
Arizona Rulemaking Manual



September 2011

Created by the Office of the Secretary of State
and the Rulewriters' Consortium

Introduction

The *Arizona Rulemaking Manual* was developed in 1995 as a guide for state agencies when making, amending, or repealing rules. Last updated in 2001, in conjunction with the State Agency Rulewriters' Consortium, statutes and rules have changed to warrant a new edition in 2011. The Division plans to release a completely revised edition in 2020.

The Rulewriters' Consortium meets to discuss legislative and administrative rulemaking issues. Meetings are open to any interested party. Meeting dates and locations are e-mailed to members of the Consortium.

This manual contains the following nine sections:

- Section 1: Rulemaking in General**
- Section 2: Definitions and Publishing Style**
- Section 3: Frequently Asked Questions; Renumbering; Supplementals**
- Section 4: Rulemaking Forms**
- Section 5: Checklists**
- Section 6: Administrative Procedure Act**
- Section 7: Rules of the Office of the Secretary of State**
- Section 8: Rules of G.R.R.C.**
- Section 9: Bibliography**

Administrative Rules Division
Office of the Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007
www.azsos.gov

Section 1

Rulemaking in General

This section briefly describes why rules exist, how they are created, and how they are organized. It is organized from a general understanding of rulemaking to a more specific understanding of rulemaking.

Definition of *rule*

A.R.S. § 41-1001(17) states: “*Rule*” means an agency statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of an agency. Rule includes prescribing fees or the amendment or repeal of a prior rule but does not include intraagency memoranda that are not delegation agreements.

For the purpose of this manual, the general term *agency* is used to refer to a state agency, board, or commission.

The need for rules

- **Rules implement legislative policy.**

Usually, the legislature establishes broad policy and general standards for the operation of a program. The legislature may prefer to delegate responsibility to an agency to determine how a program should run. The legislature grants authority to an agency to define these details in accordance with the broad statutory guidelines.

Example:

A.R.S. § 8-126 requires the Department of Economic Security (DES) to make rules for licensing adoption agencies and for the form and content of investigations, reports, and studies concerning adoption placement. DES must define the requirements for licensure as an adoption agency: how to apply to become licensed; how often a license must be renewed; what procedures an agency must follow to renew a license; what circumstances will lead to suspension or revocation of a license; and what hearings or appeals are available to an agency to challenge disciplinary action. The rules also prescribe the requirements for certification of prospective adoptive parents, certification studies, placement investigations, and placement reports.

- **Rules tell the public how to do or obtain something, or what can happen if something is not done.**

Example:

A.R.S. §§ 5-525 and 42-133 give DES the right to collect debts owed to DES by the set-off of the debtor’s lottery winnings or income tax refund. DES has a rule that tells debtors how to protest the setoff: what papers to file, with whom to file them, the number of days in which the debtor must file the protest, etc. The rule also states that the setoff will become final if the debtor does not protest the setoff. (See A.A.C. R6-1-201 and R6-1-202)

- **Rules set standards and limits for the exercise of discretion.**

Example:

The DES child care rules allow DES to revoke a child care provider’s certificate if the provider fails to accept DES-referred children on three consecutive occasions. This rule ensures that the certification specialist does not revoke one provider’s certificate for three refusals and another provider’s certificate for five refusals. (See A.A.C. R6-5-5208(E))

The limits of an agency’s rulemaking powers

- An agency can make rules only if the legislature or a court gives the agency the power to do so. That power can be **general** or **specific**.

Example:

(General authority) A.R.S. § 41-1952 establishes the Arizona Department of Economic Security. A.R.S. § 41-1954 contains a long list of powers and duties that the Legislature has conferred on DES, including the power to “[a]dopt rules [DES] deems necessary to further the objectives and programs of the department.”

Example:

(Specific authority) A.R.S. § 41-1992 specifies certain basic requirements for hearings and appeals of DES decisions. DES is required to “prescribe by regulation procedures for implementing the provisions of this section.”

- The statutory authority conferred by the Legislature always sets the boundaries of the

agency’s rulemaking authority. Agency rules must be consistent with, and cannot exceed or diminish, the statutory authority granted to the agency. Rules must also be consistent with the standards reflected in the legislative or congressional intent being implemented by rule.

Example:

A.R.S. § 41-1993(B) allows persons aggrieved by a decision of the DES Appeals Board to appeal that decision to the Arizona Court of Appeals by filing “an application for appeal . . . within thirty days of the date of mailing of the decision upon review.” The appeal time is fixed by statute. DES could not make a rule giving parties 45 days to file the appeal because a longer time-frame would be inconsistent with the statute. Similarly, DES could not make a rule requiring parties to file an appeal within 14 days. A more restrictive rule would also be inconsistent with legislative intent.

What doesn’t belong in rules

- A statement of purpose, goals, or objectives that tends to be explanatory rather than regulatory. (Such a statement may, however, be included in the preamble, which is part of the notice of rulemaking activity.)
- A statement of, or citation to, statutory authority—although cross-references are allowed.

Examples:

Wrong: Any person may petition an agency for the adoption of a rule. (A.R.S. § 41-1033) Any person who wants the agency to adopt a rule shall file a written petition with the agency’s director.

(This example simply cites and paraphrases the statute.)

Right: To petition for rulemaking action, as provided in A.R.S. § 41-1033, a person shall file a written petition with the Department’s director. The petition shall specify the following . . .

(This example provides guidance on which statute is the subject of the rule but does not unnecessarily repeat statutory language.)

- Matters concerning “only the internal management of an agency” which do not “directly and substantially affect the procedural or substantive rights or duties of any segment of the public.” (A.R.S. § 41-1005(A)(4))

Examples:

Directions to agency employees on how to request a reasonable accommodation under the Americans With Disabilities Act;

Directions to agency employees on how to grieve employee performance evaluations; and

Directions to agency employees on the use of copy machines and telephones.

Rule vs. policy

- **Examine the statutory authority.** Sometimes the Legislature will mandate that an agency make rules concerning a particular subject.

Examples:

The division shall establish rules for licensing agencies, including professional licensing, and suspending, revoking, and denying licenses.

