

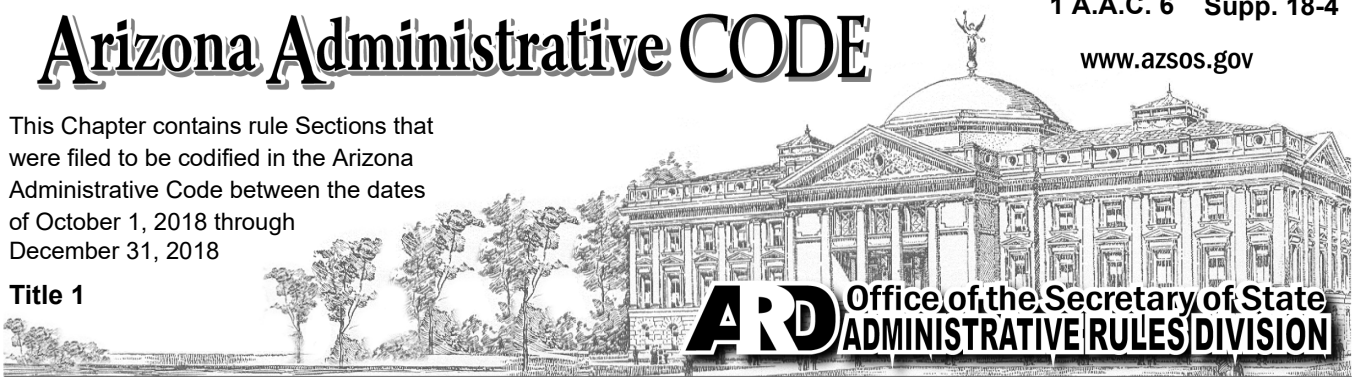
Arizona Administrative CODE

1 A.A.C. 6 Supp. 18-4

www.azsos.gov

This Chapter contains rule Sections that were filed to be codified in the Arizona Administrative Code between the dates of October 1, 2018 through December 31, 2018

Title 1



TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

R1-6-101.	Definitions	3	R1-6-302.	Rescheduling a Five-year Review Report	8
R1-6-105.	Public Comments	4	R1-6-303.	Extension of the Due Date for a Five-year Review Report	8
R1-6-201.	Submitting a Regular Rule	5	R1-6-401.	Applicability	9
R1-6-202.	Submitting an Expedited Rule	6			
R1-6-301.	Submitting a Five-year Review Report	7			

Questions about these rules? Contact:

Department: Governor's Regulatory Review Council
Address: 100 N. 15th Ave #305
Phoenix, AZ 85007
Telephone: (602) 542-2058
[Website: www.grrc.az.gov](http://www.grrc.az.gov)

The release of this Chapter in Supp. 18-4 replaces Supp. 17-3, 11 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

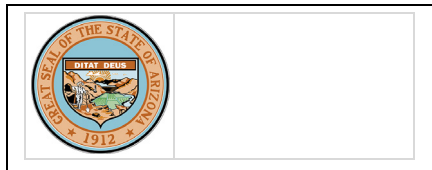
EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.



Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 1. RULES AND THE RULEMAKING PROCESS**CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL**

(Authority: A.R.S. § 41-1051)

ARTICLE 1. GENERAL RULES OF PROCEDURE

Article 1, consisting of Sections R1-6-101 through R1-6-106 and R1-6-108, adopted effective May 25, 1995 (Supp. 95-2).

Article 1, consisting of Sections R1-6-102 three R1-6-109, repealed effective May 25, 1995 (Supp. 95-2).

Article 1 consisting of Sections R1-6-102 through R1-6-109 adopted effective December 16, 1987.

Section	
R1-6-101.	Definitions 3
R1-6-102.	Meetings 3
R1-6-103.	Submitting a Petition for Council Rulemaking or Review 3
R1-6-104.	A.R.S. § 41-1008(E) Extension Requests 4
R1-6-105.	Public Comments 4
R1-6-106.	Repealed 4
R1-6-107.	Renumbered 4
R1-6-108.	Renumbered 4
R1-6-109.	Renumbered 4
R1-6-110.	Renumbered 4
R1-6-111.	Renumbered 5
R1-6-112.	Renumbered 5
R1-6-113.	Renumbered 5
R1-6-114.	Renumbered 5
R1-6-115.	Renumbered 5

ARTICLE 2. RULEMAKING PROCEDURES

Article 2, consisting of Section R1-6-201, repealed by final rulemaking; new Article 2, consisting of Sections R1-6-201 to R1-6-207 made by final rulemaking effective October 5, 2013 (Supp. 13-3).

Article 2, consisting of Section R1-6-201, adopted effective May 25, 1995 (Supp. 95-2).

Article 2, consisting of Sections R1-6-202 three R1-6-206, repealed effective May 25, 1995 (Supp. 95-2).

Article 2, consisting of Section R1-6-201, adopted effective May 25, 1995 (Supp. 95-2).

Article 2, consisting of Sections R1-6-202 through R1-6-206, repealed effective May 25, 1995 (Supp. 95-2).

Article 2 consisting of Sections R1-6-202 through R1-6-206 adopted effective March 16, 1988.

