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Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains notices of rules terminated by the agency and rules that have expired.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The authenticated pdf of *Code* Chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this Chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking. Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

Arizona Administrative REGISTER

November 4, 2022
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ADMINISTRATIVE REGISTER
This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
The *Arizona Administrative Code* is available online at www.azsos.gov.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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The Office of the Secretary of State is an equal opportunity employer.

Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

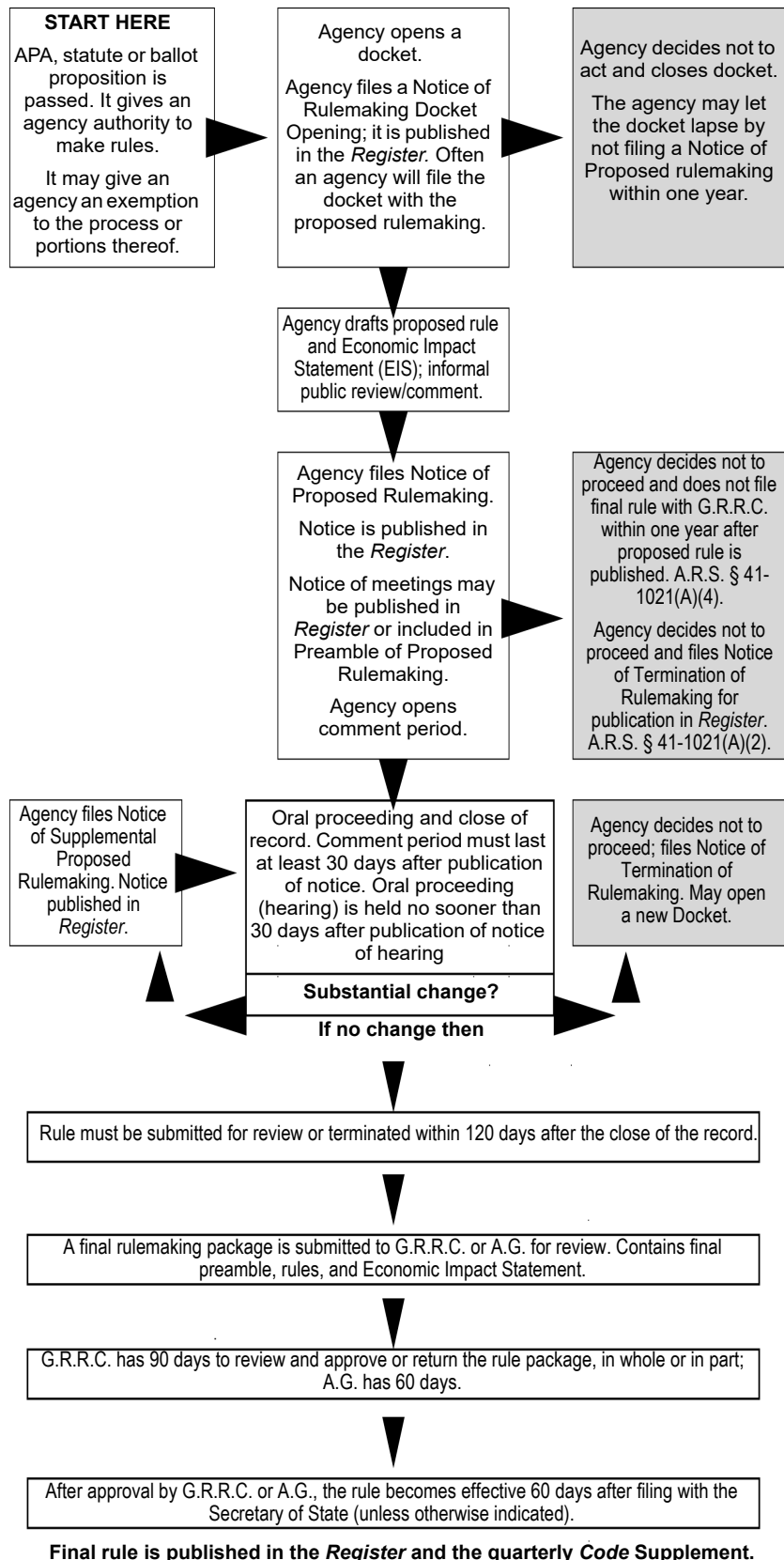
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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

NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

[R22-247]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**

<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R4-33-101	Amend
R4-33-201	Amend
R4-33-202	Amend
R4-33-204	Amend
R4-33-206	Amend
R4-33-401	Amend
R4-33-403	Amend
R4-33-405	Amend
R4-33-602	Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 36-446.03(A)

Implementing statute: A.R.S. §§ 36-446, 36-446.03, 36-446.04, and 36-446.07(E) and (F)
3. **Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 28 A.A.R. 3490, October 28, 2022
4. **The agency's contact person who can answer questions about the rulemaking:**

Name: John Confer, Executive Director

Address: Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers
1740 W. Adams St., Suite 2490
Phoenix, AZ 85007

Telephone: (602) 364-2374

Email: john.confer@aznciaboard.us
5. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The legislature amended the Board's statutes when it enacted Laws 2022, Chapter 15, and made the following changes:

 - Added a definition of "felony involving violence or financial fraud (See A.R.S. § 36-446);"
 - Added a requirement that license and certificate applicants submit a full set of fingerprints for a state and federal criminal history records check (See A.R.S. § 36-446.03(E));
 - Added a requirement that license and certificate applicants have not been convicted of any felony involving violence or financial fraud (See A.R.S. § 36-446.04(A)(4) and (B)(5)); and
 - Made the biennial license and certificate renewal coincide with the licensee's or certificate holder's birthday (See A.R.S. § 36-446.04(G) and (H)).

This rulemaking amends the Board's rules to be consistent with the statutory changes. An exemption from Executive Order 2022-01 was provided by Brian Norman of the Governor's Office in an email dated October 6, 2022.

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

The Board does not intend to review or rely on any study in its evaluation of or justification for any rule in this rulemaking.

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

Not applicable

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

The Board expects the rule amendments to have minimal economic impact because they simply make the rules consistent with the statutory changes made by the legislature.

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

Name: John Confer, Executive Director

Address: Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers
1740 W. Adams St., Suite 2490
Phoenix, AZ 85007

Telephone: (602) 364-2374

Email: john.confer@aznciainboard.us

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

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

Date: Thursday, December 8, 2022

Time: 9:00 a.m.

Location: 1740 W. Adams St., Room C
Phoenix, AZ 85007

Participants may join the oral proceeding in person or by Google Meets. Instructions for joining by Google Meets will be posted on the Board's website.

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

None

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

The Board does not issue general permits. Rather, the Board issues individual licenses as required by the Board's statutes to each person that is qualified by statute (See A.R.S. §§ 36-446.01 and 36-446.04) and rule.

- 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:**

No federal law applies to the rules. Federal law makes receipt of federal funding contingent on a state licensing and regulating nursing care institution administrators. The specifics of the licensure and regulation are matters of state law.

- 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:**

No analysis was submitted.

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

None

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

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

ARTICLE 1. GENERAL

Section
R4-33-101. Definitions

ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING

Section
R4-33-201. Requirements for Initial License by Examination
R4-33-202. Requirements for Initial License by Reciprocity
R4-33-204. Initial Application
R4-33-206. Renewal Application

ARTICLE 4. ASSISTED LIVING FACILITY MANAGER CERTIFICATION

Section

- R4-33-401. Requirements for Initial Certification by Examination
R4-33-403. Initial Application
R4-33-405. Renewal Application

ARTICLE 6. ASSISTED LIVING FACILITY MANAGER TRAINING PROGRAMS

Section

- R4-33-602. Minimum Standards for Assisted Living Facility Manager Training Program

ARTICLE 1. GENERAL**R4-33-101. Definitions**

The definitions in A.R.S. § 36-446 apply to this Chapter. Additionally, in this Chapter, unless otherwise specified:

“Accredited” means approved by the North Central Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges.

“ACHCA” means the American College of Health Care Administrators.

“Administrator” has the meaning prescribed at A.R.S. § 36-446 and means an individual licensed under this Chapter.

“Administrator in training” or “AIT” means an individual who is taking an AIT program to be licensed as an administrator for a nursing care institution.

“AIT program” means a training that the Board approves after determining that the training meets the standards at R4-33-302.

“Applicant” means an individual who applies to the Board to be licensed as an administrator of a nursing care institution, to be certified as a manager of an assisted living facility, or for approval of a continuing education.

“Application package” means the forms, documents, and fees that the Board requires an applicant to submit or have submitted on the applicant’s behalf.

“Arizona examination” means a measure of an applicant’s knowledge of Arizona statutes and rules regarding nursing care institution administration or assisted living facility management.

“Biennial period” means: ~~July 1 of an even-numbered year through June 30 of the next even-numbered year for an administrator and July 1 of an odd-numbered year through June 30 of the next odd-numbered year for a manager~~

For an administrator, the period until 30 days after the licensee’s birthday in an even-numbered year; and

For a manager, the period until 30 days after the certificate holder’s birthday in an odd-numbered year.

“Contact hour” means an hour during which an administrator or manager is physically present at a continuing education or a manager is physically present at a required initial training.

“Continuing education” means a planned educational course or program that the Board approves under R4-33-502.

“Good standing” means an individual licensed by the state is not subject to any disciplinary action or consent order, and not currently under investigation for alleged unprofessional conduct.

“Health care institution” means every place, institution, building or agency, whether organized for profit or not, ~~which~~ that provides facilities with medical services, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in A.R.S. § 36-151, outdoor behavioral health care programs and hospice services agencies. A.R.S. § 36-401.

“Manager” means an assisted living facility manager, as defined at A.R.S. § 36-446, who is certified under this Chapter.

“NAB” means the National Association of Long Term Care Administrator Boards.

“Party” has the same meaning as prescribed in A.R.S. § 41-1001.

“Preceptor” means a practicing nursing care institution administrator who helps to develop a new professional in the field of long-term care administration by tutoring the new professional.

“Qualified instructor” means a person who meets one or more of the following criteria:

A registered nurse, licensed under A.R.S. Title 32, Chapter 15;

An instructor employed by an accredited college or university, or health care institution to teach a health-care related course; or

A person or entity that has sufficient education and training to be qualified to teach a health-care related course.

“Work experience in a health-related field” means employment in a health care institution or in the professional fields of medicine, nursing, social work, gerontology, or other closely related field.

ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING**R4-33-201. Requirements for Initial License by Examination**

To be eligible to receive an initial license by examination as a nursing care institution administrator, an individual shall:

1. Education and training.
 - a. Hold a minimum of a baccalaureate degree from an accredited college or university and successfully complete an AIT program;
 - b. Hold a minimum of a master's degree in either a health-related field or business administration from an accredited college or university; or
 - c. Hold a minimum of an associate of arts degree in nursing from an accredited college or university and:
 - i. Be currently licensed as a registered nurse under A.R.S. § 32-1632,
 - ii. Have worked as a registered nurse for five of the last seven years, and
 - iii. Successfully complete an AIT program.
2. Examination.
 - a. Obtain the scaled passing scores on both the NAB core of knowledge and line of service examinations or qualify with NAB as a Health Services Executive, and
 - b. Obtain a score of at least 80 percent on the Arizona examination; ~~and~~
- ~~3. Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and~~
- ~~4.3. Application. Submit all applicable information required under R4-33-204.~~

R4-33-202. Requirements for Initial License by Reciprocity

To be eligible for an initial license by reciprocity as a nursing care institution administrator, an individual shall:

1. Substantially equivalent educational requirement.
 - a. Hold a minimum of a baccalaureate degree from an accredited college or university, or
 - b. Hold ACHCA certification;
2. Substantially equivalent examination requirement.
 - a. Hold a valid and current license as a nursing care institution administrator:
 - i. Issued at least two years ago,
 - ii. Issued by a state or territory, and
 - iii. Obtained by passing the NAB examination; or
 - b. Have evidence of qualification by NAB as a Health Services Executive; and
 - c. Obtain a score of at least 80 percent on the Arizona examination;
3. Never have had a nursing care administrator license suspended, revoked, or otherwise restricted by any state or territory; ~~and~~
- ~~4. Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and~~
- ~~5.4. Application.~~
 - a. Submit all applicable information required under R4-33-204,
 - b. Have submitted directly to the Board a certified copy of the valid and current license issued by a state or territory, and
 - c. Have submitted directly to the Board by NAB:
 - i. The examination score referenced under subsection (2)(a), or
 - ii. Evidence of qualification as a Health Services Executive.