The director shall make rules with respect to the time in which a recipient must notify the department of a change in circumstances affecting the recipient’s eligibility.

- **Without a statutory mandate, it is not always clear when something belongs in a rule and when something belongs in a policy manual.** Ask whether this requirement will bind only personnel within the agency, or will it bind the outside world? Will the agency use this rule to make distinctions in treatment? (Who is eligible for benefits and who is not? Who is subject to penalty and who is not? Who must comply and who is exempt?) If the answer is yes, the requirement belongs in a rule.
- If the requirement merely spells out **internal procedures**, such as advising an employee how to process an internal form or which supervisor to consult in a particular circumstance, the requirement or process does not belong in a rule.
- **Any requirement or interpretive opinion that directly and substantially affects the public should be in a rule.** Agencies have been successfully sued for relying on policies to control matters that should be made in rules.

Notices of Substantive Policy Statement and Guidance Documents

- The Administrative Procedure Act (APA) requires the Secretary of State’s office to publish summaries of “substantive policy statements” and “guidance document publications” in the *Register*. (A.R.S. § 41-1013(B)(14)) A “substantive policy statement” is a “written expression” that explains the agency’s “current approach to, or opinion of,” a constitutional, statutory or regulatory requirement or a

judicial or administrative decision, or the agency's practices and procedures regarding such a requirement or decision. (A.R.S. § 41-1001(20))

- The APA requires an agency to submit summaries of substantive policy statements to the Secretary of State for publication. (A.R.S. § 41-1091) An agency must also publish a directory summarizing its rules and policy statements. (A.R.S. § 41-1091(C)) Although the APA does not penalize an agency for failing to do so, the agency should make a good faith effort to abide by these requirements and notify the public of such documents.

The review process

After your agency determines who will be reviewing the rule, be certain that the reviewer is (or the reviewers are) involved in the entire rule process. Also assess who may be interested in the rule. Determine whether the agency will involve those interested and, if so, at which stages of the process.

APA REQUIREMENTS

Rather than mandating public participation in the rulemaking process, the APA creates opportunities for public involvement in that process. The burden falls on the public to take advantage of those opportunities. Opportunities are created through the notice and comment process.

- The APA requires the agency to prepare and make available to the public the regulatory agenda that the agency expects to follow during the next calendar year. (A.R.S. § 41-1021.02)
- The APA requires the agency to inform the public that the agency intends to work on a particular rule by publishing a Notice of Rulemaking Docket Opening in the *Register*. (A.R.S. § 41-1021(C))
- After the agency has drafted the rule and is ready to begin the process of making the rule into law, the agency must tell the public what the rule says and what economic impact the rule is likely to have, by publishing a notice and the text of the proposed rule in the *Register*. (A.R.S. § 41-1022(A))
- If a person has asked to be notified of a proposed rulemaking, the agency must provide notice at the time the notice of proposed rulemaking is filed with the Office. (A.R.S. § 41-1022(C))
- The agency must provide copies of rulemaking documents to members of the public who request them. (A.R.S. § 39-121)
- The agency must maintain an official rulemaking record and make it available for public inspection. (A.R.S. § 41-1029)
- The agency must allow at least 30 days after publication of the proposed rule for public comment before closing the record. (A.R.S. §§ 41-1022(D) and 41-1023(B))
- The agency is required to conduct an oral proceeding (public hearing) on a proposed rule if the agency receives a written request for one. When the agency schedules an oral proceeding, the agency must give the public 30 days' notice of the scheduled proceeding. An oral proceeding must be held at a location and time that affords reasonable opportunity for persons to participate. It must be conducted in the manner described in (A.R.S. § 41-1023(D))
- Public comment is allowed at the Governor's Regulatory Review Council (G.R.R.C.) meetings within the parameters of (A.R.S. § 41-1052)

INTERNAL AGENCY REVIEW AND EVALUATION

- Assess what effect the rule will have on the regulated public and whether the rule will be controversial. Determine the extent of public participation and resolve any controversial issues at the beginning of the process. At this point an agency should request a review by its agency attorney or assistant Attorney General.
- Establish an agency internal review process to evaluate the substance and legal accuracy of the rule.
- The review process should also evaluate the clarity of the rule:
 - Evaluate whether the rule is clear, concise, and understandable.
 - Determine whether the headings are helpful and the wording is clear and understandable. Do not rely on the headings to convey meaning. Because the heading is not legally part of the rule, the rule must stand alone.
 - Give reviewers a set of questions to answer from the rules and ask the reviewers how easy or difficult the rule is to use and understand.
 - Rewrite or reorganize a rule if any part is ambiguous, too specialized, or requires more knowledge of the subject matter than is possessed by the intended audience.

INTERAGENCY REVIEW

When a rule affects more than one agency, the promulgating agency should ask each affected agency to review the rule and comment on it.

These reviews can eliminate overlaps or conflicts, assess cumulative impacts, and shape priorities.

STAKEHOLDER AND PUBLIC REVIEW

Each agency determines the process it will use to obtain public involvement and comments. Some considerations relating to public involvement include the following:

- Assume interest, not disinterest, regardless of how far from the “heart” of the process some segments of the public may appear to be. Many government agencies think *only* of forming an advisory committee, or *only* of holding a hearing. The tendency to use only these techniques reflects a failure to clarify who needs to be involved. There is no single public, but different levels of public based on differing levels of interest and ability. Agencies that offer “one-size-fits-all” opportunities for public participation may find themselves dissatisfied with the content of that effort and may leave the public feeling frustrated by or discounted in the public decision-making process.
- Reviewers may say little or nothing to the rulemaking staff. They may work only from the agency’s public information releases or from agency responses to questions. They may be observing just for themselves, or they may be reporting their observations to other units of government, to public interest groups, or to special interest organizations. When agencies pare a mailing list to weed out those who do not seem to be actively involved, they weaken this area of participation.
- Reviewers may work by mail or telephone. If an agency wants a large number of public reviewers, it must increase its efforts enough to formulate questions and develop a response format that allows reviewers to participate at their own convenience. In responding, participants may commit to recording their opinions.
- There are some people for whom the decision is so important that their willingness to be involved goes beyond the effort of just replying to agency proposals or questions. For them, interest and knowledge make their direct involvement imperative in the rulemaking process.
- Develop a comprehensive mailing list at the outset of the process. Take into consideration those people who have chosen not to become involved but who may be interested in the process and may want to be informed of what is going on.
- Accept the fact that, often on geographically

diverse or controversial projects, varying groups will have different agendas. Repeatedly bringing these groups together for public meetings may deteriorate into unproductive “soap-boxing.” Acknowledging these agendas, if they exist, is more effective. Consider forming focus groups, identifying specific issues, and bringing these issues together via representatives of each group. Have a mechanism in place to publicize every group’s concerns and to respond to and publicize responses to those concerns.