Section	
R1-6-201.	Submitting a Regular Rule 5
R1-6-202.	Submitting an Expedited Rule 6
R1-6-203.	Delivering a Notice of Proposed Expedited Rulemaking 6
R1-6-204.	Submitting an Approved Regular or Expedited Rule with Changes 6
R1-6-205.	Filing a Regular or Expedited Rule Approved by the Council 7
R1-6-206.	Returned Rules 7
R1-6-207.	Repealed 7

ARTICLE 3. FIVE-YEAR REVIEW REPORTS

Article 3, consisting of Sections R1-6-301 and R1-6-302 repealed by final rulemaking; new Article 3, consisting of Sections R1-6-301 to R1-6-305 made by final rulemaking effective October 5, 2013 (Supp. 13-3).

Article 3, consisting of Section R1-6-301, adopted effective April 3, 1996 (Supp. 96-2).

Section	
R1-6-301.	Submitting a Five-year Review Report 7
R1-6-302.	Rescheduling a Five-year Review Report 8
R1-6-303.	Extension of the Due Date for a Five-year Review Report 8
R1-6-304.	Repealed 8
R1-6-305.	Returned Five-year Review Reports 8

ARTICLE 4. APPEALS AND PETITIONS

Article 4, consisting of Section R1-6-401, repealed by final rulemaking; new Article 4, consisting of Section R1-6-401, made by final rulemaking effective October 5, 2013 (Supp. 13-3).

Article 4, consisting of Section R1-6-401, adopted effective April 3, 1996 (Supp. 96-2).

Section	
R1-6-401.	Applicability 9
R1-6-402.	Filing of Petitions or Appeals; Agency Response; Council Decision 9
R1-6-403.	Additional Requirements for an Appeal of a Delegation Agreement 9
R1-6-404.	Additional Requirements for an Appeal Related to the Economic, Small Business, and Consumer Impact of a Rule 10

ARTICLE 5. REPEALED

Article 5, consisting of Sections R1-6-501 and R1-6-502, repealed by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

Article 5, consisting of Section R1-6-501, repealed by final rulemaking; new Article 5, consisting of Sections R1-6-501 and R1-6-502, made by final rulemaking, effective October 5, 2013 (Supp. 13-3).

Article 5, consisting of Section R1-6-501, made at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3).

Section	
R1-6-501.	Repealed 10
R1-6-502.	Repealed 10

ARTICLE 6. REPEALED

Article 6, consisting of Section R1-6-601, repealed by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

Article 6, consisting of Section R1-6-601, made by final rulemaking, effective October 5, 2013 (Supp. 13-3).

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

Section	
R1-6-601.	Repealed 10

ARTICLE 7. REPEALED

Article 7, consisting of Section R1-6-701, repealed by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

Article 7, consisting of Section R1-6-701, made by final rulemaking, effective October 5, 2013 (Supp. 13-3).

Section	
R1-6-701.	Repealed 10

ARTICLE 8. REPEALED

Article 8, consisting of Sections R1-6-801 and R1-6-802, repealed by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

Article 8, consisting of Sections R1-6-801 and R1-6-802, made by final rulemaking, effective October 5, 2013 (Supp. 13-3).

Section	
R1-6-801.	Repealed10
R1-6-802.	Repealed10

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

ARTICLE 1. GENERAL RULES OF PROCEDURE**R1-6-101. Definitions**

- A.** The definitions in A.R.S. § 41-1001 apply to this Chapter.
- B.** In this Chapter:
1. "Agency head" means the chief officer of an agency or another person directly or indirectly purporting to act on behalf or under the authority of the agency head.
 2. "Chair" means the chairperson of the Council or the chairperson's designee.
 3. "Electronic copy" means a document submitted or filed by e-mail or other electronic means.
 4. "Expedited rule" means a rule made according to the procedures in A.R.S. §§ 41-1027 and 41-1053.
 5. "Five-year Review Report" means a report submitted to the Council according to the procedures in A.R.S. § 41-1056 or 41-1095.
 6. "Open Meeting Law" means A.R.S. Title 38, Chapter 3, Article 3.1.
 7. "Public Comment" means a written comment or criticism submitted to an agency that relates in whole or in part to a proposed rule or an existing rule, or a comment made at an oral proceeding held in accordance with A.R.S. § 41-1023.
 8. "Regular rule" means a rule made according to the procedures in A.R.S. §§ 41-1021 through 41-1024 and 41-1052.

Historical Note

Adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2). Former Section R1-6-101 renumbered to R1-6-102; new Section R1-6-101 adopted by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 3095, effective October 9, 2018 (Supp. 18-4).

R1-6-102. Meetings

- A.** The Chair, in consultation with the Council, shall set monthly meeting dates of the Council and a schedule containing submission deadlines based on those meeting dates for each calendar year by the preceding September 15 and shall post notice of each monthly meeting according to the Open Meeting Law.
- B.** The Chair or Council may schedule a special meeting to consider any matter it may consider at a regularly scheduled monthly meeting. The Council shall post notice of a special meeting according to the Open Meeting Law at least 24 hours before the special meeting.
- C.** The Council may recess a regularly scheduled monthly or special meeting to a later date if, before recessing, the Chair gives notice of the date and time of the resumption of the meeting and posts a notice of resumption of the meeting according to the Open Meeting Law.
- D.** The Chair may temporarily adjourn or recess a regularly scheduled monthly or special meeting on the meeting day in an effort to ensure that a quorum of the Council is present.
- E.** For the purpose of responding to questions from the Council, a representative of an agency shall appear at a Council meeting at which the agency has been notified that its rule or five-year review report is on the agenda for consideration.