R4-33-204. Initial Application

A. An individual who desires to be licensed as a nursing care institution administrator shall submit the following information to the Board on an application form, which is available from the Board:

1. Full name of the applicant;
2. Other names that the applicant has used;
3. Mailing address of the applicant;
4. E-mail address of the applicant;
5. Home, work, and mobile telephone numbers of the applicant;
6. Applicant's date and place of birth;
7. Applicant's Social Security number;
8. Address of every residence at which the applicant has lived in the last five years;
9. Name and address of every accredited college or university attended, dates of attendance, date of graduation, and degree or certificate received;
10. Information regarding professional licenses or certifications currently or previously held by the applicant, including:
 - a. Name of issuing agency;
 - b. License or certificate number;
 - c. Issuing jurisdiction;
 - d. Date on which the license or certificate was first issued;
 - e. Whether the license or certificate is current; and
 - f. Whether the license or certificate is in good standing and if not, an explanation;
11. Information regarding the applicant's employment record for the last five years, including:
 - a. Name, address, and telephone number of each employer;
 - b. Title of position held by the applicant;
 - c. Name of applicant's supervisor;
 - d. Dates of employment; and
 - e. Reason for employment termination;

12. Whether the applicant was ever denied a professional license or certificate and if so, the kind of license or certificate denied, licensing authority making the denial, and date;
 13. Whether the applicant ever voluntarily surrendered a professional license or certificate and if so, the kind of license or certificate surrendered, licensing authority, date, and reason for the surrender;
 14. Whether the applicant ever allowed a professional license or certificate to lapse and if so, the kind of license or certificate that lapsed, licensing authority, date, reason for lapse, and whether the license or certificate was reinstated;
 15. Whether the applicant ever had a limitation imposed on a professional license or certificate and if so, the kind of license or certificate limited, licensing authority, date, nature of limitation, reason for limitation, and whether the limitation was removed;
 16. Whether the applicant ever had a professional license or certificate suspended or revoked and if so, the kind of license or certificate suspended or revoked, licensing authority, date, and reason for the suspension or revocation;
 17. Whether the applicant ever was subject to disciplinary action with regard to a professional license or certificate and if so, the kind of license or certificate involved, licensing authority, date, and reason for and nature of the disciplinary action;
 18. Whether any unresolved complaint against the applicant is pending with a licensing authority, professional association, health care facility, or nursing care institution and if so, the nature of and where the complaint is pending;
 19. Whether the applicant ever was charged with or convicted of a felony or a misdemeanor, other than a minor traffic violation, in any court and if so, the nature of the offense, jurisdiction, and date of discharge; and
 20. Whether the applicant ever was pardoned from or had expunged the record of a felony conviction and if so, the nature of the offense, jurisdiction, and date of pardon or expunging.
- B.** In addition to the application form required under subsection (A), an applicant shall have the following submitted directly to the Board on the applicant's behalf:
1. Official transcript submitted by each accredited college or university attended by the applicant;
 2. Verification of license that is signed, authenticated by seal or notarization, and submitted by each agency that ever issued a professional license to the applicant;
 3. "Character Certification" form submitted by two individuals who have known the applicant for at least three years and are not related to, employed by, or employing the applicant; and
 4. If the applicant is certified by ACHCA, verification of certification submitted by ACHCA;
- C.** In addition to complying with subsections (A) and (B), an applicant shall submit:
1. If the applicant completed an AIT program, a photocopy of the certificate issued upon completion;
 2. For every felony or misdemeanor charge listed under subsection (A)(19), a copy of documents from the appropriate court showing the disposition of each charge;
 3. For every felony or misdemeanor conviction listed under subsection (A)(19), a copy of documents from the appropriate court showing whether the applicant met all judicially imposed sentencing terms;
 4. Full-face photograph of the applicant taken within the last six months;
 5. Fingerprint clearance card.
 - a. Photocopy of the front and back of the applicant's fingerprint clearance card and has not been convicted of a felony involving violence or financial fraud.
 - b. Proof of submission of an application for a fingerprint clearance card and has not been convicted of a felony involving violence or financial fraud, or
 - c. If denied a fingerprint clearance card, proof the applicant qualifies for a good-cause exception hearing under A.R.S. § 41-619.55 and has not been convicted of a felony involving violence or financial fraud;
 6. A full set of fingerprints taken by a law enforcement agency or other authority acceptable to the Board and in a format acceptable to the Arizona Department of Public Safety and the Federal Bureau of Investigation and the amount charged by the Arizona Department of Public Safety to process the fingerprints for a state and federal criminal history records check;
 - ~~6-7.~~ Documentation, as described in A.R.S. § 41-1080(A), of U.S. citizenship or alien status indicating presence in the U.S. is authorized under federal law;
 - ~~7-8.~~ Affirm the information provided in the application is true and complete and authorize others to release information regarding the applicant to the Board; and
 - ~~8-9.~~ Fees required under R4-33-104(A)(1) and (A)(2).
- D.** If required by the Board under A.R.S. § 36-446.03(D), an applicant shall appear before the Board.
- E.** When the information required under subsections (A) through (C) is received and following an appearance before the Board required under subsection (D), the Board shall provide notice regarding whether the applicant may take the licensing examinations required under R4-33-201 or R4-33-202.
- F.** Because of the time required for the Board to perform an administrative completeness review under R4-33-103, an applicant shall ensure the information required under subsections (A) through (C) is submitted at least 30 days before the applicant expects to take the Arizona examination.

R4-33-206. Renewal Application

- A.** The Board shall provide a licensee with notice of the need for license renewal. Failure to receive notice of the need for license renewal does not excuse a licensee's failure to renew timely.
- B.** An administrator license expires at midnight ~~on June 30~~ 30 days after the administrator's birthday ~~of in each even-numbered year.~~
- C.** To renew an administrator license, the licensee shall submit the following information to the Board, ~~on or before June 30 before expiration of the biennial period,~~ on a renewal application, which is available from the Board:
1. Current address;
 2. Current e-mail address;
 3. Current home and business telephone numbers;
 4. Whether within the last 24 months the licensee was convicted of or pled guilty or no contest to a criminal offense, other than a minor traffic violation, in any court and if so, attach a copy of the original arrest record and final court judgment;

5. Whether within the last 24 months the licensee was denied a professional license or had a professional license revoked, suspended, placed on probation, limited, or restricted in any way by a state or federal regulatory authority and if so, the kind of license, license number, issuing authority, nature of the regulatory action, and date;
 6. An affirmation that the number of hours of continuing education required under R4-33-501 has been completed; and
 7. The licensee's dated signature affirming the information provided is true and complete.
- D. In addition to the renewal application required under subsection (C), a licensee shall submit:
1. A photocopy of the front and back of the licensee's fingerprint clearance card;
 2. Documentation described in A.R.S. § 41-1080(A) unless the documentation previously submitted under ~~R4-33-204(C)(6)~~ R4-33-204(C)(7) established U.S. citizenship or was a non-expiring work authorization issued by the federal government; and
 3. The license renewal fee required under R4-33-104.
- E. An individual whose license expires because of failure to renew timely may apply for renewal by complying with subsections (C) and (D) if:
- ~~1. The individual complies with subsections (C) and (D) on or before July 31,~~
 - ~~2.1~~ The individual pays the late renewal fee prescribed under R4-33-104, ~~and~~
 - ~~3.2~~ The individual affirms the individual has not acted as a nursing care institution administrator since the license expired, ~~and~~
 - ~~3.3~~ The individual's license has not been surrendered, suspended, or revoked.
- F. An individual whose license expires because of failure to renew timely and who does not comply with subsection (E) may become licensed as a nursing care institution administrator only by complying with R4-33-201 or R4-33-202.

ARTICLE 4. ASSISTED LIVING FACILITY MANAGER CERTIFICATION

R4-33-401. Requirements for Initial Certification by Examination

- A. Except as provided in subsection (B), an individual who wishes to receive an initial certificate by examination as an assisted living facility manager shall:
1. Education:
 - a. Earn a high school diploma or G.E.D. or hold a license in good standing issued under A.R.S. Title 32, Chapters 13, 15, or 17 or 4 A.A.C. 33, Article 2;
 - b. Complete an assisted living facility caregiver training program that is approved by the Board under Article 7; and
 - c. Complete an assisted living facility manager training program that is approved by the Board under or Article 6;
 2. Work experience. Complete at least 2,080 hours of paid work experience in a health-related field within the five years before application;
 3. Examination. Obtain a score of at least 75 percent on the Arizona examination;
 4. Training. Complete an adult cardiopulmonary resuscitation and basic first-aid training program; ~~and~~
 - ~~5. Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and~~
 - ~~6.5.~~ Submit all applicable information required under R4-33-403.
- B. An individual who holds a license in good standing issued under A.R.S. Title 32, Chapter 13, 15, or 17 or 4 A.A.C. 33, Article 2 is exempt from the requirements specified in subsections (A)(1)(b) and (4).

R4-33-403. Initial Application

- A. An individual who desires to be certified as a manager of an assisted living facility shall submit the following information to the Board on an application form, which is available from the Board:
1. Full name of the applicant;
 2. Other names that the applicant has used;
 3. Mailing address of the applicant;
 4. Home, work, and mobile telephone numbers of the applicant;
 5. Applicant's date and place of birth;
 6. Applicant's Social Security number;
 7. Address of every residence at which the applicant has lived in the last five years;
 8. Education information regarding the applicant, including:
 - a. Name and location of last high school attended;
 - b. Date of high school graduation or date on which a G.E.D. was earned; and
 - c. Name and address of every accredited college or university attended, dates of attendance, date of graduation, and degree or certificate earned;
 9. Information regarding professional licenses or certifications currently or previously held by the applicant, including:
 - a. Name of issuing agency;
 - b. License or certificate number;
 - c. Issuing jurisdiction;
 - d. Date on which the license or certificate was first issued;
 - e. Whether the license or certificate is current; and
 - f. Whether the license or certificate is in good standing and if not, an explanation;
 10. Information regarding the applicant's employment record for the last five years, including:
 - a. Name, address, and telephone number of each employer;
 - b. Title of position held by the applicant;
 - c. Name of applicant's supervisor;
 - d. Dates of employment;
 - e. Number of hours worked each week;
 - f. Whether the employment was full or part time; and
 - g. Reason for termination;