- Establish and maintain as many strategically located repositories for rulemaking documents as can be managed. In theory, all members of the interested public should have reasonable access to the information.

ADDITIONAL AGENCY PROCEDURES

Although the burden falls on the public to take advantage of the opportunities created by the APA, the agency can take affirmative steps to involve the interested public in its rulemaking activities. Public involvement can begin at the preliminary drafting stage and extend through the entire rulemaking process. Getting consensus before beginning to draft rules makes the writer’s task easier and saves an enormous amount of time and frustration later on.

- The agency may choose to have broad-based workgroups of internal and external stakeholders draft a set of rules. The more stakeholders, clients, and customers the agency involves in drafting the rules, the greater degree of “buy in” the agency is likely to have in the final product. At the same time, the difficulty and length of the drafting process increases in proportion to the number of people involved.

Example: When DES decided to update its foster homes licensing rules, DES assembled a large workgroup to draft the rules. The workgroup included people who must apply the rules (internal licensing staff), the people regulated by the rules (foster parents), the people protected by the rules (foster children), and other people who interact with these groups (the Attorney General’s office, the Department of Health Services, and the Administrative Office of the Courts.)

- The agency may solicit comments on the rules, either before or after publication of the proposed rules in the *Register*. The agency may want to identify affected stakeholders, send those stakeholders a set of draft rules (regardless of whether the stakeholders have asked for copies), and ask for comment.

Example: When DES makes rules involving welfare benefit programs, DES sends copies of the rules to law school legal clinics and

legal aid organizations throughout the state and requests comment. These groups rarely participate in drafting the rules; however, they welcome the opportunity to comment. These groups represent the interests of welfare beneficiaries who may lack the legal expertise to comment for themselves.

- Some agencies have existing mechanisms for informing their interested public that rule-making is occurring.

Example: The DES Division of Developmental Disabilities publishes a monthly newsletter that is distributed to providers, advocates, families, and clients. Any news about rule-making activity, including the dates and locations of public hearings, is included in the newsletter.

- The degree of public participation the agency may wish to invite will vary with the circumstances of the rulemaking. Are time constraints involved? Are the rules likely to be controversial? The benefits of obtaining public comment include:
 - **Saving time and effort.** The agency runs a risk of the public rebuking a final rule if it passively waits for the public to “take the initiative” to comment on the proposed rules. Interested members of the public may wait until adoption of the rule appears imminent to make their comments. If comments made at a G.R.R.C. meeting or public hearing result in “substantial changes” to the rules, the agency must notice the changes to the rules and open the public comment period again, which delays the rulemaking. By involving affected members of the public early in the drafting process, the agency may avoid future problems and delay.
 - **Obtaining G.R.R.C. approval.** The agency can potentially use these voluntary efforts to its advantage in proceedings before G.R.R.C. G.R.R.C. is more likely to approve a rule that is the product of negotiation and compromise between the agency and its stakeholders.

Example: DES used a stakeholder committee composed of internal staff, advocates, clients, and providers to draft a set of certification standards for persons providing in-home services to persons with developmental disabilities. Members of that group volunteered to appear at the G.R.R.C. meeting and to send letters to the G.R.R.C. supporting the proposed rules.
 - **Broadening an agency’s perspective.** An agency may lack a full perspective on the rules and not be aware that certain

regulatory requirements are burdensome, costly, or unworkable to the people who must follow them. Rules that are clear to agency staff may not be clear to members of the public who refer to them infrequently.

Organizing the rules

OUTLINE

Start with an outline of major points to cover and number the points in a logical sequence. A single rule should never address more than one subject. In the terminology of the *Code*, a Section is defined as a rule.

RULE AS A REFERENCE DOCUMENT

Information should be organized and easy to find. Think of questions a reader might ask when fulfilling the rule requirements.

PROCEDURAL RULES

If the rule is a series of procedures, present them in sequential order, going step-by-step through each procedure. Develop a flow chart of the steps to reveal “holes” in the procedures that can be corrected before the rule is completed. If the procedure is different for different groups of readers, write a rule for each group.

ORGANIZING METHODS

After the information is gathered and the audience and information importance are determined, analyze the factors that affect how each individual rule should be organized. What factors are most important? Should these be placed first? Or would the rule be more understandable in one of the following methods of organization?

- General to specific (usually the preferred method). An example is 1 A.A.C. 1.
- Chronological order (helpful in explaining time relationships).
- Sequential order.
 - Place the actions in order to explain time relationships:

Example:

1. The physician shall perform an examination for assessing the medical and physical fitness of the candidates before conducting the physical examination.
2. The candidate shall undergo a physical examination that includes the following:
3. Upon completion of the physical examination, the candidate shall complete a medical examination that includes the following:
4. The Department shall place the name of the candidate who passes the medi-

- cal and physical examinations on the register for appointment.
- Give step-by-step instructions using the “cookbook method”:

Example:

To be considered for appointment, an applicant shall:

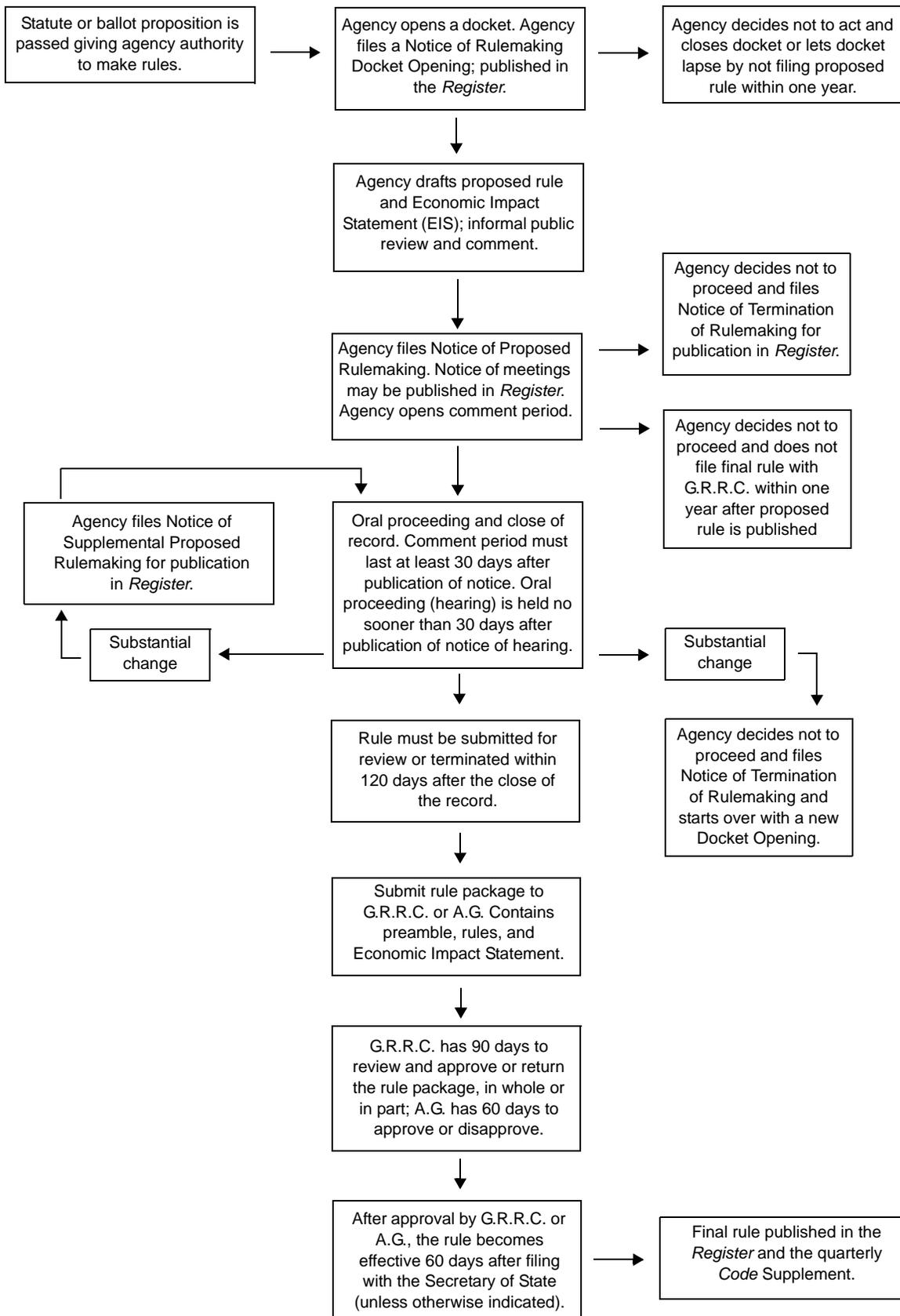
1. Complete the application form;
2. Attach relevant backup materials;
3. Sign and date the form;

4. Complete the affidavit and have it notarized; and
5. File the above materials with the agency.

TABLE OF CONTENTS

Show organization of the rules by using a table of contents. However, do not include the words “Table of Contents” in the rules when you submit them to the Secretary of State for publication. Section headings must reflect the subject.

Regular Rulemaking Process



Section 2 Key

codification

The codification for the *Code* is established in R1-1-102, R1-1-301, and R1-1-402. The Office uses a codification which starts with general subject areas and goes to specific rules.

The Office is the ultimate authority for codification. The Office rarely interferes with the organization of a rule established by the drafter. However, please keep in mind:

Only the Office can create a new **Title**.

Agencies must contact the Office for the designation of a new **Chapter**.

Agencies must consult with and get the approval of the Office before creating **Subchapters** or **Parts**.

coemployee

colons

Use a colon between two independent clauses when the second clause explains or illustrates the first clause and there is no coordinating conjunction or transitional expression linking the two clauses. *The new rules will simplify filing: only electronic submissions will be required.*

Use colons to introduce a list or an example.

Do not use a colon when a form of the verb *to be* is used. *The three courses required in this program are accounting, business English, and Computer Science 22.*

Do not use a colon between two independent clauses when the two clauses are equal in value. Use instead a semi-colon or period.

See **semi-colon**.

Entry words, in alphabetical order, are in **boldface**. They represent the accepted word forms unless otherwise indicated.

Related topics are in **boldface**.

Many entries simply give the correct spelling, hyphenization, or capitalization.

Text explains usage.

Examples of correct and incorrect usage are in italics.

Many topics have cross references to other topics and the A.R.S. and A.A.C. at the end of the entry.

Section 2

Definitions and Publishing Style

The rule drafting and publishing style used in the *Arizona Administrative Code* and the *Arizona Administrative Register* is drawn from the sources listed in Section 9 of this manual and from members of the Rulewriters' Consortium. This section also contains useful definitions and explanations of rulemaking terms. It is organized alphabetically for quick reference and contains suggested cross reference terms in **boldface**.

Not every grammatical rule is included in this manual because, in most cases, standard grammatical rules apply. This manual does, however, include those rules where there may be conflicts in standard use so that the drafter will know which rule the Office and G.R.R.C. intend to follow. Above all, rules should be **clear, concise, and understandable**.

A

a, an

Use the article *a* before consonant sounds: *a historic event, a one-year term* (sounds as if it begins with a *w*), *a united stand* (sounds like *you*).