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25,

1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2). Former Section R1-6-102 renumbered to R1-6-103; new Section R1-6-102 renumbered from R1-6-101 and amended by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

R1-6-103. Submitting a Petition for Council Rulemaking or Review

- A.** A person may petition the Council under A.R.S. § 41-1033(A) for a:
1. Rulemaking action relating to a rule promulgated by the Council, including making a new rule or amending or repealing an existing rule; or
 2. Review of an existing Council practice or substantive policy statement alleged to constitute a rule.
- B.** To act under A.R.S. § 41-1033(A) and this Section, a person shall submit to the Council office one electronic copy of a petition, in the form of a letter signed by the person submitting the petition, that includes the following information:
1. Name, mailing address, e-mail address, and telephone number of the person submitting the petition;
 2. Name of any person represented by the person submitting the petition; and
 3. If the petition is for rulemaking action:
 - a. A statement of the rulemaking action sought, including the *Arizona Administrative Code* citation of all existing rules, and the specific language of a new rule or rule amendment; and
 - b. Reasons for the rulemaking action, including an explanation of why an existing rule is inadequate, unreasonable, unduly burdensome, or unlawful;
 4. If the petition is for a review of an existing practice or substantive policy statement:
 - a. Subject matter of the existing practice or substantive policy statement, and
 - b. Reasons why the existing practice or substantive policy statement constitutes a rule.
- C.** The petition shall not exceed five double-spaced pages and shall be in a clear and legible typeface.
- D.** A person may submit supporting information with a petition, including:
1. Statistical data; and
 2. A list of other persons likely to be affected by the rulemaking action or the review, with an explanation of the likely effects.
- E.** The Council shall send a letter in response to the petition no later than 60 calendar days after the date the Council receives the petition.

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2). Former Section R1-6-103 renumbered to R1-6-104; new Section R1-6-103 renumbered from R1-6-102 and amended by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

tive August 9, 2017 (Supp. 17-3).

R1-6-104. A.R.S. § 41-1008(E) Extension Requests

- A.** Under A.R.S. § 41-1008(E), an agency may file a written request for an extension of the two-year period during which a fee established or increased by exempt rulemaking is effective.
- B.** The agency shall file a request, in the form of a letter signed by the agency head, at least 40 days before expiration of the two-year period so that the request may be considered at a regularly scheduled Council meeting. The agency representative filing a request shall submit to the Council office one electronic copy of the request. The request shall contain:
 1. The name, mailing address, e-mail address, and telephone number of the agency and the agency representative filing the request;
 2. The statutory authority under which the request is allowed;
 3. The length of the extension sought;
 4. The reasons why the two-year period should be extended; and
 5. Other supporting information, such as statistical data or a description of persons likely to be adversely affected if the request is denied, if applicable.
- C.** The request shall not exceed five double-spaced pages and shall be in a clear and legible typeface.
- D.** The Council shall schedule consideration of the request for a Council meeting as soon as practicable after receipt of the agency's request.
- E.** Within seven calendar days after the Council's decision on the request, the Chair shall provide written notification of the Council's decision to the affected agency head, including the reasons for and date of the decision.

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2). Former Section R1-6-104 renumbered to R1-6-108; new Section R1-6-104 renumbered from R1-6-103 and amended by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). R1-6-104 renumbered to R1-6-201; new Section R1-6-104 renumbered from R1-6-110 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

R1-6-105. Public Comments

Within 10 business days of receipt, an agency shall submit to the Council office one electronic copy of any written public comment received by the agency.

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2). Former Section R1-6-105 renumbered to R1-6-109; new Section R1-6-105 adopted by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Repealed by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). New Section made by final rulemaking at 24 A.A.R. 3095, effective October 9, 2018

(Supp. 18-4).

R1-6-106. Repealed**Historical Note**

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2). Former Section R1-6-106 renumbered to R1-6-110; new Section R1-6-106 adopted by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). Repealed by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).

R1-6-107. Renumbered**Historical Note**

Adopted effective December 16, 1987 (Supp. 87-4). Repealed effective May 25, 1995 (Supp. 95-2). New Section adopted effective April 3, 1996 (Supp. 96-2). Former Section R1-6-107 renumbered to R1-6-111; new Section R1-6-107 adopted by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). Section R1-6-107 renumbered to R1-6-204 by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).

R1-6-108. Renumbered**Historical Note**

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2). Former Section R1-6-108 renumbered to R1-6-112; new Section R1-6-108 renumbered from R1-6-104 and amended by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). Section R1-6-108 renumbered to R1-6-205 by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).

R1-6-109. Renumbered**Historical Note**

Adopted effective December 16, 1987 (Supp. 87-4). Repealed effective May 25, 1995 (Supp. 95-2). New Section R1-6-109 renumbered from R1-6-105 and amended by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). Section R1-6-109 renumbered to R1-6-206 by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).

