedules that allow~~ Allow the employee to telework, commute by public transit, carpool, vanpool, bicycling, or walking. Employees who carpool or vanpool shall avoid a workday that begins between 7:30 a.m. and 8:30 a.m., or concludes between 4:30 p.m. and 5:30 p.m., whenever possible.
 4. ~~Other schedules that can be shown to reduce carbon monoxide concentration levels. These alternative work schedules shall be documented in the August 1 plan for consideration, pursuant to R2-1-603(A). The Director shall confer with the Department of Environmental Quality to determine if these schedules are applicable.~~
- B. Notwithstanding the requirements of subsection (A), each agency shall comply with A.R.S. § 38-401 requiring state offices to be open from 8:00 a.m. until 5:00 p.m. and ~~A.A.C. R2-6-203 requiring that capitol buildings shall be open from 7:30 a.m. until 5:30 p.m.~~

R2-1-603. Reporting Monitoring

- A. ~~On or before August 1 each year, each agency head with employees in a nonattainment area shall submit a plan for the following reporting period. This plan shall include the following:~~
1. ~~The name and signature of the agency head and the name of the agency;~~
 2. ~~The total number of employees whose offices are located in the nonattainment areas, by county;~~
 3. ~~The total number of employees whose offices are located in the nonattainment areas, by county, that shall be completing their work schedules in compliance with R2-1-602(A). The plan shall include a subtotal count for each paragraph listed under R2-1-602(A);~~
 4. ~~A description of other schedules as described in R2-1-602(A)(4);~~
 5. ~~Any suggestions identifying areas that may be improved by the agency for it to better comply with R2-1-602;~~
 6. ~~An exemption, if needed, pursuant to R2-1-604.~~
- B. ~~On or before May 1 each year, each agency head with employees in a nonattainment area shall submit to the Director a summary report for the previous reporting period. The report shall include the following:~~
1. ~~The name and signature of the agency head and the name of the agency;~~
 2. ~~A copy of the original plan;~~
 3. ~~An explanation of any differences between the original plan and its actual implementation.~~

The Director shall utilize existing travel reduction survey data to determine the percentage of employee work schedules that are in compliance with R2-1-602(A).

R2-1-604. Exemption Repealed

~~The agency head may submit a request to the Director for an exemption from the requirements of R2-1-602(A) to the extent it is necessary for the agency to meet the requirements of R2-1-602(B). The request for exemption shall include an explanation of why the total requirements of R2-1-602 cannot be met. The request for exemption shall be submitted with the plan described in R2-1-603(A).~~

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R2-1-605. Response from Director Repealed

- ~~A. If the plan submitted pursuant to R2-1-603 is unacceptable, the Director shall notify the agency head within 30 days of receipt of the plan. The notice shall detail the portions of the plan which are not acceptable and suggest possible remedies. If there has not been a notice issued within 30 days of receipt of the plan, the plan shall be considered approved.~~
- ~~B. The Director shall respond with a decision to the agency head within 30 days of receipt of the request for exemption, pursuant to R2-1-604.~~

NOTICE OF PROPOSED RULEMAKING

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 at 15 A.A.R. 1942, November 20, 2009.) The Governor's Office authorized the notice to proceed through the rulemaking process on December 2, 2009.

[R10-134]

PREAMBLE

1. Sections Affected

Article 3
R10-4-301
R10-4-302
R10-4-303
R10-4-304
R10-4-305

Rulemaking Action

New Article
New Section
New Section
New Section
New Section
New Section

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

Authorizing statute: A.R.S. § 41-2405(A)(8)

Implementing statute: A.R.S. § 41-2401(D)(6), (7), (8), and (9)

3. List of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 16 A.A.R. 1913, September 24, 2010 (*in this issue*)

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

Name: John A. Blackburn, Jr.
Address: Arizona Criminal Justice Commission
1110 W. Washington St., Suite 230
Phoenix, AZ 85007
Telephone: (602) 364-1171
Fax: (602) 364-1175
E-mail: jrblackburn@azcjc.gov

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

During the third special legislative session of 2009, the legislature amended A.R.S. § 41-2401(D)(9) to require that monies in the Criminal Justice Enhancement Fund be distributed directly to county sheriffs rather than to the Arizona Department of Corrections for allocation to the county sheriffs. This change resulted in confusion regarding the agency responsible for making rules regarding the allocation of the monies. During its most recent session, the legislature eliminated this confusion by amending A.R.S. § 41-2405(A)(8). The law now clearly indicates that the Arizona Criminal Justice Commission is to make rules regarding allocation of monies in the Criminal Justice Enhancement Fund. This rulemaking makes the required rules.