Use the article *an* before vowel sounds: *an energy crisis, an honorable man* (the *h* is silent), *an AHCCCS record* (sounds like it begins with the letter *a*), *an 1890s celebration*.

abbreviations

As a general rule, define all abbreviations. The definition of each term must appear before the abbreviation by itself. In some instances, an abbreviation is specific to an Article or Section. While it is preferred that all abbreviations are defined at the beginning of a Chapter, you may want these Article- or Section-specific abbreviations and their definitions to appear at the beginning of the Article or Section to which they apply. If this is the case, specify in the Chapter's main definitions Section where additional definitions may be found in the Chapter.

Spell out an abbreviation that begins a sentence.

Define a term in the way it will be used. In other words, do not define the spelled-out version of an abbreviation and then use the abbreviation in the rules. If abbreviations have periods in the text, define with periods. If abbreviations do not have periods in the text, define without periods.

Examples:

If you use "FDA" in your rules, don't define the term "Food and Drug Administration." Instead define "FDA."

Use F.D.A. (with periods) in the text if you have defined the term as "F.D.A." (with periods).

Use FDA (without periods) in the text if you have defined the term as "FDA" (without periods).

ability, capacity

Ability means the state of being able to do something. *Capacity* means the power of receiving or containing.

able-bodied

about, approximately

About is inexact; it indicates a rough estimate. *Approximately* implies accuracy.

above, over

When indicating quantity, avoid using prepositions that indicate direction or location.

See **over, more than**.

aboveground

accept, except

Accept means to receive, to agree with. *Except* means to exclude.

accommodate

acknowledgment

action verbs

In general, action verbs are shorter and more direct than passive verbs:

<i>Don't write:</i>	<i>Write:</i>
give consideration to	consider
is dependent on	depends on
make payment	pay
give recognition to	recognize
maximize	increase
compartmentalize	arrange
utilize	use

Use verbs instead of nouns to add action to your writing.

Examples:

Wrong: The Administrator shall develop and implement a preventative and general maintenance program at each institution and is responsible for the following activities:

1. *Construction, renovations, alterations or demolitions of institutions;*
2. *Evaluation of capital and building renewal needs;*
3. *Coordination of the preparation of the capital/building renewal request; and*
4. *Execution of capital project funding, or construction, or both.*

Right: The Administrator shall develop and implement a preventive and general maintenance program at each institution that includes the following activities:

1. *Constructing, renovating, altering or demolishing institutions;*
2. *Evaluating capital and building renewal needs;*
3. *Coordinating preparation of the capital/building renewal request; and*
4. *Administering capital project funding or construction.*

active voice

Write in the active voice. Active sentences are usually shorter and more forceful than passive sentences. Rules written in the active voice describe who shall do what.

- Active voice identifies an actor. Putting the actor before the verb clarifies who is responsible for an act. Rulewriting must identify the responsible party.

Examples:

Wrong: An appeal shall be filed in 30 days. *By whom?*

A plan shall be approved before beginning the program. *By whom?*

The regulation shall be explained to each applicant. *By whom?*

Right: The employee shall file an appeal in 30 days.

The director shall approve a plan before beginning the program.

The supervisor shall explain the regulation to each applicant.

- Passive voice is appropriate when the actor is unknown, unimportant, or obvious.

Examples:

Fees are refunded only when the application is withdrawn before the scheduled examination.

The applications have been mailed.

adapt, adept, adopt

Adapt means to alter; to adjust. *Adept* means skillful, proficient. *Adopt* means to take as one's own without change.

addresses

Follow these guidelines:

- Abbreviate state names in addresses using the two-letter postal code. *AZ*, not *Arizona* or *Ariz*.
- Abbreviate compass directions: *1700 W. Washington*.
- Use numerals in numeric street names: *4701 N. 7th Street*.
- Use one space after the state abbreviation and the ZIP code: *Phoenix, AZ 85007*.

Use the following format when listing an agency contact and address (note abbreviations and punctuation):

Name:	John Smith
Address:	Department of Rules 1700 W. Washington Phoenix, AZ 85007
Telephone:	(602) 555-1212
Fax:	(602) 555-1212
E-mail:	smith@state.az.us

Administrative Procedure Act (APA)

The Administrative Procedure Act is the group of statutes (A.R.S. §§ 41-1001 through 41-1092.12) that prescribes how agencies do rule-making. Substantial changes were made to the APA in 1995, including a publication change for the *Register* from "notice only" to "full text."

admissible

adverbs

Place an adverb before the word modified to ensure the correct meaning is communicated.

advice, advise, inform

Advice means suggestions or recommendations concerning a course of action. *Advise* means

to offer counsel and suggestions. *Inform* means to communicate information.

affect, effect

Affect means to influence (usually a verb): *The rule will affect the public.* *Effect* means result (usually a noun): *The effect of this rule is cleaner air.*

afterward

Not afterwards.

ages

Always use numerals. Ages expressed as adjectives before a noun or as substitutes for a noun use hyphens. *A 5-year-old boy.* *The boy is 5 years old.* *The race is for 3-year-olds.*

Agency Certificate

An Agency Certificate must accompany all rulemaking packages to indicate that an agency's chief executive officer or designee has approved the rules. An original and two **copies** of the certificate are required. Certain documents filed with the Office that are related to rulemaking but are not rulemaking packages do not require an Agency Certificate (for example, **Notice of Rulemaking Docket Opening, Notice of Public Information**).

A package is not formally filed in the Office if it does not have an Agency Certificate. The Office will not accept an Agency Certificate that contains one person's signature and another person's typed name.

See **forms**, R1-1-105, and the **Rulemaking Forms** section of this manual.

Agency Guidance Document, Notice of

When an agency has a document that is used to provide information to "guide" people, it must submit a Notice of Agency Guidance Document to the Office for *Register* publication.

See A.R.S. § 41-1013(B)(14), R1-1-210, and the **Rulemaking Forms** section of this manual.

Agency Ombudsman, Notice of

No later than February 1 each year, an agency with 100 or more employees shall submit the name of its ombudsman to the Office for *Register* publication. The name shall be submitted on a Notice form with the heading NOTICE OF AGENCY OMBUDSMAN in all capital letters, centered on a line one inch from the top of the page. The following items shall also appear on the Notice:

1. The agency's name;
2. The ombudsman's name;
3. The ombudsman's title;
4. The ombudsman's office address;
5. The ombudsman's office telephone number and fax number, if available.