R1-6-110. Renumbered**Historical Note**

New Section R1-6-110 renumbered from R1-6-106 and amended by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 17 A.A.R. 1410, effective September 5,

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

2011 (Supp. 11-3). Section R1-6-110 renumbered to R1-6-104 by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013; clerical error of not showing renumbering in Supp. 13-3 corrected in Supp. 17-3.

R1-6-111. Renumbered**Historical Note**

New Section R1-6-111 renumbered from R1-6-107 and amended by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Former R1-6-111 renumbered to R1-6-112; new R1-6-111 renumbered from R1-1-112 and amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). Section R1-6-111 renumbered to R1-6-301 by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).

R1-6-112. Renumbered**Historical Note**

New Section R1-6-112 renumbered from R1-6-108 and amended by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Former R1-6-112 renumbered to R1-6-111; new R1-6-112 renumbered from R1-1-111 and amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). Section R1-6-112 renumbered to R1-6-203 by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).

R1-6-113. Renumbered**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). Section R1-6-113 renumbered to R1-6-302 by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).

R1-6-114. Renumbered**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). Section R1-6-114 renumbered to R1-6-303 by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).

R1-6-115. Renumbered**Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). R1-6-115 renumbered to R1-6-304 by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).

ARTICLE 2. RULEMAKING PROCEDURES**R1-6-201. Submitting a Regular Rule**

A. To submit a regular rule for consideration by the Council, an agency shall submit to the Council office one electronic copy of each rulemaking document that follows, prepared in the manner required by this subsection and the rules of the Office of the Secretary of State:

1. A request for approval, in the form of a cover letter signed by the agency head. The cover letter shall specify:
 - a. The close of record date;

- b. Whether the rulemaking activity relates to a five-year review report and, if applicable, the date the report was approved by the Council;
- c. Whether the rule establishes a new fee and, if it does, citation of the statute expressly authorizing the new fee;
- d. Whether the rule contains a fee increase;
- e. Whether an immediate effective date is requested for the rule under A.R.S. § 41-1032;
- f. A certification that the preamble discloses a reference to any study relevant to the rule that the agency reviewed and either did or did not rely on in the agency's evaluation of or justification for the rule;
- g. If one or more full-time employees are necessary to implement and enforce the rule, a certification that the preparer of the economic, small business, and consumer impact statement has notified the Joint Legislative Budget Committee of the number of new full-time employees necessary to implement and enforce the rule; and
- h. A list of all documents enclosed.

2. A Notice of Final Rulemaking, including the preamble, table of contents for the rulemaking, and text of each rule;
 3. An economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055;
 4. The written comments received by the agency concerning the proposed rule and a written record, transcript, or minutes of any testimony received if the agency maintains a written record, transcript, or minutes;
 5. Any analysis submitted to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states;
 6. Material incorporated by reference, if any;
 7. The general and specific statutes authorizing the rule, including relevant statutory definitions; and
 8. If a term is defined in the rule by referring to another rule or a statute other than the general and specific statutes authorizing the rule, the statute or other rule referred to in the definition.
- B. After a rule is placed on a Council agenda, Council staff shall review the rule for compliance with the requirements of A.R.S. §§ 41-1021 through 41-1024 and 41-1052 and this Chapter and may ask questions or suggest changes to the agency. If the agency revises any rulemaking document in response to a question or suggested change, the agency shall submit one electronic copy of the revised rulemaking document to the Council for review.
- C. After a rule is placed on a Council agenda, an agency may have the rule moved to the agenda of a later meeting by having the agency head send a written notice to the Chair that includes the date of the later meeting. If the agency makes a subsequent request that the rule be moved, the Chair may grant or deny the request at the Chair's discretion.
- D. Council staff shall notify the agency of any written comments received by the Council related to an agency's rulemaking.
- E. If it is necessary for a rule to be heard at more than one Council meeting, the agency shall submit any revised documents for the later meeting, consistent with this Section.
- F. An agency shall respond to any public comment received in accordance with A.R.S. § 41-1023. An agency shall provide a copy of its response to the commenter and the Council office.

Historical Note

Adopted effective May 25, 1995 (Supp. 95-2). Amended by final rulemaking at 6 A.A.A. 8, effective December 8,

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). R1-6-201 renumbered to R1-6-401; new Section R1-6-201 renumbered from R1-6-104 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 3095, effective October 9, 2018 (Supp. 18-4).