11. Whether the applicant was ever denied a professional license or certificate and if so, the kind of license or certificate denied; licensing authority making the denial, and date;
 12. Whether the applicant ever voluntarily surrendered a professional license or certificate and if so, the kind of license or certificate surrendered, licensing authority, date, and reason for the surrender;
 13. Whether the applicant ever allowed a professional license or certificate to lapse and if so, the kind of license or certificate that lapsed, licensing authority, date, reason for lapse, and whether the license or certificate was reinstated;
 14. Whether the applicant ever had a limitation imposed on a professional license or certificate and if so, the kind of license or certificate limited, licensing authority, date, nature of limitation, reason for limitation, and whether the limitation was removed;
 15. Whether the applicant ever had a professional license or certificate suspended or revoked and if so, the kind of license or certificate suspended or revoked, licensing authority, date, and reason for suspension or revocation;
 16. Whether the applicant ever was subject to disciplinary action with regard to a professional license or certificate and if so, the kind of license or certificate involved, licensing authority, date, and reason for and nature of the disciplinary action;
 17. Whether any unresolved complaint against the applicant is pending with a licensing authority, professional association, health care facility, or assisted living facility and if so, the nature of and where the complaint is pending;
 18. Whether the applicant ever was charged with or convicted of a felony or a misdemeanor, other than a minor traffic violation, in any court and if so, the nature of the offense, jurisdiction, and date of discharge; and
 19. Whether the applicant ever was pardoned from or had the record expunged of a felony conviction and if so, the nature of the offense, jurisdiction, and date of pardon or expunging.
- B.** In addition to the application form required under subsection (A), an applicant shall submit or have submitted on the applicant's behalf:
1. Education:
 - a. Copy of the applicant's high school diploma or G.E.D. and certificates of completion issued from the training courses described under R4-33-401(A)(1)(b) and (c); or
 - b. Copy of the applicant's license issued under A.R.S. Title 32, Chapter 13, 15, or 17 or 4 A.A.C. 33, Article 2, and certificate of completion issued from the training course described under R4-33-401(A)(1)(c);
 2. Documentation of 2,080 hours of paid work experience in a health-related field;
 3. Copy of current certification in adult cardiopulmonary resuscitation and first aid;
 4. Verification of license that is signed, authenticated by seal or notarization, and submitted directly to the Board by each agency that ever issued a professional license to the applicant;
 5. "Character Certification" form submitted directly to the Board by two individuals who have known the applicant for at least three years and are not related to, employed by, or employing the applicant;
 6. For every felony or misdemeanor charge listed under subsection (A)(18), a copy of documents from the appropriate court showing the disposition of each charge;
 7. For every felony or misdemeanor conviction listed under subsection (A)(18), a copy of documents from the appropriate court showing whether the applicant met all judicially imposed sentencing terms;
 8. Full-faced photograph of the applicant taken within the last six months;
 9. Fingerprint clearance card.
 - a. Photocopy of the front and back of the applicant's fingerprint clearance card and has not been convicted of a felony involving violence or financial fraud;
 - b. Proof of submission of an application for a fingerprint clearance card and has not been convicted of a felony involving violence or financial fraud; or
 - c. If denied a fingerprint clearance card, proof that the applicant qualifies for a good-cause exception hearing under A.R.S. § 41-619.55 and has not been convicted of a felony involving violence or financial fraud;
 10. A full set of fingerprints taken by a law enforcement agency or other authority acceptable to the Board and in a format acceptable to the Arizona Department of Public Safety and the Federal Bureau of Investigation and the amount charged by the Arizona Department of Public Safety to process the fingerprints for a state and federal criminal history records check;
 - ~~10.~~ 11. Documentation, as described in A.R.S. § 41-1080(A), of U.S. citizenship or alien status indicating presence in the U.S. is authorized under federal law;
 - ~~11.~~ 12. Affirm the information provided in the application is true and complete and authorize others to release information regarding the applicant to the Board; and
 - ~~12.~~ 13. Fees required under R4-33-104(B)(1) and (B)(2).
- C.** If required by the Board under A.R.S. § 36-446.03(D), an applicant shall appear before the Board.
- D.** When the information required under subsections (A) and (B) is received and following an appearance before the Board required under subsection (C), the Board shall provide notice regarding whether the applicant may take the Arizona examination required under R4-33-401(3).
- E.** Because of the time required for the Board to perform an administrative completeness review under R4-33-103, an applicant shall submit the information required under subsections (A) and (B) at least 30 days before the applicant expects to take the Arizona examination.
- R4-33-405. Renewal Application**
- A.** The Board shall provide a certificate holder with notice of the need for certificate renewal. Failure to receive notice of the need for certificate renewal does not excuse a certificate holder's failure to renew timely.
- B.** A manager certificate expires at midnight on June 30 days after the manager's birthday or in each odd-numbered year.
- C.** To renew a manager certificate, the certificate holder shall submit the following information to the Board, on or before June 30 expiration of the biennial period, on a renewal application, which is available from the Board:
1. Current address;
 2. Current home and business telephone numbers;

3. Whether within the last 24 months the certificate holder was convicted of or pled guilty or no contest to a criminal offense, other than a minor traffic violation, in any court and if so, attach a copy of the original arrest record and final court judgment;
 4. Whether within the last 24 months the certificate holder was denied a professional license or had a professional license revoked, suspended, placed on probation, limited, or restricted in any way by a state or federal regulatory authority and if so, the kind of license, license number, issuing authority, nature of the regulatory action, and date;
 5. An affirmation that the number of hours of continuing education required under R4-33-501 has been completed;
 6. An affirmation that the certificate holder complies with the disclosure requirements under R4-33-408; and
 7. The certificate holder's dated signature affirming the information provided is true and complete.
- D. In addition to the renewal application required under subsection (C), a certificate holder shall submit:
1. A photocopy of the front and back of the certificate holder's fingerprint clearance card;
 2. Documentation described in A.R.S. § 41-1080(A) unless the documentation previously submitted under ~~R4-33-403(B)(10)~~ R4-33-403(B)(11) established U.S. citizenship or was a non-expiring work authorization issued by the federal government; and
 3. The renewal fee required under R4-33-104.
- E. An individual whose certificate expires because of failure to renew timely may apply for renewal by complying with subsections (C) and (D) if:
- ~~1. The individual complies with subsections (C) and (D) on or before July 31,~~
 - ~~2.1~~ 1. The individual pays the late renewal fee prescribed under R4-33-104, ~~and~~
 - ~~3.2~~ 2. The individual affirms that the individual has not acted as an assisted living facility manager since the certificate expired, ~~and~~
 - ~~3. The individual's certificate has not been surrendered, suspended, or revoked.~~
- F. An individual whose certificate expires because of failure to renew timely and who does not comply with subsection (E) may obtain a manager certificate only by complying with R4-33-401.

ARTICLE 6. ASSISTED LIVING FACILITY MANAGER TRAINING PROGRAMS

R4-33-602. Minimum Standards for Assisted Living Facility Manager Training Program

- A. Organization and administration. The owner of an assisted living facility manager training program shall:
1. Provide the Board with a written description of the training program that includes:
 - a. Length of the training program in hours and days, and
 - b. Educational goals that demonstrate the training program is consistent with state requirements;
 2. Execute a written agreement with each assisted living facility at which students enrolled in the training program receive training that includes the following information:
 - a. The rights and responsibilities of both the facility and the training program,
 - b. The role and authority of the governing bodies of both the facility and the training program, and
 - c. A termination clause that provides time for students enrolled in the training program to complete training at the facility upon termination of the agreement;
 3. Develop and adhere to written policies and procedures regarding:
 - a. Attendance. Ensure that a student receives at least 40 hours of instruction;
 - b. Grading. Require a student to attain at least 75 percent on each theoretical examination or 75 percent on a comprehensive theoretical examination;
 - c. Reexamination. Inform students that a reexamination:
 - i. Addresses the same competencies examined in the original examination,
 - ii. Contains items different from those on the original examination, and
 - iii. Is documented in the student's record;
 - d. Student records. Include the following information:
 - i. Records maintained,
 - ii. Retention period for each record,
 - iii. Location of records,
 - iv. Documents required under subsections (E)(1) and (E)(2), and
 - v. Procedure for accessing records and who is authorized to access records;
 - e. Student fees and financial aid, if any;
 - f. Withdrawal and dismissal;
 - g. Student grievances including a chain of command for disputing a grade;
 - h. Admission requirements including any criminal background or drug testing required;
 - i. Criteria for training program completion; and
 - j. Procedure for documenting that before a student is enrolled, the student has received notice of Board requirements for certification, including ~~the~~:
 - ~~i. The fingerprint clearance card requirement, before the student is enrolled;~~
 - ii. The full set of fingerprints and state and federal criminal history records check requirement; and
 - iii. The disqualification of a conviction for a felony involving violence or financial fraud.
 4. Date each policy and procedure developed under subsection (A)(3), review within one year from the date made and every year thereafter, update if necessary, and date the policy or procedure at the time of each review;
 5. Provide each student who completes the training program with evidence of completion, within 15 days of completion, which includes the following:
 - a. Name of the student;
 - b. Name and classroom location of the training program;
 - c. Number of classroom hours in the training program;
 - d. Date on which the training program was completed;

- e. Board's approval number of the training program; and
- f. Signature of the training program owner, administrator, or instructor;
- 6. Provide the Board, within 15 days of completion, the following information regarding each student who completed the training program:
 - a. Student's name, date of birth, Social Security number, address, and telephone number;
 - b. Student's examination scores as provided by the examining entity;
 - c. Name and classroom location of the training program;
 - d. Number of classroom hours in the training program;
 - e. Date on which the training program was completed; and
 - f. Board's approval number of the training program; and
- 7. Execute and maintain under subsections (E)(1) and (E)(2) the following documents for each student:
 - a. A skills checklist containing documentation the student achieved competency in the assisted living facility manager skills listed in R4-33-603(C), and
 - b. An evaluation form containing the student's responses to questions about the quality of the classroom experiences provided by the training program.
- B.** Program administrator responsibilities. The owner of an assisted living facility manager training program shall ensure that a program administrator performs the following responsibilities:
 - 1. Supervises and evaluates the training program,
 - 2. Uses only instructors who are qualified under subsection (C), and
 - 3. Makes the written policies and procedures required under subsection (A)(3) available to each student on or before the first day of the training program;
- C.** The owner of an assisted living facility manager training program shall ensure that a program instructor:
 - 1. Is a certified assisted living facility manager who:
 - a. Holds an assisted living facility manager certificate that is in good standing and issued under A.R.S. Title 36, Chapter 4;
 - b. Has held the assisted living facility manager certificate referenced in subsection (C)(1)(a) for at least five years;
 - c. Has not been subject to any disciplinary action against the assisted living facility manager certificate during the last five years; and
 - d. Has at least three years' experience within the last five years as an assisted living facility manager of record immediately before becoming a training program instructor;
 - 2. Performs the following responsibilities:
 - a. Plans each learning experience,
 - b. Accomplishes educational goals of the training program and lesson objectives,
 - c. Enforces a grading policy that meets the requirement specified in subsection (A)(3)(b),
 - d. Requires satisfactory performance of all critical elements of each assisted living facility manager skill specified under R4-33-603(C),
 - e. Prevents a student from performing an activity unless the student has received instruction and been found able to perform the activity competently,
 - f. Is present in the classroom during all instruction,
 - g. Supervises health-care professionals who assist in providing training program instruction, and
 - h. Ensures that a health-care professional who assists in providing training program instruction:
 - i. Is licensed or certified as a health-care professional,
 - ii. Has at least one year of experience in the field of licensure or certification, and
 - iii. Teaches only a learning activity that is within the scope of practice of the field of licensure or certification.
- D.** Instructional and educational resources. The owner of an assisted living facility manager training program shall provide or provide access to the following instructional and educational resources adequate to implement the training program for all students and staff:
 - 1. Current reference materials related to the level of the curriculum;
 - 2. Equipment, including computers, in good working condition to simulate facility management;
 - 3. Audio-visual equipment and media; and
 - 4. Designated space that provides a clean, distraction-free, learning environment for accomplishing educational goals of the training program;
- E.** The owner of an assisted living facility manager training program shall:
 - 1. Maintain the following training program records for three years:
 - a. Curriculum and course schedule for each student cohort;
 - b. Results of state-approved written and manual skills testing;
 - c. Evaluation forms completed by students, a summary of the evaluation forms for each student cohort, and measures taken, if any, to improve the training program based on student evaluations; and
 - d. Copy of all Board reports, applications, or correspondence related to the training program; and
 - 2. Maintain the following student records for three years:
 - a. Name, date of birth, and Social Security number;
 - b. Completed skills checklist;
 - c. Attendance record including a record of any make-up class sessions;
 - d. Score on each test, quiz, and examination and, if applicable, whether a test, quiz, or examination was retaken; and
 - e. Copy of the certificate of completion issued to the student as required under subsection (A)(5);
- F.** Examination and evaluation requirements. The owner of an assisted living facility manager training program shall ensure that each student in the training program:

1. Takes an examination that covers each of the subjects listed in R4-33-603(C) and passes each examination using the standard specified in subsection (A)(3)(b);
 2. Is evaluated and determined to possess the practical skills listed in R4-33-603(C);
 3. Passes, using the standard specified in subsection (A)(3)(b), a final examination approved by the Board and given by a Board-approved provider; and
 4. Does not take the final examination referenced in subsection (F)(3) more than two times. If a student fails the final examination referenced in subsection (F)(3) two times, the student is able to obtain evidence of completion only by taking the assisted living facility manager training program again;
- G.** Periodic evaluation. The owner of an assisted living facility manager training program shall allow a representative of the Board or a state agency designated by the Board to conduct:
1. An onsite scheduled evaluation:
 - a. Before initial approval of the training program as specified under R4-33-604(D),
 - b. Before renewal of the training program approval as specified under R4-33-605, and
 - c. During a time of correction as specified under R4-33-606(B); and
 2. An onsite unscheduled evaluation of the training program if the evaluation is in response to a complaint or reasonable cause, as determined by the Board; and
- H.** Notice of change. The owner of an assisted living facility manager training program shall provide the documentation and information specified regarding the following changes within 10 days after making the change:
1. New training program administrator. Name and license number;
 2. New instructor. Name, license number, and evidence of being qualified under subsection (C)(1);
 3. Decrease in number of training program hours. Description of and reason for the change, a revised curriculum outline, and revised course schedule;
 4. Change in classroom location. Address of new location and description of the new classroom; and
 5. For a training program that is based within an assisted living facility:
 - a. Change in name of the facility. Former and new name of the assisted living facility; and
 - b. Change in ownership of the facility. Names of the former and current owners of the assisted living facility.

NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and text of the rules as filed by the agency.

Economic Impact Statements are not published but are filed by the agency with their final notice.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to item #5 to contact the person charged with the rulemaking.

The codified version of these rules will be published in the *Arizona Administrative Code*.

NOTICE OF FINAL RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R22-248]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**

<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R12-4-501	Amend
R12-4-502	Amend
R12-5-507	Amend
R12-4-509	Amend
R12-4-510	Amend
R12-4-518	Amend
2. **Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 17-231(A)(1)
 Implementing statute: A.R.S. 5-301, 5-311, 5-321, 5-321.01, 5-326, and 5-327, 5-336, 5-350, and 17-255.01
3. **The effective date of the rules:**
 December 5, 2022
 - a. **If the agency selected a date earlier than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 Not applicable
 - b. **If the agency selected a date later than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(A)(B):**
 Not applicable
4. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 28 A.A.R. 594, March 11, 2022
 Notice of Proposed Rulemaking: 28 A.A.R. 553, March 11, 2022
5. **The agency's contact person who can answer questions about the rulemaking:**
 Name: Celeste Cook, Policy and Rules Manager
 Address: Arizona Game and Fish Department
 5000 W. Carefree Highway
 Phoenix, AZ 85086
 Telephone: (623) 236-7390
 Email: CCook@azgfd.gov
 Please visit the AZGFD website to track the progress of this rule; view the regulatory agenda, five-year review reports, and learn about other agency rulemaking matters.
6. **An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 The Arizona Game and Fish Commission proposes to amend rules within Article 5 addressing boating and water sports to enact amendments developed during the preceding Five-year Review Report, approved by the Commission in February 2021 and the Governor's Regulatory Review Council in July 7, 2021. The amendments are intended to clarify rule language; ensure compliance with U.S. Coast Guard regulations; enable the Department to provide better customer service; and reduce regulatory and

administrative burdens wherever possible.

An exemption from Executive Order 2021-02 was provided for this rulemaking by Buchanan Davis, Natural Resource Policy Advisor, Governor's Office, in an email dated September 8, 2021.

R12-4-501. Boating and Water Sports Definitions.

The rule establishes definitions that assist the regulated community and the public in understanding the unique terms used throughout 12 A.A.C. Chapter 4, Article 5.

U.S. Coast Guard regulation, 33 C.F.R. 187.303, establishes the terms each state must define in order to participate in the Vessel Identification System (VIS). Participating in VIS is beneficial to the citizens of Arizona because VIS is a nationwide system that collects information on vessels and vessel ownership to help identify and recover stolen vessels, deter vessel theft, and assist in deterring and discovering security-interest and insurance fraud. Since the last rulemaking, 33 C.F.R. 187.303 was amended to require state agencies to also define: "issuing authority," "secured party," "secured interest," and "titling authority." The Commission proposes to amend the rule to define the following terms: "issuing authority," "secured party," "secured interest," and "titling authority" to ensure compliance with the regulation.

R12-4-502. Application for Watercraft Registration

The rule establishes watercraft registration application requirements. The rule was adopted to ensure the Department provides and maintains the necessary information required under 33 C.F.R. 187 Vessel Identification System (VIS), which prescribes the owner and vessel information requirements for states electing to participate in VIS.

The rule requires an applicant for watercraft registration to submit one or more additional forms of documentation necessary to identify a specific watercraft and establish ownership. When the owner of a watercraft that was previously documented by the U.S. Coast Guard is now applying for registration in Arizona, the watercraft owner must submit a U.S. Coast Guard Letter of Deletion. The U.S. Coast Guard charges \$125 for this form. Currently, the National Vessel Documentation Center (NVDC) is experiencing delays in the time necessary to issue letters of deletion due to performance issues associated with its Information Technology (IT) System. This delay has resulted in the watercraft owner's inability to provide the documentation required to register the watercraft in Arizona. In an effort to provide better customer service, and after reviewing applicable statutes and rules and consulting with U.S. Coast Guard, the Commission proposes to amend the rule to allow a customer to submit the U.S. Coast Guard Form CG-1270 or Statement of Facts form when the watercraft was documented by U.S. Coast Guard immediately preceding application for watercraft registration in Arizona. In addition, the Commission also proposes to replace "letter of documentation" with "certificate of documentation" to make the rule more concise.

R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft

The rule establishes requirements for transferring ownership of an unreleased or abandoned watercraft. Under R12-4-501, "abandoned watercraft" is any watercraft that has remained: on private property without the consent of the owner; unattended for more than 48 hours on a highway, public street, or other public property; unattended for more than 72 hours on state or federal lands or on public waterways unless in a designated moorage or anchorage area. Abandoned watercraft are unsightly, pose potential threats to navigation and to the environment through the discharge of oil and other pollutants. Under R12-4-501, "unreleased watercraft" means a watercraft for which there is no written release of interest from the registered owner. This occurs when a person sells a watercraft without proper documentation, such as when a watercraft is sold and the new owner never registers it. The rule provides the regulated community with an efficient manner in which to properly dispose of abandoned/unreleased watercraft that includes: determination of abandonment; determination of ownership; a notice of intent to sell/waiver of rights process with an appropriate waiting period, determination of disposition, and transfer of ownership, when warranted. If the Department finds a person who has a lawful interest in the watercraft, the abandoned watercraft process is terminated. The Commission proposes to amend the rule to repeal the requirement that the required notice be sent by certified mail; approximately 50% of the certified letters are returned as undeliverable. The Department intends to use email to meet the notification requirements of the rule; email addresses are more likely to remain changed and provide more convenience to the public. The Commission also proposes to remove redundant language. The actions to be taken if an owner refuses to respond or fails to respond are the same, so the Commission proposes to repeal subsection (I)(1)(c) to make the rule more concise.

R12-4-509. Watercraft Agents

The rule establishes watercraft agent application requirements and the authorization process for a dealer seeking to issue a 45-day temporary certificate of number upon the sale of a watercraft. The rule requires a watercraft agent to submit documentation necessary to identify a specific watercraft and establish ownership to the Department for record retention and quality assurance purposes. With this rulemaking, the Commission proposes to amend R12-4-502 to allow a customer to submit the U.S. Coast Guard Form CG-1270 or Statement of Facts form for watercraft documented by U.S. Coast Guard immediately preceding application for watercraft registration in Arizona. The Commission also proposes to amend this rule to allow watercraft agents to accept and submit a Coast Guard Form CG-1270 or Statement of Facts form when processing a watercraft registration on behalf of the Department. In addition, the Commission also proposes to replace "letter of documentation" with "certificate of documentation" to make the rule more concise.

R12-4-510. Refunds for Renewals

The rule establishes requirements necessary to obtain a refund of a watercraft registration renewal fee and Nonresident Boating Safety Infrastructure fee, when applicable, when the watercraft owner paid the fees in error or sold the watercraft to another person prior to renewing the registration. The Department issues approximately 70 refunds under this rule; this figure has doubled since the last rule amendment.

The rule was last amended to allow a person to obtain a refund when the watercraft was registered in error. The Commission anticipated the proposed amendments would have little or no impact on the Department or regulated community. However, this

amendment resulted in an increase in refund requests for persons who pay the watercraft registration fees online one week to re-creationally boat in Arizona, and then request a refund the following week by simply stating they did not mean to register their watercraft - yet. When renewing a watercraft registration online, the person is able to register their watercraft for the current registration period and be issued a 45-day temporary registration. Under A.R.S. 5-321(L), if more than twelve months have lapsed since the expiration date of the last registration or renewal, the penalty and back fees are waived. Nonresident watercraft owners have learned to “game the system” by renewing the registration for their watercraft online and then using R12-4-510(A)(3) to obtain a refund, and then registering their watercraft for the following year. Since the rule was amended in 2017, the number of claims for refunds has risen dramatically: in 2017, 48 watercraft registration refunds were issued; by 2020, 73 refunds were issued. In addition, the refund process involves multiple state agencies: the Department initiates the refund action; the General Accounting Office (GAO) processes the request and issues the warrants (refunds); the Department receives the warrants, verifies the payee and warrant amount, mails valid warrants, and initiates warrant corrections when necessary. If by chance a refund is returned as undeliverable, it is forwarded to the Department of Revenue to process as unclaimed property. Each refund costs the Department approximately \$3 to \$6 to process (Department employee related expenses as well as GAO/ADOR costs are not included in this estimate). The Commission proposes to remove rule language that allows a person to claim a refund by merely stating they registered a boat in error.

In addition, system edits within the Department's watercraft registration system prevents a person from registering the same watercraft a second time during the same registration period. The Commission proposes to remove rule language that allows a person to request a refund because the person erroneously paid those fees twice for the same watercraft to eliminate a requirement that is no longer necessary for the operation of state government.

R12-4-518. Regattas

The rule prescribes regulations for the issuance of permits for motor boat races, regattas, or other events, as authorized under A.R.S. § 5-311(A)(6). The Commission has elected not to exercise its authority under this statute and the U.S. Coast Guard issues permits for events held on the Colorado River under 33 C.F.R. § 100.15. The rule authorizes the Department to enforce the terms and conditions of these federal permits.

Since the last rulemaking, the Aquatic Invasive Species Article was renumbered from 11 to 9. The Commission proposes to amend the rule to reference the current Article number.

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

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

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

Not applicable

9. A summary of the economic, small business, and consumer impact:

The Commission's intent in the proposed rulemaking is to clarify current rule language; ensure compliance with U.S. Coast Guard regulations; enable the Department to provide better customer service; and reduce regulatory and administrative burdens wherever possible.

The Commission anticipates the rulemaking will result in an overall benefit to persons regulated by the rule. The Commission anticipates the rulemaking will result in no impact to political subdivisions of this state, private and public employment in businesses, agencies or political subdivisions, or state revenues. The Commission has determined the rulemaking will not require any new full-time employees. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. The Commission anticipates the Department will incur costs related to rulemaking, updating Department publications, and related training.

Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

No changes were made between the proposed rulemaking and final rulemaking.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Department did not receive any public or stakeholder comments in response to the proposed rulemaking.

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

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

R12-4-502, the rule complies with A.R.S. § 41-1037. The certificate of number described in the rule falls within the definition of “general permit” as defined under A.R.S. § 41-1001(11).

For R12-4-509, the rule complies with A.R.S. § 41-1037. The authorization described in the rule falls within the definition of “general permit” as defined under A.R.S. § 41-1001(11).

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

Except for the rules listed below, federal law is not directly applicable to the subject of the rules. The rules are based on

state law.

For R12-4-501, Federal regulation 33 C.F.R. 187 is applicable to the subject of the rule. 33 C.F.R. 187.303 establishes the terms a state must define in order to participate in the Vessel Identification System (VIS). The Department has determined the rule is not more stringent than the corresponding federal law.

For R12-4-502, Federal regulation 33 C.F.R. 187 is applicable to the subject of the rule. 33 C.F.R. 187 prescribes the minimum owner, vessel, and record information requirements for States electing to participate in VIS. The Department has determined the rule is not more stringent than the corresponding federal law.