See A.R.S. § 41-1006, R1-1-212, and the **Rulemaking Forms** section of this manual.

Agency Receipt

Any document submitted to the Office specified in the APA must be accompanied by two copies of an Agency Receipt. Both copies are date-stamped, and one copy is returned to the agency.

If the agency's receipt is for a non-rulemaking notice, item #2 of the receipt may be answered with the subject of what is being submitted.

See **forms**, R1-1-106, and the **Rulemaking Forms** section of this manual.

airtight

alternate, alternative

Alternate means a substitute. *Alternative* means a choice between two or more possibilities.

alternately, alternatively

Alternately is an adverb that means in turn; one after the other: *We alternately spun the wheel in the game.* *Alternatively* is an adverb that means on the other hand, one or the other: *You can choose a large bookcase or, alternatively, you can buy two small ones.*

altogether, all together

All together is applied to people or things that are being treated as a group. *We put the pots and pans all together on the shelf.* *All together* is the form that must be used if the sentence can be reworded so that *all* and *together* are separated by other words: *We put all the pots and pans together on the shelf.* *Altogether* is used to mean entirely: *I am altogether pleased to be receiving this award.*

a.m. and p.m.

See **time**.

Amend

Amend is one of the four rulemaking actions listed in the column for rulemaking action in the **Agency Receipt, Agency Certificate**, and item #1 of the **Preamble**. It is used for an existing Section.

Note: If all of the text of a Section is stricken but the heading remains unchanged (or mostly unchanged), the rulemaking action is still *Amend*.

See R1-1-415 and R1-1-502.

amending words, phrases, and blocks of text

- When amending words or portions of words, strike-out the entire word, insert one blank space, then underline the new version of the word. (It can be difficult to decipher what you mean if you just strike-out letters within a word.)

Wrong: The ~~D~~department.

Right: The ~~department~~ Department

Wrong: \$~~+~~2500.00.

Receipts are date-stamped; one is returned to the agency. See Agency Receipt.

Reminder

Unless all the text in a Section is stricken and all the text of the heading is stricken, the rulemaking action is *Amend*.

Right: ~~\$150.00~~ \$200.00

- When amending a sentence, place stricken text in front of new text. Placing old text in front of new text is usually easier to understand than placing old text after the new text.

Wrong: The Department shall test all vehicles. ~~Division is responsible for vehicle testing.~~

Right: The ~~Division is responsible for vehicle testing.~~ Department shall test all vehicles.

- When amending a paragraph or large block of text, strike the old text first, then list the new, underlined text. If the changes to a subsection are extensive, it is preferable to edit (strike or add) by whole paragraph.

amid

Not *amidst*.

among, between

Among is used when things are shared by more than two people. *Between* is used when things are shared by two.

amount, number

Amount tells “how much.” *Number* tells “how many.”

ampersand (&)

Use the ampersand when it is part of a formal name: *Baltimore & Ohio Railroad*. Do not use the ampersand in place of *and*.

another

Another is not a synonym for *additional*. It refers to an element that somehow duplicates a previously stated quantity.

Right: *Ten people took the test; another 10 refused.*

Wrong: *Ten people took the test; another 20 refused.*

Right: *Ten people took the test; 20 others refused.*

anticipate, expect

Anticipate means to expect and prepare for something; *expect* does not include the notion of preparation: *They expect a record crowd. They have anticipated it by adding more seats to the auditorium.*

anticrime

antipollution

APA (Administrative Procedure Act)

The Administrative Procedure Act is the group of statutes (A.R.S. §§ 41-1001 through 41-1092.12) that prescribes how agencies do rule-making. Substantial changes were made to the APA in 1995, including a publication change for the *Register* from “notice only” to “full text.”

apostrophes

POSSESSION: Use apostrophes to indicate possession: *Driver’s license, the contractors’ licenses.*

QUASI-POSSESSIVE: Use apostrophes to indicate the passage of time: *One month’s time, three days’ pay.*

FIGURES: Do not use an apostrophe for plurals of letters, symbols, or figures: *Xs, #s, the 1990s.*

See **contractions**.

Appendix

Appendix means **supplementary material** to a set of rules, written in prose style.

Appendices (or appendixes) are listed in the table of contents for the Chapter in the same format used for Sections, indented two spaces from the left. Number Appendices with either capital letters or Arabic numbers using a consistent numbering scheme. You may include an Appendix only if it is referred to in at least one Section.

An Appendix that appears *within* the text of a Section, as opposed to being separate from the Section, does not appear in the table of contents and does not have its own **Historical Note**. To reference such an Appendix, use the appropriate subsection label.

See R1-1-101 and R1-1-412.

apposition

A decision on whether to put commas around a word, phrase, or clause used in apposition depends on whether it is essential to the meaning of the sentence (no commas) or not essential (use commas).

areawide

Article

An Article is a division of an agency’s rules under a Chapter containing a unified set of rules.

Always capitalize *Article* when referring to a division of the *Code*.

After you have used a **Chapter** and you repeal or renumber it in its entirety so that no text remains, you may not re-use that Chapter for one year.

See **Title, Chapter, Subchapter, Part, and Section**; and R1-1-101, R1-1-301, R1-1-402, and R1-1-501.

attorney general, attorneys general

Capitalize only when used as a title before a name: *Attorney General John Smith.*

authority notes

Authority notes appear immediately below the Chapter heading, the Subchapter heading, the Article heading, or the Part heading, as applicable,

in the Chapter's table of contents and specify the statutes that the rules are implementing (the specific authority) and the statutes that authorize the agency to do rulemaking (the general authority).

If you would like to place authority notes in your Chapter as published in the *Code*, include them in a final rulemaking package or send the Office a letter listing the notes.

See R1-1-101, R1-1-407.

autofor­mat­ting

Turn off autofor­mat­ting in your word processing program. If a document contains autofor­mat­ted text, the subsection numbers and letters disappear when the file is imported into the Office's publishing program. Autofor­mat­ting can also insert **frac­tion** symbols ($\frac{1}{2}$, $\frac{3}{4}$) and super­script **ordinals** (7th) that disappear. Having the autofor­mat­ting option turned off will prevent these mistakes from happening.