R1-6-202. Submitting an Expedited Rule

- A.** To submit an expedited rule for consideration by the Council, an agency shall submit to the Council office one electronic copy of each rulemaking document that follows, prepared in the manner required by this subsection and the rules of the Office of the Secretary of State:
1. A request for approval, in the form of a cover letter signed by the agency head. The cover letter shall specify:
 - a. The close of record date;
 - b. An explanation of how the expedited rule meets the criteria in A.R.S. § 41-1027(A);
 - c. Whether the rulemaking activity relates to a five-year review report and, if applicable, the date the report was approved by the Council;
 - d. A certification that the preamble discloses a reference to any study relevant to the rule that the agency reviewed and either did or did not rely on in the agency's evaluation of or justification for the rule; and
 - e. A list of all documents enclosed.
 2. A Notice of Final Expedited Rulemaking, including the preamble, table of contents for the rulemaking, and text of each rule;
 3. The written comments, including objections that the rulemaking does not meet the criteria in A.R.S. § 41-1027(A), received by the agency or contained in a notice concerning the proposed rule;
 4. Any analysis submitted to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states;
 5. Material incorporated by reference, if any;
 6. For a statute declared unconstitutional, the court's decision;
 7. The general and specific statutes authorizing the rule, including relevant statutory definitions;
 8. If a term is defined in the rule by referring to another rule or a statute other than the general and specific statutes authorizing the rule, the statute or other rule referred to in the definition.
- B.** After a rule is placed on a Council agenda, Council staff shall review the rule for compliance with the requirements of A.R.S. §§ 41-1027, 41-1053, and this Chapter and may ask questions or suggest changes to the agency. If the agency revises any rulemaking document in response to a question or suggested change, the agency shall submit one electronic copy of the revised rulemaking document to the Council for review.
- C.** After a rule is placed on a Council agenda, an agency may have the rule moved to the agenda of a later meeting by having the agency head send a written notice to the Chair that includes the date of the later meeting. If the agency makes a subsequent request that the rule be moved, the Chair may grant or deny the request at the Chair's discretion.
- D.** An agency shall respond to any public comment received in accordance with A.R.S. § 41-1023. An agency shall provide a copy of the response to the commenter and an electronic copy to the Council office.

Historical Note

Adopted effective March 16, 1988 (Supp. 88-1). Repealed effective May 25, 1995 (Supp. 95-2). New Section made by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 3095, effective October 9, 2018 (Supp. 18-4).

R1-6-203. Delivering a Notice of Proposed Expedited Rulemaking

- A.** Under A.R.S. § 41-1027(B), before filing a Notice of Proposed Expedited Rulemaking with the Office of the Secretary of State, an agency is required to submit an electronic copy of the Notice of Proposed Expedited Rulemaking to the Council.
- B.** Upon filing a Notice of Proposed Expedited Rulemaking with the Office of the Secretary of State, the agency shall:
1. Post the Notice of Proposed Expedited Rulemaking on its website as soon as practicable; and
 2. Notify Council staff of the filing as soon as practicable. Upon receipt of this notice, Council staff shall post the Notice of Proposed Expedited Rulemaking on the Council's website as soon as practicable.
- C.** For the purposes of submitting a final expedited rule for consideration by the Council in accordance with R1-6-202, if the agency and the Council post the Notice of Proposed Expedited Rulemaking on their respective websites on different dates, the Council shall consider the 30-day public comment window established in A.R.S. § 41-1027(C) to have opened on the date of the agency's posting.

Historical Note

Adopted effective March 16, 1988 (Supp. 88-1). Repealed effective May 25, 1995 (Supp. 95-2). New Section R1-6-203 renumbered from R1-6-112 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

R1-6-204. Submitting an Approved Regular or Expedited Rule with Changes

- A.** If a final regular or expedited rule is approved by the Council with changes, an agency shall submit to the Council office within 14 calendar days after Council approval, unless a later date is arranged under subsection (B), one electronic copy of each rulemaking document that follows, prepared in the manner required by this Chapter and the rules of the Office of the Secretary of State:
1. A letter identifying each change made at the direction of the Council; and
 2. The following rulemaking documents:
 - a. A notice of Final Rulemaking or Notice of Final Expedited Rulemaking, as applicable; and
 - b. An economic, small business, and consumer impact statement, if applicable.
- B.** If an agency is unable to submit an approved regular rule or expedited rule to the Council office within the time specified in subsection (A), the agency shall contact the Council office in writing and arrange to submit the approved rule at a later date.

Historical Note

Adopted effective March 16, 1988 (Supp. 88-1). Repealed effective May 25, 1995 (Supp. 95-2). New Section R1-6-204 renumbered from R1-6-107 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

R1-6-205. Filing a Regular or Expedited Rule Approved by the Council

- A. If the Council approves a final regular or expedited rule as submitted, an agency shall file the final regular or expedited rule according to the rules of the Office of the Secretary of State.
- B. If the Council approves a final regular or expedited rule subject to the agency making changes as directed by the Council, and the agency submits the rulemaking documents required by R1-6-204:
 1. Council staff shall verify whether each change required by the Council was made.
 2. Once Council staff notifies the agency that the verification process is complete, the agency shall file the final regular or expedited rule according to the rules of the Office of the Secretary of State.
 3. If an agency submits a revised preamble; table of contents; rule; or economic, small business, and consumer impact statement that does not contain the exact words approved by the Council, Council staff shall notify the agency and require that the items be submitted as approved or schedule the matter for reconsideration by the Council.
- C. Except as specified in subsection (B), an agency shall not make any change to a preamble; table of contents; rule; economic, small business, and consumer impact statement; or materials incorporated by reference after Council approval.

Historical Note

Adopted effective March 16, 1988 (Supp. 88-1).
 Repealed effective May 25, 1995 (Supp. 95-2). New Section R1-6-205 renumbered from R1-6-108 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

R1-6-206. Returned Rules

The Council may vote to return a preamble; table of contents; rule; or economic, small business, and consumer impact statement under A.R.S. § 41-1052(C), after identifying the manner in which the returned portion does not meet the standards at A.R.S. § 41-1052(D) through (G).