For R12-4-502, Federal regulation 33 C.F.R. 174 is applicable to the subject of the rule. 33 C.F.R. 174 prescribes a standard numbering system for vessels applicable to States for approval of State numbering systems. The Department has determined the rule is not more stringent than the corresponding federal law.

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:

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

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
Not applicable

14. Whether the rule previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rule was not previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 5. BOATING AND WATER SPORTS

Section

R12-4-501.	Boating and Water Sports Definitions
R12-4-502.	Application for Watercraft Registration
R12-4-507.	Transfer of Ownership of an Abandoned or Unreleased Watercraft
R12-4-509.	Watercraft Dealers; Agents
R12-4-510.	Refund of Fees Paid in Error
R12-4-518.	Regattas

ARTICLE 5. BOATING AND WATER SPORTS

R12-4-501. Boating and Water Sports Definitions

In addition to the definitions provided under A.R.S. § 5-301, the following definitions apply to this Article unless otherwise specified:

“Abandoned watercraft” means any watercraft that has remained:

On private property without the consent of the private property owner;

Unattended for more than 48 hours on a highway, public street, or other public property;

Unattended for more than 72 hours on state or federal lands; or

Unattended for more than 14 days on state or federal waterways, unless in a designated mooring or anchorage area.

“Aids to navigation” means buoys, beacons, or other fixed objects placed on, in, or near the water to mark obstructions to navigation or to direct navigation through channels or on a safe course.

“Authorized third-party provider” means an entity that has been awarded a written agreement with the Department, pursuant to a competitive bid process, to perform limited or specific services on behalf of the Department.

“AZ number” means the Department-assigned identification number with the prefix “AZ.”

“Bill of sale” means a written agreement transferring ownership of a watercraft that includes all of the following information:

Name of buyer;

Name of seller;

Manufacturer of the watercraft, when known;

Hull identification number, unless exempt under R12-4-505;

Purchase price and sales tax paid, when applicable; and

Signature of seller.

“Boats keep out” in reference to a regulatory marker means the operator or user of a watercraft, or a person being towed by a watercraft on water skis, an inflatable device, or similar equipment shall not enter.

“Certificate of number” means the Department-issued document that is proof that a motorized watercraft is registered in the name of the owner.

“Certificate of origin” means a document provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, or the original purchaser establishing the initial chain of ownership for a watercraft, such as but not limited to:

Manufacturer’s certificate of origin (MCO);

Manufacturer’s statement of origin (MSO);

Importer’s certificate of origin (ICO);

Importer’s statement of origin (ISO); or

Builder’s certification (Form CG-1261).

“Controlled-use marker” means an anchored or fixed marker on the water, shore, or a bridge that controls the operation of watercraft, water skis, surfboards, or similar devices or equipment.

“Dealer” means any person who engages in whole or in part in the business of buying, selling, or exchanging new or used watercraft, or both, either outright or on conditional sale, consignment, or lease.

“Homemade watercraft” means a watercraft that is not fabricated or manufactured for resale and to which a manufacturer has not attached a hull identification number. If a watercraft is assembled from a kit or constructed from an unfinished manufactured hull and does not have a manufacturer assigned hull identification number it is a “homemade watercraft.”

“Hull identification number” means a number assigned to a specific watercraft by the manufacturer or by a government jurisdiction as prescribed by the U.S. Coast Guard.

“Issuing authority” means either a State that has an approved numbering system or the U.S. Coast Guard when a State does not have an approved numbering system.

“Junk watercraft” means any hulk, derelict, wreck, or parts of any watercraft in an unseaworthy or dilapidated condition that cannot be profitably dismantled or salvaged for parts or profitably restored.

“Letter of gift” means a document transferring ownership of a watercraft that includes all of the following information:

Name of previous owner;

Name of new owner;

Manufacturer of the watercraft, when known;

Hull identification number, unless exempt under R12-4-505;

A statement that the watercraft is a gift; and

Signature of previous owner.

“Livery” means a business authorized to rent or lease watercraft with or without an operator for recreational, non-commercial use as prescribed under A.R.S. § 5-371.

“Manufacturer” means any person engaged in the business of manufacturing or importing new watercraft for the purpose of sale or trade.

“Motorized watercraft” means any watercraft propelled by machinery and powered by electricity, fossil fuel, or steam.

“No ski” in reference to a regulatory marker means a person shall not be towed on water skis, an inflatable device, or similar equipment.

“No wake” in reference to a regulatory marker has the same meaning as “wakeless speed” as defined under A.R.S. § 5-301.

“Operate” in reference to a watercraft means use, navigate, or employ.

“Owner” in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest that entitles the person to possession.

“Personal flotation device” means a U.S. Coast Guard approved wearable or throwable device for use on any watercraft, as prescribed under A.R.S. §§ 5-331, 5-350(A), and R12-4-511.

“Regatta” means an organized water event of limited duration affecting the public use of waterways, for which a lawful jurisdiction has issued a permit.

“Registered owner” means the person or persons to whom a watercraft is currently registered by any jurisdiction.

“Registration decal” means the Department-issued decal that is proof of watercraft registration.

“Regulatory marker” means a waterway marker placed on, in, or near the water to convey general information or indicate the presence of:

A danger, or

A restricted or controlled-use area.

“Release of interest” means a statement surrendering or abandoning unconditionally any claim or right of ownership or use in a watercraft.

“Secured party” means a lender, seller, or other person who holds a security interest in a watercraft under applicable law.

“Secured interest” means an interest that is reserved or created by an agreement under applicable law and that secures payment or the performance of an obligation.

“Sound level” means the noise level measured in decibels on the A-weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer’s instructions.

“Staggered registration” means the system of renewing watercraft registrations in accordance with the schedule provided under R12-4-504.

“State of principal operation” means the state in whose waters the watercraft is used or will be operated most during the calendar year.

“Throwable personal flotation device” means a U.S. Coast Guard approved Type IV device for use on any watercraft such as, but not limited to, a buoyant cushion, ring buoy, or horseshoe buoy.

“Titling authority” means a State whose vessel titling system has been certified by the Commandant under 33 C.F.R. 187.303 Subpart D.

“Unreleased watercraft” means a watercraft for which there is no written release of interest from the registered owner.

“Watercraft” means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water and propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are sea-planes, makeshift contrivances constructed of inner tubes or other floatable materials that are not propelled by machinery, personal flotation devices worn or held in hand, and other objects used as floating or swimming aids.

“Watercraft agent” means a person authorized by the Department to collect applicable fees for the registration and numbering of watercraft.

“Watercraft registration” means the validated certificate of number and validating decals issued by the Department.

“Wearable personal flotation device” means a U.S. Coast Guard approved Type I, Type II, Type III, or Type V device for use on any watercraft such as, but not limited to, an off-shore lifejacket, near-shore buoyant vest, special-use wearable device, or flotation aid.

R12-4-502. Application for Watercraft Registration

- A. Only motorized watercraft as defined under R12-4-501 are subject to watercraft registration.
- B. A person shall apply for watercraft registration under A.R.S. § 5-321 using a form furnished by the Department and available at any Department office or on the Department’s website. The applicant shall provide the following information for registration of all motorized watercraft except homemade watercraft, which are addressed under subsection (C):
 - 1. Arizona residency certification statement, signed by the watercraft owner;
 - 2. Type of watercraft;
 - 3. Propulsion type;
 - 4. Engine drive type;
 - 5. Overall length of watercraft;
 - 6. Make and model of watercraft, if known;
 - 7. Year built or model year, if known;
 - 8. Hull identification number;
 - 9. Hull material;
 - 10. Fuel type;
 - 11. Category of use;
 - 12. Watercraft or AZ number previously issued for the watercraft, if any;
 - 13. State of principal operation; and
 - 14. For watercraft:
 - a. Owned by a person:
 - i. Legal name;
 - ii. Mailing address;
 - iii. Date of birth; and
 - iv. Signature of each applicant.
 - b. Owned by a business:
 - i. Name of business;
 - ii. Business address;
 - iii. Tax Identification Number; and
 - iv. Signature and title of authorized representative on behalf of the business.
 - c. Held in a trust:
 - i. Name of trust;
 - ii. Primary trustee’s address;
 - iii. Tax Identification Number, required when the trust is held by two or more persons;
 - iv. Date of trust; and
 - ~~iv~~-v. Signature of each trustee, unless the trust instrument authorizes the signature of one trustee to bind the trust.
 - 15. When ownership of the watercraft is in more than one name, the applicant shall indicate ownership designation by use of one of the following methods:
 - a. Where ownership is joint tenancy with right of survivorship, the applicant shall use “and/or” between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. Upon legal proof of the death or incompetency of either owner, the remaining owner may transfer registration of the watercraft.

- b. Where ownership is a tenancy in common the applicant shall use “and” between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. In the event of the death or incompetency of any owner, the disposition of the watercraft shall be handled through appropriate legal proceedings.
 - c. Where the ownership is joint tenancy or is community property with an express intent that either of the owners has full authority to transfer registration, the applicant shall use “or” between the names of the owners. Each owner shall sign the application for registration. To transfer registration, either owner’s signature is sufficient for transfer.
- C. The builder, owner, or owners of a homemade watercraft shall present the watercraft for inspection at a Department office. The applicant shall provide the following information for registration of homemade watercraft, using the same ownership designations specified in subsection (A)(15):
 - 1. Type of watercraft;
 - 2. Propulsion type;
 - 3. Engine drive type;
 - 4. Overall length of watercraft;
 - 5. Year built;
 - 6. Hull material;
 - 7. Fuel type;
 - 8. Category of use;
 - 9. Each owner’s:
 - a. Name,
 - b. Mailing address, and
 - c. Date of birth;
 - 10. State of principal operation;
 - 11. Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer’s hull;
 - 12. Hull identification number, if assigned; and
 - 13. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
- D. As prescribed under A.R.S. § 5-321, the applicant shall submit a use tax receipt issued by the Arizona Department of Revenue with the application for registration unless any one of the following conditions apply:
 - 1. The applicant is exempt from use tax as provided under 15 A.A.C. Chapter 5,
 - 2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,
 - 3. The applicant submits a bill of sale or receipt showing the sales or use tax was paid at the time of purchase, or
 - 4. The applicant submits a notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.
- E. An applicant for a watercraft dealer registration authorized under A.R.S. § 5-322(F), shall be a business offering watercraft for sale or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer registration for watercraft demonstration purposes only. For the purposes of this Section, “demonstration” means to operate a watercraft on the water for the purpose of selling, trading, negotiating, or attempting to negotiate the sale or exchange of interest in new watercraft, and includes operation by a manufacturer for purposes of testing a watercraft. Demonstration does not include operation of a watercraft for personal purposes by a dealer or manufacturer or an employee, family member, or an associate of a dealer or manufacturer. The watercraft dealer registration is subject to invalidation pursuant to R12-4-506 if a watercraft with displayed dealer registration is used for purposes other than those authorized under A.R.S. § 5-322(F) or this Section. A watercraft dealer registration applicant shall submit an application to the Department. The application is furnished by the Department and is available at any Department office. The applicant shall provide the following information on the application:
 - 1. All business names used for the sale or manufacture of watercraft in Arizona;
 - 2. Mailing address and telephone number for each business for which a watercraft dealer registration is requested;
 - 3. Tax privilege license number;
 - 4. U.S. Coast Guard manufacturer identification code, when applicable;
 - 5. Total number of certificates of number and decals requested; and
 - 6. The business owner’s or manager’s:
 - a. Name,
 - b. Business address,
 - c. Telephone number, and
 - d. Signature.
- F. In addition to submitting the application form and any other information required under this Section, the applicant for watercraft registration shall submit one or more of the following additional forms of documentation:
 - 1. Original title if the watercraft is titled in another state;
 - 2. Original registration if the watercraft is from a non-titling state;
 - 3. Bill of sale as defined under R12-4-501 if the watercraft has never been registered or titled in any state;
 - 4. Letter of gift as defined under R12-4-501 if the watercraft was received as a gift and was never registered or titled in any state;
 - 5. Court order or other legal documentation establishing lawful transfer of ownership;
 - 6. ~~Letter Certificate of documentation or letter of deletion, required when the watercraft was previously documented~~ issued by the U.S. Coast Guard;
 - 7. Statement of facts form furnished by the Department and available from any Department office when none of the documentation identified under subsections (F)(1) through (F)(6) exists either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. An applicant for watercraft registration under a statement of facts shall present the watercraft for inspection at a Department office. The statement of facts form shall include the following information:

- a. Hull identification number,
- b. Certification that the watercraft meets one of the following conditions:
 - i. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
 - ii. The watercraft is owned by the applicant and has never been registered or titled;
 - iii. The watercraft was owned in a state that required registration, but was never registered or titled; or
 - iv. The watercraft was purchased, received as a gift, or received as a trade and has not been registered, titled, or otherwise documented in the past five years.
- c. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
8. An original certificate of origin when all of the following conditions apply:
 - a. The watercraft was purchased as new,
 - b. The applicant is applying for watercraft registration within a year of purchasing the watercraft, and
 - c. The certificate of origin is not held by a lien holder.
- G. If the watercraft is being transferred to a person other than the original listed owner, the applicant for a watercraft registration shall submit a release of interest. The Department may require the applicant to provide a release of interest that is acknowledged before a Notary Public or witnessed by a Department employee when the Department is unable to verify the signature on the release of interest.
- H. If the original title is held by a lien holder, the applicant for a watercraft registration shall submit a form furnished by the Department and available from any Department office along with a copy of the title. The applicant shall comply with the following requirements when submitting the form:
 1. The applicant shall provide the following information on the form:
 - a. Applicant's name,
 - b. Applicant's mailing address,
 - c. Make and model of watercraft, and
 - d. Watercraft hull identification number.
 2. The applicant shall ensure the lien holder provides the following information on the form:
 - a. Lien holder's name,
 - b. Lien holder's mailing address,
 - c. Name of person completing the form on behalf of the lien holder,
 - d. Title of person completing the form on behalf of the lien holder, and
 - e. Signature of the person completing the form on behalf of the lien holder, acknowledged before a Notary Public or witnessed by a Department employee.
- I. If the watercraft's original title or registration is lost, the Department shall register a watercraft upon receipt of one of the following:
 1. A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft;
 2. A printout of the Vessel Identification System for that specific watercraft from the U.S. Coast Guard and verification from the appropriate state agency that the information regarding the owner of record for that specific watercraft is correct and current;
 3. A statement of facts by the applicant as described under subsection (F)(7) if the watercraft has not been registered, titled, or otherwise documented in the past five years; or
 4. The abandoned or unreleased watercraft approval letter issued by the Department, as established under R12-4-507(I).
- J. The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and the documentation required under this Section from the applicant or a watercraft agent authorized under R12-4-509.
- K. All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements established under R12-4-505. The Department shall require a watercraft to be presented for inspection to verify the information provided by an applicant if the Department has reason to believe the information provided by the applicant is inaccurate or the applicant is unable to provide the required information.
- L. The Department shall deem an application invalid if the Department receives legal documentation of any legal action that may affect ownership of that watercraft.
- M. The Department shall invalidate a watercraft registration if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of facts, or written instrument submitted to the Department.

R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft

- A. A person who has knowledge and custody of a watercraft abandoned on private property owned by that person may attempt to obtain ownership of the watercraft by way of the abandoned watercraft transfer process. A lienholder of foreclosed real property may assign an agent to act on its behalf.
- B. The last registered owner of an abandoned or unreleased watercraft is presumed to be responsible for the watercraft, unless the watercraft is reported stolen.
- C. The operator of a self-storage facility located in this state and having a possessory lien shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 15, Article 1 when attempting to obtain ownership of a watercraft abandoned while in storage.
- D. A person having a possessory lien under a written agreement shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 7, Article 6 when attempting to obtain ownership of a watercraft for which repairs or service fees remain unpaid.
- E. Only a person acting within the scope of official duties as an employee or authorized agent of a government agency may order the removal of a watercraft abandoned on public property or a public waterway.
- F. A person seeking ownership of an abandoned or unreleased watercraft shall submit an application to the Department and pay the fee established under R12-4-504. The application is furnished by the Department and available at any Department office. The application shall include the following information, if available:
 1. Hull identification number, unless exempt under R12-4-505;
 2. Registration number;

3. Decal number;
 4. State of registration;
 5. Year of registration;
 6. Name, address, and daytime telephone number of the person who found the watercraft;
 7. For abandoned watercraft:
 - a. Address or description of the location where the watercraft was found,
 - b. Whether the watercraft was abandoned on private or public property, and
 - c. When applicable, for watercraft abandoned on private property, whether the applicant is the legal owner of the property;
 8. Condition of the watercraft: wrecked, stripped, or intact;
 9. State in which the watercraft will be operated;
 10. Length of time the watercraft was abandoned;
 11. Reason why the applicant believes the watercraft is abandoned; and
 12. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
- G.** This state and its agencies, employees, and agents are not liable for relying in good faith on the contents of the application.
- H.** The Department shall attempt to determine the name and address of the registered owner by:
1. Conducting a search of its watercraft database when documentation indicates the watercraft was previously registered in this state, or
 2. Requesting the watercraft record from the other state when documentation indicates the watercraft was previously registered in another state.
- I.** If the Department is able to determine the name and address of the registered owner, the Department shall send written notice of the applicant's attempt to register the watercraft to the owner ~~by certified mail, return receipt requested.~~
1. ~~If service is successful or upon receipt of a response from the registered owner, the Department shall send the following written notification to the applicant, as appropriate:~~
 - a. If the registered owner provides a written release of interest in the watercraft, the Department shall mail the release of interest and an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
 - b. If the registered owner provides written notice to the Department refusing to release interest in the watercraft, the Department shall notify the applicant of the owner's refusal. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
 - c. ~~If the registered owner does not respond to the notice in writing within 30 days from the date of receipt, the Department shall notify the applicant of the owner's failure to respond. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.~~
 - d. If the registered owner does not respond to the notice within 180 days from the date of receipt of the Department sent notice, this failure to act shall constitute a waiver of interest in the watercraft by any person having an interest in the watercraft, and the watercraft shall be deemed abandoned for all purposes. The Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
 2. If the written notice is returned unclaimed or refused, the Department shall notify the applicant within 15 days of the notice being returned that the attempt to contact the registered owner was unsuccessful.
- J.** If the Department is unable to identify or serve the registered owner, the Department shall post a notice of intent on the Department's website within 45 days of the Department's notification to the applicant as provided in subsection (I)(2).
1. The notice shall include a statement of the Department's intent to transfer ownership of the watercraft ten days after the date of posting, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following posting.
 2. If the watercraft remains unclaimed after the ten-day period, the Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
- K.** A government agency may submit an application for authorization to dispose of a junk watercraft abandoned on state or federal lands or waterways. The application is furnished by the Department and is available at any Department Office. Upon receipt of the application, the Department shall attempt to determine the name and address of the registered owner. If the Department is unable to identify and serve the registered owner, the Department shall publish a notice of intent to authorize the disposal of the junk watercraft as described under subsection (J).
1. The published notice shall include a statement of the Department's intent to authorize the disposal of the watercraft ten days after the date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following publication.
 2. If the watercraft remains unclaimed after the ten-day period, the Department shall mail an authorization to dispose of the junk watercraft to the government agency. The government agency may dispose of the abandoned watercraft and all indicia for that watercraft in any manner the agency determines expedient or convenient.

R12-4-509. Watercraft Dealers; Agents

- A.** The Department may authorize a watercraft dealer to act as an agent on behalf of the Department for the purpose of issuing temporary certificates of number valid for 45 days for new or used watercraft, provided:
1. The applicant's previous authority to act as a watercraft agent under A.R.S. § 5-321(I) has not been canceled by the Department within the preceding 24 months, and
 2. The applicant is a business located and operating within this state and sells watercraft.

- B. An applicant seeking watercraft agent authorization shall submit an application to the Department. The application is furnished by the Department and available at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, AZ 85086. The applicant shall provide the following information on the application:
 - 1. Principal business or corporation name, address, and telephone number or if not a corporation, the full name, address, and telephone number of all owners or partners;
 - 2. Name, address, and telephone number of the owner or manager responsible for compliance with this Section;
 - 3. Whether the applicant has previously issued temporary certificates of number under A.R.S. § 5-321(I);
 - 4. All of the following information specific to the location from which new watercraft are to be sold and temporary certificates of number issued:
 - a. Name of owner or manager;
 - b. Business hours;
 - c. Business telephone number;
 - d. Business type;
 - e. Storefront name; and
 - f. Street address;
 - 5. Manufacturers of the watercraft to be sold; and
 - 6. Signature of person named under subsection (B)(2).
- C. The Department shall either approve or deny the application within the licensing time-frame established under R12-4-106.
- D. Authorization to act as a watercraft agent is specific to the dealer's business location designated on the application and approved by the Department, unless the dealer is participating in a boat show for the purpose of selling watercraft.
- E. The watercraft agent shall:
 - 1. Use the assigned watercraft agent number when issuing a temporary certificate of number,
 - 2. Use the online application system and forms supplied by the Department; and
 - 3. Collect the appropriate fee as prescribed under R12-4-504 and R12-4-527.
- F. A watercraft agent is prohibited from issuing a temporary certificate of number for a watercraft when:
 - 1. The watercraft is involved in legal proceedings such as, but not limited to, a marital dissolution, probate, or bankruptcy proceeding;
 - 2. The watercraft is abandoned or unreleased;
 - 3. The watercraft is homemade; or
 - 4. The watercraft has a nonconforming HIN.
- G. A watercraft agent issuing a temporary certificate of number to the purchaser of a watercraft shall comply with all the following:
 - 1. The watercraft agent shall obtain a completed application that complies with the requirements established under R12-4-502.
 - 2. The watercraft agent shall identify to the applicant the state registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.
 - 3. The fees collected under subsection (E)(3) shall be submitted electronically to the Department prior to the submission of the documentation required under subsection (G)(4).
 - 4. Within five business days of issuing a temporary certificate of number, a watercraft agent shall deliver or mail the following documentation to the Arizona Game and Fish Department, Watercraft Agent Representative, 5000 W. Carefree Highway, Phoenix, AZ 85086:
 - a. For a new watercraft:
 - i. Original application;
 - ii. Original or copy of the bill of sale issued by the watercraft agent; and
 - iii. Original certificate of origin;
 - b. For a used watercraft:
 - i. Original application;
 - ii. Original or copy of the bill of sale issued by the watercraft agent;
 - iii. Ownership document, such as but not limited to a title, bill of sale, letter of gift or U.S. Coast Guard ~~letter certificate of documentation or letter of deletion when the watercraft was previously documented issued~~ by the U.S. Coast Guard; and
 - iv. Lien release, when applicable.
- H. The Department may cancel the watercraft agent's authorization if the agent does any one of the following:
 - 1. Fails to comply with the requirements established under this Article;
 - 2. Submits more than one electronic payment dishonored because of insufficient funds, payments stopped, or closed accounts to the Department within a calendar year;
 - 3. Predates, postdates, alters, or provides or knowingly allows false information to be provided on an application for a temporary certificate of number; or
 - 4. Falsifies the application for authorization as a watercraft agent.
- I. The Department shall provide a written notice to the person stating the reason for the denial or cancellation of watercraft agent status, as applicable. The person may appeal the denial or cancellation to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

R12-4-510. Refund of Fees Paid in Error

- A. The Department shall issue a refund for watercraft registration fees paid and, when applicable, the Nonresident Boating Safety Infrastructure fee when:
 - ~~1. The registered owner has erroneously paid those fees twice for the same watercraft;~~
 - ~~2. The the registered owner has erroneously paid those fees for a watercraft that has already been sold to another individual; or~~
 - ~~3. The registered owner registered the watercraft in error.~~

- B. To request a refund of fees paid in error, the person applying for the refund shall surrender all of the following to the Department:
 - 1. Original certificate of number;
 - 2. Registration decals; and
 - 3. Nonresident Boating Safety Infrastructure Decal, when applicable.
- C. A person requesting a refund of fees shall submit the request to the Department within 30 calendar days of the date the payment was received by the Department.
- D. The Department shall not refund:
 - 1. A late registration penalty fee.
 - 2. A fee collected by an authorized third-party provider. A person who paid their watercraft registration fee to a third-party provider shall request a refund of fees from that third-party provider.