In Microsoft Word, go to Format>AutoFor­mat... and click on "Options." In each of the four tabs, uncheck all of the boxes (leave them blank). Then click "OK" and "Close" -- **not "OK."** Then go back to each subsection label and make sure it is manually typed in. (If the text is autofor­mat­ted, you cannot highlight it with your cursor.) You may find that you have manual labels and autofor­mat­ted labels in the same document.

It's best to do this when the document is first created, but you can do it later as well.

See **Track Changes** and the **Frequently Asked Questions** section of this manual.

automatic repeal dates

If a date is set for the automatic repeal of a Section, the last first-level subsection of the Section shall specify the date. Only complete Sections may have automatic repeal dates. An agency must notify the Office when the repeal date has passed so that the Office can remove the Section from the *Code*. Chapters from which Sections have been automatically repealed shall be updated in the next *Code* supplement.

See R1-1-411.

average of

The phrase takes a plural verb in a construction such as: *An average of 100 new wells are dug yearly.*

awhile, a while

He plans to stay awhile. He plans to stay for a while.

B

back up (v.), backup (n., adj.)

backward

Not *backwards*.

balance, remainder

Balance is used in business to mean "the amount still owned after a partial payment" or "the excess of debits over credits." *Remainder* is what is left when a part is taken away.

because, since

Use *because* to denote a specific cause-effect relationship: *He went because he was told.*

Since is acceptable in a causal sense when the first event in a sequence led logically to the second but was not its direct cause: *They went to the game, since they had been given the tickets.* (Replacing *since* with *because* in this example gives a different meaning.)

Since also refers to something that happened at a particular time in the past. Do not use "since" when you mean "because."

beside, besides

Beside means at the side of. *Besides* means in addition to.

biannually, biennially

Biannually means twice a year. *Biennially* means every two years.

bimonthly, semimonthly

Bimonthly means every other month. *Semimonthly* means twice a month.

bipartisan

biweekly

bollard

Any of a series of short posts set at intervals to delimit an area or to exclude vehicular traffic.

bondholder

bookmaking

book titles

Place statutory quotations, book titles, and scientific names in italics.

buildup (n.), build up (v.)

bulkhead

bus, buses

The verb forms: *bus, bused, busing*. *Busses* are kisses.

businessperson

- bylaw (n.)**
- bypass (n., v.)**
- byproduct (n.)**

C

camera-ready material

Camera-ready material is supplementary material that meets the requirements of R1-1-412(D). It must be clear and legible, in solid black ink on one side of an 8 1/2" x 11" sheet of paper with a one-inch margin on all edges of the page.

- cancel, canceled, canceling, cancellation**
- cannot**

capital, capitol

Capital means an uppercase letter, site of government, or money. *Capitol* means the main government building.

capitalization

DEFINED TERMS: Defined terms may be capitalized if they are defined with the first letters of each word in the term capitalized or with the key words of the term capitalized. If you define *State Plan* using capital letters for the first letter of each word, you may refer to this document elsewhere in the same Article with the same capital letters. If you define *State plan* with only the first word capitalized because it is the first word of the definition, refer to this document as *state plan* elsewhere in the Article.

Because definitions usually place the term being defined at the beginning of the sentence, single words being defined will have capital letters. You can therefore use the term either in all lower case or capitalize the first letter, but be consistent.

UNNECESSARY CAPITALIZATION: Do not capitalize *rule, law, state, or federal* unless the terms are part of an official name of an agency, an act, or some other proper noun.

NAMES OR TITLES: Lowercase *federal government* and *government* (referring specifically to the United States government). In government documents, however, and in other types of communications where these terms are intended to have the force of an official name, they are capitalized. Names of governmental units are usually capitalized, particularly in rules that contain references to the governing agency for those rules. Titles of individuals are capitalized when immediately preceding a person's name (Senator Smith) but not capitalized when following the name (Jane Smith, senator).

OTHER CAPITALIZATION: Capitalize the major divisions of the *Code* (*Title, Chapter, Subchapter, Article, Part, and Section*). A subsection is not a major division of the *Code*.

Capitalize *Director, Department, Board, and Commission* when referring to your agency and agency head.

For Section headings, capitalize the first letter of the first and last words, and the first letter of important intermediate words.

Capitalize the first letter of the first word of each subsection at any level.

Capitalize any term that you have defined in your rules with capital letters if you also use the term capitalized within your rules.

Capitalize the title of an individual when the title immediately precedes the person's name.

See R1-1-402.

cardholder

caregiver

caretaker

carpool

carryforward (n.)

carryout (n., adj.)

carryover (n.)

caseworker

CD-ROM

Celsius (C)

Use the degree symbol when using degrees in your rules.

Wrong: 21 degrees Celsius

Right: 21° C (space before the C and no period after the C)

cement

Cement is the powder mixed with water and sand or gravel to make *concrete*. The proper term is *concrete* (not *cement*) *pavement, block, foundation*.

Chapter

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

Always capitalize *Chapter* when referring to a division of the *Code*.

The Secretary of State's Office assigns Title and Chapter designations to state agencies, boards, and commissions. An agency preparing to make rules for the first time must contact the Office for assignment of a Title and Chapter number within the codification system. An agency that already has at least one Chapter on file shall con-

Capitol means the main government building. See capital, capitol.

Fast Fact

Largest Chapters (as of 03-2)

- Title 12, Ch. 1: 203 pages
- Title 20, Ch. 6: 193 pages
- Title 18, Ch. 2: 167 pages
- Title 6, Ch. 5: 163 pages
- Title 14, Ch. 2: 151 pages

tact the Office, orally or by letter, when adding a new Chapter.

After you have used a Chapter and you repeal or renumber it in its entirety so that no text remains, you may not re-use that Chapter for one year.

See **Title, Subchapter, Article, Part, and Section**; and R1-1-101, R1-1-301, R1-1-402, R1-1-406, R1-1-501, and A.R.S. § 41-1011.