1. The Council may schedule a date for resubmission in consultation with the agency representative.
2. An agency shall resubmit the notice, with a revised preamble; table of contents; rule; or economic, small business, and consumer impact statement to the Council, and attach to each resubmitted document a letter that:
 - a. Identifies all changes made in response to the Council's explanation for the returned portion,
 - b. Explains how the changes ensure that the document meets the standards at A.R.S. § 41-1052(D) through (G), and
 - c. If applicable, shows that the resubmitted rule is not substantially different from the proposed rule under the standards in A.R.S. § 41-1025.
3. In accordance with R1-6-102, an agency representative shall appear at the Council meeting at which the resubmitted notice, with a revised preamble, table of contents, or rule, or economic, small business, and consumer impact statement is to be considered for legal action.

Historical Note

Adopted effective March 16, 1988 (Supp. 88-1).
 Repealed effective May 25, 1995 (Supp. 95-2). New Section R1-6-206 renumbered from R1-6-109 and amended

by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

R1-6-207. Repealed**Historical Note**

New Section R1-6-207 made by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).
 Section repealed by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

ARTICLE 3. FIVE-YEAR REVIEW REPORTS**R1-6-301. Submitting a Five-year Review Report**

- A. To submit a five-year review report for consideration by the Council, an agency shall submit to the Council office one electronic copy of the cover letter signed by the agency head and the five-year review report required by A.R.S. § 41-1056. The agency shall concisely analyze and provide the following information in the five-year review report in the following order for each rule:
 1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules;
 2. Objective of the rule, including the purpose for the existence of the rule;
 3. Effectiveness of the rule in achieving the objective, including a summary of any available data supporting the conclusion reached;
 4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency;
 5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement;
 6. Clarity, conciseness, and understandability of the rule;
 7. Summary of any written criticism of the rule received by the agency within the five years immediately preceding the five-year review report. An agency shall respond to any written criticism and shall provide a copy of its response to the commenter;
 8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule;
 9. Any analysis submitted to the agency by another person regarding the rule's impact on this state's business competitiveness as compared to the competitiveness of businesses in other states;
 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report;
 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule, and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective;
 12. A determination after analysis that the rule is not more stringent than a corresponding federal law unless there is statutory authority to exceed the requirements of that federal law;
 13. For a rule adopted after July 29, 2010, that requires issuance of a regulatory permit, license or agency authorization

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

tion, whether the rule complies with A.R.S. § 41-1037; and

14. Course of action the agency proposes to take regarding each rule, including the month and year in which the agency anticipates submitting the rules to the Council if the agency determines it is necessary to amend or repeal an existing rule, or to make a new rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.

B. In addition to the documents required in subsection (A), an agency shall submit one electronic copy of the cover letter. The cover letter shall provide the following information:

1. A person to contact for information regarding the report,
2. Any rule that is not reviewed with the intention that the rule will expire under A.R.S. § 41-1056(J),
3. Any rule that is not reviewed because the Council rescheduled the review of an article under A.R.S. § 41-1056(H), and
4. The certification that the agency is in compliance with A.R.S. § 41-1091.

C. After a five-year review report is placed on a Council agenda, Council staff shall review the report for compliance with the requirements of A.R.S. § 41-1056 and this Chapter and may ask questions or suggest changes to the agency. If the agency revises any document in response to a question or suggested change, the agency shall submit one electronic copy of the revised document to the Council for review.

D. After a five-year review report is placed on a Council agenda, an agency may have the report moved to the agenda of a later meeting by having the agency head submit one electronic copy of a written notice to Council staff that includes the date of the later meeting. If the agency makes a subsequent request to have a five-year review report moved, the Chair may grant or deny the request at the Chair's discretion.

Historical Note

Adopted effective April 3, 1996 (Supp. 96-2). Former Section R1-6-301 renumbered to R1-6-302; new Section R1-6-301 adopted by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). R1-6-301 renumbered to R1-6-501; new R1-6-301 renumbered from R1-6-111 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 3095, effective October 9, 2018 (Supp. 18-4).

R1-6-302. Rescheduling a Five-year Review Report

A. To request that a five-year review report be rescheduled under A.R.S. § 41-1056(H), an agency head shall submit one electronic copy of a letter to the Chair before the report is due that includes the following information:

1. The Title, Chapter, and Article of the rules for which rescheduling is sought;
2. Whether the rules were initially made or substantially revised with an effective date or date of Council approval that is within two years before the due date of the report; and
 - a. If substantially revised:
 - i. A description of the revisions,
 - ii. Why the revisions are believed to be substantial,
 - iii. The date of Council approval of the rules, if applicable, and

- iv. The date on which the rules were published in the Register by the Office of the Secretary of State and the effective date of the rules; or

b. If initially made:

- i. The date of Council approval of the rules, if applicable, and
- ii. The date on which the rules were published in the Register by the Office of the Secretary of State and the effective date of the rules.

B. The Chair, in the Chair's discretion, may grant the rescheduling of a five-year review report for the rules within an Article that meet the requirements of this Section.

C. The Chair may, on the Chair's own initiative, reschedule a five-year review report if all rules within an Article meet the requirements of this Section.

Historical Note

New Section renumbered from R1-6-301 and amended by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). R1-6-302 renumbered to R1-6-502; new R1-6-302 renumbered from R1-6-113 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 3095, effective October 9, 2018 (Supp. 18-4).