R12-4-518. Regattas

- A. When a regatta permit is issued by the Coast Guard, the person in control of the regatta shall at all times be responsible for compliance with the stipulations as prescribed within the regatta permit. Such stipulations may include but not be limited to:
 - 1. A specified number of patrol or committee boats and identified as such.
 - 2. Availability of emergency medical services.
 - 3. Spectator control if there exists a danger that life or property is in jeopardy.
- B. Non-compliance with any stipulation of an authorized permit which jeopardizes the public welfare shall be cause to terminate the regatta until the person in control or a person designated by the one in control satisfactorily restores compliance.
- C. When a regatta applicant is informed in writing by the Coast Guard that a permit is not required, such regatta may take place, but shall not relieve the regatta sponsor of any responsibility for the public welfare or confer any exemption from state boating and watersports laws and rules.
- D. The regatta sponsor and all participants shall comply with aquatic invasive species requirements established under A.R.S Title 17, Chapter 2, Article 3.1 and 12 A.A.C. 4, Article ~~449~~.

NOTICES OF FINAL EXEMPT RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Exempt Rulemaking.

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

The Office makes a distinction when publishing certain

exempt rulemakings, as provided in these laws, on a case-by-case basis, as determined by an agency's exemption. Other rule exemption types are published elsewhere in the *Register*.

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

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

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 1. DEPARTMENT OF LIQUOR LICENSES AND CONTROL

[R22-249]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**

Article 8	New Article
R19-1-801	New Section
R19-1-802	New Section
R19-1-803	New Section
R19-1-804	New Section
2. **Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 4-112(A)(2) and (B)(1)
 Implementing statute: A.R.S. §§ 4-203(S) and (T), 4-203.06, 4-203.07, 4-205.02, 4-205.13, 4-209, and 4-244(32)(d)
 Statute or session law authorizing the exemption: Laws 2022, Chapter 282, Sec. 12
3. **The effective date for the rules and the reason the agency selected the effective date:**

October 13, 2022

Under A.R.S. § 41-1032(A)(1), to preserve public peace, health, and safety, the rules will be effective when the Notice of Final Exempt Rulemaking is filed with the Office of the Secretary of State.
4. **Citation to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**

None
5. **The agency's contact person who can answer questions about the rulemaking:**

Name:	Wes Kuhl
Address:	Department of Liquor Licenses and Control 800 W. Washington, 5th floor Phoenix, AZ 85007
Telephone:	(602) 542-9072
Email:	wes.kuhl@azliquor.gov
Website:	www.azliquor.gov
6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

Under Laws 2021, Chapter 375, the legislature authorized restaurant licensees to, under specified circumstances, enter a lease agreement with a bar, beer and wine bar, or liquor store licensee. Under the lease agreement, the restaurant licensee enjoys the off-sale privilege of the bar, beer and wine bar, or liquor store licensee.

The legislature made three major changes:

 1. Under A.R.S. § 4-203(S), a bar or liquor store licensee was authorized to take orders for and sell and deliver mixed cocktails off the licensed premises. Under a lease agreement with a bar or liquor store licensee, a restaurant licensee may enjoy the privilege of selling mixed cocktails for consumption off the restaurant's licensed premises. The bar or liquor store licensee with which the restaurant licensee enters a lease agreement is chosen at random by the Department, does not have to be located in the same county as the restaurant licensee, and is able to continue selling mixed cocktails for consumption off-sale.

2. Under a lease agreement with a bar, beer and wine bar, or liquor store, a restaurant licensee enjoys the privilege of selling spirituous liquors except mixed cocktails for consumption off the restaurant's licensed premises. The restaurant licensee and bar, beer and wine bar, or liquor store licensee must be located in the same county and enter the lease agreement for approval by the Department. Under this lease agreement, the off-sale privilege of the bar, beer and wine bar, or liquor store licensee is transferred to the restaurant licensee and the bar, beer and wine bar, or liquor store licensee ceases to have an off-sale privilege for spirituous liquors other than mixed cocktails.

3. Created a new kind of license, a registered alcohol delivery contractor, to facilitate the off-sale delivery of spirituous liquors. This rulemaking establishes new fees, which are specifically authorized under A.R.S. §§ 4-203.06(B)(1), 4-203.07(B)(2), 4-205.13(B), and 4-209.

An exemption for this rulemaking from Executive Order 2022-01 was provided by Brian Norman, of the governor's office, in an e-mail dated August 17, 2022.

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

The Department did not review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

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

Not applicable

9. A summary of the economic, small business, and consumer impact, if applicable:

For this rulemaking, Laws 2022, Chapter 282, Sec. 12, exempts the Department from all rulemaking requirements in A.R.S. Title 41, Chapter 6, until September 9, 2023. The exemption includes the requirement to provide an economic, small business, and consumer impact statement.

Most of the economic impact results from the statutory change allowing for the lease of certain off-sale privileges and from creating a new kind of registration rather than this rulemaking. The economic impact of the rulemaking results from establishing several new fees that are specifically authorized by statute.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking (if applicable):

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments, if applicable:

The Department met with stakeholders on January 24, 2022, to discuss a draft of the rules. In response to comments, the Department provided an opt-out provision under R19-1-802.

12. Other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

None

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:

Under A.R.S. § 41-1037(A)(2), the registration of an alcohol delivery contractor under A.R.S. § 4-205.13 is not a general permit. A.R.S. § 4-205.13(E) requires the Department to review an individual's qualifications before registering the individual.

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

Federal law is applicable to the subject of the rules (See 27 CFR, Chapter 1, Subchapter A). The rules are no more stringent than federal law.

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:

No analysis was submitted.

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

None

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

No rule in this rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 1. DEPARTMENT OF LIQUOR LICENSES AND CONTROL

ARTICLE 8. LEASING OFF-SALE PRIVILEGES

Section

<u>R19-1-801.</u>	<u>Leasing Off-sale Privileges: Preliminary Considerations</u>
<u>R19-1-802.</u>	<u>Leasing an Off-sale Privilege regarding Mixed Cocktails</u>
<u>R19-1-803.</u>	<u>Leasing an Off-sale Privilege regarding Spirituous Liquor other than Mixed Cocktails</u>
<u>R19-1-804.</u>	<u>Registration of an Alcohol Delivery Contractor</u>

ARTICLE 8. LEASING OFF-SALE PRIVILEGES**R19-1-801. Leasing Off-sale Privileges: Preliminary Considerations**

- A. Only a restaurant licensee may enter an agreement to lease the off-sale privileges of another licensee.
- B. A restaurant licensee may enter an agreement with only a bar or liquor store licensee to lease the bar or liquor store licensee's privilege to sell mixed cocktails, as defined at A.R.S. § 4-101, for consumption off the licensed premises.
- C. A restaurant licensee may enter an agreement with only a bar, beer and wine bar, or liquor store licensee to lease the bar, beer and wine bar, or liquor store licensee's privilege to sell spirituous liquor other than mixed cocktails for consumption off the licensed premises.
- D. When the Director approves an agreement under subsection (B), the bar or liquor store licensee retains the bar or liquor store licensee's privilege to sell mixed cocktails for consumption off the licensed premises during the term of the lease.
- E. When the Director approves an agreement under subsection (C), the Director transfers the off-sale privilege of the bar, beer and wine bar, or liquor store regarding spirituous liquor other than mixed cocktails to the restaurant licensee for the term of the lease and the bar, beer and wine bar, or liquor store licensee shall stop the off-sale of spirituous liquor other than mixed cocktails.
- F. A restaurant licensee that wishes to enter a privileges lease agreement under subsection (B) or (C) shall apply to the Department under R19-1-802 or R19-1-803 and obtain the Director's approval.
- G. This Section is authorized by A.R.S. §§ 4-203.06 and 4-203.07.

R19-1-802. Leasing an Off-sale Privilege regarding Mixed Cocktails

- A. Applicant responsibilities. To apply under A.R.S. § 4-203.06 to lease the privilege of a bar or liquor store licensee to sell mixed cocktails for consumption off the licensed premises, a restaurant licensee shall submit to the Department:
 - 1. An application form that is available from the Department at its office or on the Department's website;
 - 2. A non-refundable application fee of \$200; and
 - 3. A privileges lease form, which is available from the Department at its office or on the Department's website, signed and dated by the restaurant licensee.
- B. Director responsibilities. The Director shall:
 - 1. Within 30 days after receiving an application under subsection (A), approve or deny the application based on the location or history of the applicant. If the Director denies the application, the Director shall provide to the restaurant licensee the notice required under R19-1-209(H);
 - 2. Randomly select a bar or liquor store licensee to enter a privileges lease agreement with the approved restaurant licensee to lease the bar or liquor store licensee's privilege to sell mixed cocktails for consumption off the licensed premises. A bar or liquor store licensee is not required to opt-in but may opt-out of being selected by the Director. The bar or liquor store licensee selected may be located in the same or a different county from the county of the restaurant licensee;
 - 3. Establish a lease amount to be paid by the restaurant licensee that fairly recognizes and is derived from the commercial value of the privilege being leased; and
 - 4. Act as a third-party facilitator of the funds paid under subsection (C)(1) to ensure the lease payment is made to the bar or liquor store licensee.
- C. Restaurant licensee responsibilities. A restaurant licensee whose application is approved under subsection (B)(1) shall:
 - 1. Pay in full to the Department the lease amount established under subsection (B)(3) when the application is approved under subsection (B)(1);
 - 2. Comply with all Department statutes and rules including:
 - a. A.R.S. § 4-203(S)(5) regarding the sale of menu food items, as defined at A.R.S. § 4-101;
 - b. A.R.S. § 4-205.02(M) regarding the percentage of gross revenue derived from the sale of food; and
 - c. A.R.S. § 4-206.01(G) regarding the percentage of spirituous liquor sales derived under the privileges lease agreement; and
 - 3. If desired, apply to the Department for renewal of the privileges lease agreement. To renew the privileges lease agreement, a restaurant licensee shall:
 - a. Submit to the Department a renewal application form that is available from the Department at its office or on the Department's website;
 - b. Pay a renewal fee that includes renewal of the restaurant license and is specified on the Department's website; and
 - c. Pay in full the lease amount established under subsection (B)(3).
- D. This Section is authorized by A.R.S. § 4-203.06. Under A.R.S. § 4-203.06(A), this Section is not applicable on and after January 1, 2026.