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

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a pre-

vious 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 rules will have minimal economic impact on the Arizona Departments of Public Safety and Law, the Supreme Court, and the county sheriffs. Each of these entities will incur the cost of preparing the guidelines required by the rules, maintaining records, and submitting necessary reports. However, the benefit from receiving substantial sums of money from the Criminal Justice Enhancement Fund will greatly exceed the costs.

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: John A. Blackburn, Jr.
Address: Arizona Criminal Justice Commission
1110 W. Washington St., Suite 230
Phoenix, AZ 85007
Telephone: (602) 364-1171
Fax: (602) 364-1175
E-mail: jrblackburn@azcjc.gov

10. The time, place, and nature of the proceedings for the 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 rules:

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

Date: Wednesday, November 3, 2010
Time: 8:00 a.m.
Location: 1110 W. Washington St., Suite 250
Phoenix, AZ 85007

The rulemaking record will close at 5:00 p.m. on Friday, November 5, 2010.

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 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

ARTICLE 3. ~~REPEALED~~ CRIMINAL JUSTICE ENHANCEMENT FUND

Section

- R10-4-301. ~~Repealed~~ Definitions
R10-4-302. ~~Repealed~~ Agency Contact Information Required
R10-4-303. ~~Repealed~~ Fund Guidelines Required
R10-4-304. ~~Repealed~~ Records Required
R10-4-305. ~~Repealed~~ Complaints

ARTICLE 3. ~~REPEALED~~ CRIMINAL JUSTICE ENHANCEMENT FUND

R10-4-301. ~~Repealed~~ Definitions

In this Article:

1. "Commission" means the Arizona Criminal Justice Commission.
2. "Agency contact" means the individual within an allocating agency who communicates with the Commission regarding the Fund.
3. "Agency head" means:
 - a. The Director of the Arizona Department of Public Safety.

Notices of Proposed Rulemaking

- b. The Arizona Attorney General.
- c. The Chief Justice of the Arizona Supreme Court, and
- d. The president of the Arizona Sheriffs' Association.
- 4. "Allocating agency" means the Arizona Departments of Public Safety and Law, the Arizona Supreme Court, and the Arizona Sheriffs' Association.
- 5. "Enhance" or "enhancing," as used in A.R.S. § 41-2401(D), means to supplement rather than supplant monies from other sources.
- 6. "Fund" means the Criminal Justice Enhancement Fund established by A.R.S. § 41-2401(A).

R10-4-302. ~~Repealed Agency Contact Information Required~~

- A.** Within 60 days after this Article takes effect, an agency head shall submit to the Commission the name of and contact information for the agency contact.
- B.** If any of the information submitted under subsection (A) changes, the agency head shall provide immediate notice of the change to the Commission.

R10-4-303. ~~Repealed Fund Guidelines Required~~

- A.** Within 60 days after this Article takes effect, the agency contact shall submit to the Commission for its approval the allocating agency's guidelines regarding the following:
 - 1. The procedure for handling Fund monies until they are allocated.
 - 2. The procedure used to allocate Fund monies.
 - 3. The procedure used to ensure that Fund monies are expended as specified in A.R.S. § 41-2401(D), and
 - 4. The procedure used to assess the impact of the Fund monies on enhancing criminal justice.
- B.** The Commission shall review the guidelines submitted for the allocating agency, assist the agency to make any necessary changes, and approve the guidelines within 60 days after the guidelines are received.
- C.** An allocating agency shall review and, if necessary, update the approved guidelines by October 1 of each year. The agency contact shall provide to the Commission for its approval the guidelines as revised or inform the Commission that no revision is necessary.

R10-4-304. ~~Repealed Records Required~~

- A.** An agency head shall ensure that the following records are maintained for the allocating agency:
 - 1. The amount of Fund monies available to the allocating agency.
 - 2. To whom Fund monies are allocated.
 - 3. The amount of Fund monies allocated to each recipient.
 - 4. A detailed description of the manner in which the Fund monies are expended, and
 - 5. An assessment of the impact of the Fund monies on enhancing criminal justice.
- B.** An agency head shall ensure that the records required under subsection (A) are:
 - 1. Maintained for three years, and
 - 2. Made available for review by the Commission and the Arizona Auditor General.
- C.** All reports required by statute are subject to review and verification by the Commission.

R10-4-305. ~~Repealed Complaints~~

- A.** An individual who believes that Fund monies are being expended in a manner that is inconsistent with A.R.S. § 41-2401(D) may submit a written complaint to the Commission. The complainant shall include in the complaint sufficient information to enable the Commission to investigate the expenditure alleged to be inconsistent with A.R.S. § 41-2401(D).
- B.** If the Commission determines that the expenditure appears to be inconsistent with A.R.S. § 41-2401(D), the Commission shall ask the agency head to explain the expenditure.
- C.** If the Commission determines that the expenditure is inconsistent with A.R.S. § 41-2401(D), the Commission shall take action allowed by law to remedy the expenditure.