R1-6-303. Extension of the Due Date for a Five-year Review Report

A. An agency may obtain an extension of 120 days to submit a five-year review report by submitting one electronic copy of a notice of extension to the Council office before the due date of the report. The agency shall specify in the notice the reason for the extension.

B. An agency may, as an alternative, request a longer extension that is more than 120 days but does not exceed one year by submitting one electronic copy of a request to the Chair at least 40 days prior to the due date of the report. The agency shall specify the length of the requested extension and the reason for the requested extension.

1. A request for an extension that is more than 120 days but does not exceed one year shall be placed on the agenda of a Council meeting scheduled to occur prior to the due date of the report.
2. The Council shall consider the reason for the requested extension and may grant a request for an extension that is more than 120 days but does not exceed one year.

Historical Note

New Section R1-6-303 renumbered from R1-6-114 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 3095, effective October 9, 2018 (Supp. 18-4).

R1-6-304. Repealed**Historical Note**

New Section R1-6-304 renumbered from R1-6-115 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Section repealed by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

R1-6-305. Returned Five-year Review Reports

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

The Council may vote to return, in whole or in part, a five-year review report after identifying the manner in which the five-year review report does not meet the standards in A.R.S. § 41-1056(A).

1. The Council, in consultation with the agency, shall schedule submission of a revised report.
2. An agency submitting a revised five-year review report shall attach to the revised report a letter that:
 - a. Identifies all changes made in response to the Council's explanation for return of the five-year review report, and
 - b. Explains how the changes ensure that the five-year review report meets the standards in A.R.S. § 41-1056(A).

Historical Note

New Section R1-6-305 made by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

ARTICLE 4. APPEALS AND PETITIONS**R1-6-401. Applicability**

For purposes of this Article, the term "petition or appeal" refers to the following:

1. The A.R.S. § 41-1008(G) Petition for an alternative expiration date for fees established or increased by exempt rulemaking;
2. The A.R.S. § 41-1033(E) Appeal of an agency's decision on a petition requesting the making of a final rule or a review of an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule;
3. The A.R.S. § 41-1033(F) Petition to request a review of a final rule based on a person's belief that a final rule does not meet the requirements prescribed in A.R.S. § 41-1030;
4. The A.R.S. § 41-1033(G) Petition to request a review of an existing agency practice, substantive policy statement, final rule, or regulatory licensing requirement that is not specifically authorized by statute pursuant to Title 32 based on the person's belief that the existing agency practice, substantive policy statement, final rule or regulatory licensing requirement is unduly burdensome or is not demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern;
5. Pursuant to A.R.S. § 41-1033(H), the Council's receipt of information indicating that an existing agency practice or substantive policy statement may constitute a rule or that a final rule does not meet the requirements prescribed in A.R.S. § 41-1030 or that an existing agency practice, substantive policy statement, final rule or regulatory licensing requirement does not meet the guidelines prescribed under A.R.S. § 41-1033(G);
6. The A.R.S. § 41-1052(B) Early Review Petition;
7. The A.R.S. § 41-1055(E) Petition for a determination that an agency is not required to file an economic, small business, and consumer impact statement;
8. The A.R.S. § 41-1056(M) Petition to require an agency that has an obsolete rule to consider including the rule in a five-year review report with a recommendation for repeal of the rule;
9. The A.R.S. § 41-1056(N) Petition to require an agency to consider including a recommendation for reducing a licensing time frame in a five-year review report;
10. The A.R.S. § 41-1056.01(D) Appeal related to the economic, small business, and consumer impact of a rule; and

11. The A.R.S. § 41-1081(F) Appeal of a delegation agreement.

Historical Note

Adopted effective April 3, 1996 (Supp. 96-2). Amended by final rulemaking at 6 A.A.R. 8, effective December 8, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 5538, effective December 2, 2003 (Supp. 03-4). Amended by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). R1-6-401 renumbered to R1-6-601; new Section R1-6-401 renumbered from R1-6-201 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3). Amended by final rulemaking at 24 A.A.R. 3095, effective October 9, 2018 (Supp. 18-4).

R1-6-402. Filing of Petitions or Appeals; Agency Response; Council Decision

- A. A person filing a petition or appeal shall submit to the Council one electronic copy of the petition or appeal. The petition or appeal shall contain:
 1. The name, mailing address, e-mail address, and telephone number of the person filing the petition or appeal;
 2. The name of the person being represented by the person filing the petition or appeal, if applicable;
 3. The reasons for submitting the petition or appeal, including relevant facts, laws, and statutory authority;
 4. The reasons why the Council should grant the petition or appeal; and
 5. Any supporting documents relevant to the petition or appeal.
- B. The petition or appeal shall not exceed five double-spaced pages and shall be in a clear and legible typeface.
- C. If applicable, the Council shall notify the affected agency head of the petition or appeal by 5:00 p.m. of the business day following receipt of the petition or appeal. The agency may submit a response to the petition or appeal to the Council.
- D. When required by statutes, within 14 calendar days after a petition or appeal is received by the Council, the Chair shall send written notice to the person filing the petition or appeal and the affected agency head stating whether the required number of Council members have requested that a given petition or appeal be considered at a Council meeting.
- E. No later than seven calendar days after the Council renders a decision on a petition or appeal, the Chair shall send a letter to the affected agency head and the person filing the petition, advising them of the reasons for, and date of, the decision.