R19-1-803. Leasing an Off-sale Privilege regarding Spirituous Liquor other than Mixed Cocktails

- A. Applicant responsibilities. To apply under A.R.S. § 4-203.07 to lease the privilege of a bar, beer and wine bar, or liquor store licensee to sell spirituous liquor other than mixed cocktails for consumption off the licensed premises, a restaurant licensee shall submit to the Department within one of the lease windows established by the Department:

1. An application form that is available from the Department at its office or on the Department's website;
 2. A non-refundable application fee of \$200; and
 3. A privileges lease form that is available from the Department at its office or on the Department's website; and:
 - a. Is signed and dated by both the restaurant licensee and the bar, beer and wine bar, or liquor store licensee, both of which are located in the same county; and
 - b. Specifies the lease amount to which the parties agree, which may be the amount determined by the Department under A.R.S. § 4-203.07(C).
- B. Director responsibilities. The Director shall:**
1. Establish and make available on the Department's website:
 - a. At least four windows throughout a calendar year during which leases may be made;
 - b. Suggested lease amounts under the terms specified at A.R.S. § 4-203.07(C).
 2. Within 30 days after receiving an application under subsection (A), approve or deny the application:
 - a. If the Director denies the application, the Director shall provide to the restaurant licensee the notice required under R19-1-209(H) and
 - b. If the Director approves the application, the Director shall transfer to the restaurant licensee the privilege of the bar, beer and wine bar, or liquor store licensee to sell spirituous liquor other than mixed cocktails for consumption off the licensed premises; and
 3. Act as a third-party facilitator of the funds paid under subsection (C)(1) to ensure the lease payment is made to the bar, beer and wine bar, or liquor store licensee.
- C. Restaurant licensee responsibilities. A restaurant licensee whose application is approved under subsection (B)(2) shall:**
1. Pay in full to the Department the lease amount established under subsection (A)(3)(b) when the privileges lease agreement is made;
 2. Comply with all Department statutes and rules including:
 - a. A.R.S. § 4-205.02(M) regarding the percentage of gross revenue derived from the sale of food, and
 - b. A.R.S. § 4-206.01(G) regarding the percentage of spirituous liquor sales derived under the privileges lease agreement; and
 3. If desired, apply to the Department for renewal of the privileges lease agreement. To renew the privileges lease agreement, a restaurant licensee shall:
 - a. Submit to the Department a renewal application form that is available from the Department at its office or on the Department's website;
 - b. Submit to the Department an updated privileges lease form that is signed and dated by both the restaurant licensee and the bar, beer and wine bar, or liquor store licensee and specifies the lease amount to which the parties agree;
 - c. Pay a renewal fee that includes renewal of the restaurant license and is specified on the Department's website; and
 - d. Pay in full the lease amount established under subsection (C)(3)(b).
- D. This Section is authorized by A.R.S. § 4-203.07.**
- R19-1-804. Registration of an Alcohol Delivery Contractor**
- A. To register as an alcohol delivery contractor, as defined at A.R.S. § 4-101, an individual who is qualified under R19-1-201 shall submit to the Department:**
1. An application form that is available from the Department at its office or on the Department's website;
 2. Documentation, as described in A.R.S. § 41-1080(A), of U.S. citizenship or alien status indicating presence in the U.S. is authorized under federal law; and
 3. A non-refundable application fee of \$100.
- B. Within 30 days after receiving an application under subsection (A), the Director shall approve or deny the application. If the Director denies the application for good cause, the Director shall provide the notice required under R19-1-209(H).**
- C. If required by the Director, a newly registered alcohol delivery contractor shall complete an approved training course regarding knowledge of liquor law and pass any required examination.**
- D. Operational limits for delivery of spirituous liquor. A registered alcohol delivery contractor shall ensure that delivery of spirituous liquor as authorized under A.R.S. § 4-203(T):**
1. Is made only to an individual who is at least 21 years old;
 2. Is made only after an inspection of identification that complies with A.R.S. § 4-241(K) shows the individual accepting delivery of the spirituous liquor is of legal drinking age;
 3. Is made on the same business day, as defined at A.R.S. § 4-203(T), as the order for delivery of spirituous liquor is placed;
 4. Is not made to an intoxicated or disorderly individual; and
 5. Is not made to the licensed premises of a licensed retailer.
- E. A registered alcohol delivery contractor shall refuse to complete a delivery if the registered alcohol delivery contractor believes the delivery may constitute a violation of A.R.S. Title 4 or this Chapter.**
- F. To renew a registration as an alcohol delivery contractor, the registered alcohol delivery contractor shall, by April 30 of each year:**
1. Submit to the Department a renewal application form that is available from the Department at its office or on the Department's website; and
 2. Pay the renewal fee of \$25.
- G. This Section is authorized by A.R.S. §§ 4-203(T) and 4-205.13.**

NOTICES OF RULEMAKING DOCKET OPENING

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

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that an agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA, effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. An agency may file the Notice of Rulemaking Docket Opening along with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

TITLE 9. HEALTH SERVICES

CHAPTER 8. DEPARTMENT OF HEALTH SERVICES FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R22-250]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 8, Department of Health Services - Food, Recreational, and Institutional Sanitation
Article and its heading: 1, Food Establishments
4, Children's Camps
7, Public Schools
8, Public and Semipublic Swimming Pools and Bathing Places
Section numbers: R9-8-118, R9-8-403, R9-8-701, R9-8-702, R9-8-703, R9-8-705, R9-8-706, R9-8-707, R9-8-708, R9-8-711, and R9-8-801
(The Department of Health Services may add, delete, or modify other Sections, as necessary.)
2. **The subject matter of the proposed rules:**

Arizona Revised Statutes (A.R.S.) § 36-136, as amended by Laws 2021, Ch. 118, requires the Arizona Department of Health Services (Department) to add exemption requirements for small businesses licensed by the Department of Liquor Licenses and Control as a microbrewery, farm winery or craft distillery. The Department plans to amend the rules in Chapter 8, Article 1 to comply with the statutory changes made by Laws 2021, Ch. 118. The Department also plans to amend Article 4, as authorized by A.R.S. Title 36, Chapter 39, and Article 8, as authorized by A.R.S. § 36-136(I)(10), to address issues identified in recent five-year review reports (5YRR) approved by the Governor's Regulatory Review Council. In addition, the Department plans to amend the rules in Article 7, as specified in A.R.S. § 36-136(I)(9), to correct cross-references and clarify language in the rules.

After obtaining an exception from the Governor's rulemaking moratorium established under Executive Order 2022-01, the Department is making changes to the rules in 9 A.A.C. 8 to comply with the legislative requirement; improve the effectiveness of the rules and make them less burdensome; correct cross-references; address issues identified in a 5YRR; amend rules that are outdated, redundant, or otherwise no longer necessary; and make the rules clearer, more concise, and more understandable. The changes to be made will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated, but reduce a burden due to outdated requirements without compromising health and safety. The amended rules will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify additional Sections as necessary.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rules:**
Name: Jennifer Botsford, Office Chief
Address: Arizona Department of Health Services
Division of Public Health Services, Public Health Preparedness
Office of Environmental Health
150 N. 18th Ave., Suite 220
Phoenix, AZ 85007
Telephone: (602) 364-3142
Fax: (602) 364-3146
Email: Jennifer.Botsford@azdhs.gov
Or

Name: Stephanie Elzenga, Interim Office Chief
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007-3232
Telephone: (602) 542-8819
Fax: (602) 364-1150
Email: Stephanie.Elzenga@azdhs.gov

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

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined.
No oral proceedings have been scheduled at this time.

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

To be announced in future notices regarding the rulemaking.

REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

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

SUPPLEMENTAL PROPOSED RULEMAKING

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

FINAL RULEMAKING

FN = Final new Section
 FM = Final amended Section
 FR = Final repealed Section
 F# = Final renumbered Section

SUMMARY RULEMAKING

PROPOSED SUMMARY

PSMN = Proposed Summary new Section
 PSMM = Proposed Summary amended Section
 PSMR = Proposed Summary repealed Section
 PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
 FSMM = Final Summary amended Section
 FSMR = Final Summary repealed Section
 FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

PEN = Proposed Expedited new Section
 PEM = Proposed Expedited amended Section
 PER = Proposed Expedited repealed Section
 PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
 SPEM = Supplemental Proposed Expedited amended Section
 SPER = Supplemental Proposed Expedited repealed Section
 SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
 FEM = Final Expedited amended Section
 FER = Final Expedited repealed Section
 FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING

EXEMPT

XN = Exempt new Section
 XM = Exempt amended Section
 XR = Exempt repealed Section
 X# = Exempt renumbered Section

EXEMPT PROPOSED

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 PXM = Proposed Exempt amended Section
 PXR = Proposed Exempt repealed Section
 PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

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FINAL EXEMPT RULEMAKING

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 FXM = Final Exempt amended Section
 FXR = Final Exempt repealed Section
 FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

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 EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

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TERMINATION OF RULES

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 TM = Terminated proposed amended Section
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 T# = Terminated proposed renumbered Section

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RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
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1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1

REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date Friday, 5:00 p.m. <i>(*earlier date due to holiday)</i>	Register Publication Date	Oral Proceeding may be scheduled on or after
May 20, 2022	June 10, 2022	July 11, 2022
May 27, 2022	June 17, 2022	July 18, 2022
June 3, 2022	June 24, 2022	July 25, 2022
June 10, 2022	July 1, 2022	August 1, 2022
June 17, 2022	July 8, 2022	August 8, 2022
June 24, 2022	July 15, 2022	August 15, 2022
July 1, 2022	July 22, 2022	August 22, 2022
July 8, 2022	July 29, 2022	August 29, 2022
July 15, 2022	August 5, 2022	September 6, 2022
July 22, 2022	August 12, 2022	September 12, 2022
July 29, 2022	August 19, 2022	September 19, 2022
August 5, 2022	August 26, 2022	September 26, 2022
August 12, 2022	September 2, 2022	October 3, 2022
August 19, 2022	September 9, 2022	October 11, 2022
August 26, 2022	September 16, 2022	October 17, 2022
September 2, 2022	September 23, 2022	October 24, 2022
September 9, 2022	September 30, 2022	October 31, 2022
September 16, 2022	October 7, 2022	November 7, 2022
September 23, 2022	October 14, 2022	November 14, 2022
September 30, 2022	October 21, 2022	November 21, 2022
October 7, 2022	October 28, 2022	November 28, 2022
October 14, 2022	November 4, 2022	December 5, 2022
October 21, 2022	November 11, 2022	December 12, 2022
October 28, 2022	November 18, 2022	December 19, 2022
November 4, 2022	November 25, 2022	December 27, 2022
*November 10, 2022	December 2, 2022	January 2, 2023
November 18, 2022	December 9, 2022	January 9, 2023
November 25, 2022	December 16, 2022	January 16, 2023
December 2, 2022	December 23, 2022	January 23, 2023

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines under A.R.S. § 41-1013(B)(15).

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <https://grrc.az.gov>.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2022/2023

(MEETING DATES ARE SUBJECT TO CHANGE)

[M21-61/M22-60]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> September 20, 2022	<i>Tuesday</i> October 18, 2022	<i>Tuesday</i> October 25, 2022	<i>Tuesday</i> November 1, 2022
<i>Tuesday</i> October 18, 2022	<i>Tuesday</i> November 22, 2022	<i>Tuesday</i> November 29, 2022	<i>Tuesday</i> December 6, 2022
<i>Tuesday</i> December 20, 2022	<i>Tuesday</i> January 24, 2023	<i>Tuesday</i> January 31, 2023	<i>Tuesday</i> February 7, 2023
<i>Tuesday</i> January 24, 2023	<i>Tuesday</i> February 21, 2023	<i>Tuesday</i> February 28, 2023	<i>Tuesday</i> March 7, 2023
<i>Tuesday</i> February 21, 2023	<i>Tuesday</i> March 21, 2023	<i>Tuesday</i> March 28, 2023	<i>Tuesday</i> April 4, 2023
<i>Tuesday</i> March 21, 2023	<i>Tuesday</i> April 18, 2023	<i>Tuesday</i> April 25, 2023	<i>Tuesday</i> May 2, 2023
<i>Tuesday</i> April 18, 2023	<i>Tuesday</i> May 23, 2023	Wednesday May 31, 2023	<i>Tuesday</i> June 6, 2023
<i>Tuesday</i> May 23, 2023	<i>Tuesday</i> June 20, 2023	<i>Tuesday</i> June 27, 2023	Wednesday July 5, 2023
<i>Tuesday</i> June 20, 2023	<i>Tuesday</i> July 18, 2023	<i>Tuesday</i> July 25, 2023	<i>Tuesday</i> August 1, 2023
<i>Tuesday</i> July 18, 2023	<i>Tuesday</i> August 22, 2023	<i>Tuesday</i> August 29, 2023	Wednesday September 6, 2023
<i>Tuesday</i> August 22, 2023	<i>Tuesday</i> September 19, 2023	<i>Tuesday</i> September 26, 2023	<i>Tuesday</i> October 3, 2023
<i>Tuesday</i> September 19, 2023	<i>Tuesday</i> October 24, 2023	<i>Tuesday</i> October 31, 2023	<i>Tuesday</i> November 7, 2023
<i>Tuesday</i> October 24, 2023	<i>Tuesday</i> November 21, 2023	<i>Tuesday</i> November 28, 2023	<i>Tuesday</i> December 5, 2023
<i>Tuesday</i> November 21, 2023	<i>Tuesday</i> December 19, 2023	Wednesday December 27, 2023	<i>Tuesday</i> January 2, 2024
<i>Tuesday</i> December 19, 2023	<i>Tuesday</i> January 23, 2024	<i>Tuesday</i> January 23, 2024	<i>Tuesday</i> February 6, 2024

* Materials must be submitted by **5 PM** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.