Historical Note

New Section made by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

R1-6-403. Additional Requirements for an Appeal of a Delegation Agreement

- A. Under A.R.S. § 41-1081(F), a person who has filed a written comment with a delegating agency in objection to all or part of a proposed delegation agreement may, within thirty days after the agency gives written notice of its decision pursuant to A.R.S. § 41-1081(E), appeal an agency's decision to enter into a delegation agreement.
- B. In addition to the information required by R1-6-402(A), an appeal of a delegation agreement shall contain:
 1. The name of each agency and each political subdivision entering into the delegation agreement;
 2. The subject matter of the delegation agreement;

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

3. Copies of all written comments made by the appellant that object to the delegation agreement and have been filed with the delegating agency; and
 4. The reasons why the appellant is objecting to the delegation agreement and filing the appeal.
- C. The Council shall notify the delegating agency head of an appeal of a delegation agreement by 5:00 p.m. of the business day following receipt of the appeal.
- D. The delegating agency head shall submit electronic copies of the following information and documentation by 5:00 p.m. on the third business day following notification by the Council of the appeal:
1. A memorandum that includes:
 - a. The date the delegating agency gave written notice of the decision to enter into the delegation agreement;
 - b. The dates of all public proceedings regarding the delegation agreement; and
 - c. The name, mailing address, e-mail address, and telephone number of the contact persons for each agency and each political subdivision involved in the agreement.
 2. A copy of the delegation agreement; and
 3. The agency's written summary, prepared as required by A.R.S. § 41-1081(E), responding to all oral or written comments received by the agency regarding the delegation agreement.

Historical Note

New Section made by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

R1-6-404. Additional Requirements for an Appeal Related to the Economic, Small Business, and Consumer Impact of a Rule

- A. Under A.R.S. § 41-1056.01(D), a person who is or may be affected by an agency's final decision on a petition filed pursuant to A.R.S. § 41-1056.01(A) may, within thirty days of publication of the decision, file an appeal.
- B. In addition to the information required by R1-6-402(A), an appeal of an agency's final decision on a petition filed pursuant to A.R.S. § 41-1056.01(A) shall contain a statement indicating how the person filing the appeal is or may be affected by the agency's decision.
- C. The Council shall notify the affected agency head of an appeal of an agency's final decision on a petition filed pursuant to A.R.S. § 41-1056.01(A) by 5:00 p.m. of the business day following receipt of the appeal.
- D. The affected agency head shall submit electronic copies of the following information and documentation by 5:00 p.m. on the third business day following notification by the Council of the appeal:
 1. A memorandum that includes:
 - a. The date of publication of the agency's final decision under A.R.S. § 41-1056.01(C);
 - b. The name, mailing address, e-mail address, and telephone number of the agency's contact person; and
 - c. Reasons why the agency believes that:
 - i. The actual economic, small business, and consumer impact did not significantly exceed the estimated economic, small business, and consumer impact;
 - ii. The actual economic, small business, and consumer impact was estimated on approval of the rule and the impact does not impose a significant burden on persons subject to the rule; or

- iii. The agency selected the alternative that imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective.

2. A copy of final judgments, if any, issued by a court of competent jurisdiction that are based on whether the contents of the rule's economic, small business, and consumer impact statement were insufficient or inaccurate;
3. A copy of the rule being appealed; and
4. A copy of the agency's written summary of comments received, the agency's response to those comments, and the agency's final decision on whether to initiate rulemaking, prepared and published as required by A.R.S. § 41-1056.01(C).

Historical Note

New Section made by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

ARTICLE 5. REPEALED**R1-6-501. Repealed****Historical Note**

New Section made by final rulemaking at 17 A.A.R. 1410, effective September 5, 2011 (Supp. 11-3). R1-6-501 renumbered to R1-6-701; new Section R1-6-501 renumbered from R1-6-301 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Section repealed by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

R1-6-502. Repealed**Historical Note**

New Section R1-6-502 renumbered from R1-6-302 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Section repealed by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

ARTICLE 6. REPEALED**R1-6-601. Repealed****Historical Note**

New Section R1-6-601 renumbered from R1-6-401 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Section repealed by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

ARTICLE 7. REPEALED**R1-6-701. Repealed****Historical Note**

New Section R1-6-701 renumbered from R1-6-501 and amended by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Section repealed by final rulemaking at 23 A.A.R. 2265, effective August 9, 2017 (Supp. 17-3).

ARTICLE 8. REPEALED**R1-6-801. Repealed****Historical Note**

New Section R1-6-801 made by final rulemaking at 19 A.A.R. 2731, effective October 5, 2013 (Supp. 13-3). Section repealed by final rulemaking at 23 A.A.R. 2265,

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

effective August 9, 2017 (Supp. 17-3).

A.A.R. 2731, effective October 5, 2013 (Supp. 13-3).
Section repealed by final rulemaking at 23 A.A.R. 2265,
effective August 9, 2017 (Supp. 17-3).

R1-6-802. Repealed**Historical Note**

New Section R1-6-802 made by final rulemaking at 19