Chapter headings

Within the *Code*, Chapter headings shall always contain the name of the agency. Large agencies with more than one Chapter may also specify the subheading, which is a program or subject division, for that Chapter.

Wrong: Chapter 2. Air Pollution

Right: Chapter 2. Department of Environmental Quality - Air Pollution

checklist

checkout (n., adj.)

checkup (n., adj.)

childrearing

citations

A.R.S. AND SESSION LAW CITATIONS: Place subsection labels within separate sets of parentheses. The use of parentheses to enclose subsection labels is the format used by the Attorney General and results in a clear, concise citation.

Wrong: § 41-1041.C.2.b. or subparagraph b. of paragraph 2. of subsection C. of § 41-1041

Right: § 41-1041(C)(2)(b)

When referencing a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” followed by the year the law was passed by the legislature, the Chapter number using the abbreviation “Ch.”, and the specific Section number using the Section symbol (§).

Wrong: Laws 1995, Chapter 6, Section 2

Right: Laws 1995, Ch. 6, § 2

When referencing a law that amends an existing law but that has not yet been codified into the Arizona Revised Statutes, use the phrase “as added by” if it is a new Section of the codified law, or “as amended by” if an existing Section is being amended, followed by “Laws” followed by the year the law was passed by the legislature, the Chapter number using the abbreviation “Ch.”, and the specific Section number using the Section symbol (§).

Wrong: Laws 1995, Chapter 6, Section 2, which amended A.R.S. § 42-1011

Right: as amended by Laws 1995, Ch. 6, § 2

Wrong: Section 2 of Chapter 6 of Laws 1995, which added A.R.S. § 42-1011

Right: as added by Laws 1995, Ch. 6, § 2

CODE AND REGISTER CITATIONS: Place subsection labels within separate sets of parentheses.

Wrong: R4-13-2121.B.1.a

Right: R4-13-2121(B)(1)(a)

When citing from the *Arizona Administrative Code*, use the abbreviation “A.A.C.” If you reference a Subchapter in the *Code*, however, you must also list the Chapter; if you reference a Part, you must also specify the Article.

Right: A.A.C. R9-22-210

Right: A.A.C. R9-22-210(A)(2)(a)(iii)

Right: 9 A.A.C. 22

If a Section in a *Code* Chapter refers to another Section in that *same* Chapter, do not use A.A.C. before the Section number. If a Section refers to another Section in a *different* Chapter, use A.A.C. before the Section number.

When citing several rules from the *Code*, write the entire Section number.

Wrong: R18-2-101, 102, 103, and 104

Right: R18-2-101, R18-2-102, R18-2-103, and R18-2-104 (or R18-2-101 through R18-2-104)

In the Preamble, do not refer to a Section with just the last three digits of the Section number (for example, “Section 128”), unless you indicate you intend to do so for simplicity’s sake (for example, “The Department intends to amend R18-4-101 (“Section 101”) . . .”

When citing the *Arizona Administrative Register*, use the abbreviation “A.A.R.” Include in the citation the volume number that will appear in front of the abbreviation, and the specific page number or numbers, which will appear after the abbreviation. Also include the date of publication.

Wrong: Volume 6, pages 2118-2119 of the *Arizona Administrative Register*, 7/11/00

Right: 6 A.A.R. 2118, July 11, 2000

CFR AND FR CITATIONS: When citing from the Code of Federal Regulations, use the abbreviation *CFR* (no periods). The federal government has specified this format. Do not use the terms “part” or “section” in CFR citations. In the CFR, part and section numbers are unique within each title. If you reference a Subchapter in the CFR, however, you must also list the Chapter.

Wrong: Section 221.102 of Title 33 of the Code of Federal Regulations

Right: 33 CFR 221.102

Wrong: Subchapter c of Chapter 3 of Title 33 of the Code of Federal Regulations

Right: 33 CFR, Chapter 3, Subchapter c

When citing from the Federal Register, use the abbreviation *FR*. Include the volume number that will appear in front of the abbreviation, and the specific page number or numbers, which will appear after the abbreviation. Also include the date of publication.

Wrong: Volume 78, pages 11829-11892 of the Federal Register, 7/11/89

Right: 78 FR 11829-11892, July 11, 1989

When the Federal Register amends part of the CFR, combine the two citation styles:

Wrong: 33 CFR 22.01, November 26, 2002.

Right: 33 CFR 221.01, amended at 79 FR 10477, November 26, 2002.

U.S.C. CITATIONS: When citing from the United States Code, use the abbreviation *U.S.C.* When citing from the United States Code Annotated, use the abbreviation *U.S.C.A.* The federal government has specified this format for the U.S.C. and the U.S.C.A. Do not use the terms “part” or “section” in U.S.C. citations. Part numbers and section numbers are unique within each title of the U.S.C.

Wrong: Section 21.1020 of Title 13 of the United States Code

Right: 13 U.S.C. 21.1020

Wrong: subparagraph iii of paragraph 2 of subsection a of Section 21.1020 of Title 13 of the United States Code

Right: 13 U.S.C. 21.1020(a)(2)(iii)

See R1-1-409.

classwork

cleanup (n., adj.)

clearinghouse

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. An agency cannot make a rule until the rulemaking record is closed.

The close of record can be included in a Notice of Proposed Rulemaking if expedient and practical to do so (for example, in a simple, non-controversial rulemaking).

See A.R.S. § 41-1024(A) and R1-1-505.

clubhouse

codefendant

Code (A.A.C.)

The *Arizona Administrative Code (A.A.C.)* is the official compilation of rules that govern state agencies, boards, and commissions. The ten-volume set includes rules divided into 20 Titles and

230 Chapters. By law the Secretary of State must publish *Code* supplements at least once each calendar quarter.

The *Code* contains all rules promulgated by the regulatory agencies of the state and filed with the Office after either certification by the Attorney General or approval by the Governor’s Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process or exempt from certification or approval.

Laws 1972, Ch. 35, § 1 required all administrative rules in the state to be printed in one official publication. In 1975 the Secretary of State’s Office completed the codification of the rules and published the first multi-volume set referred to as the *Official Compilation of Administrative Rules and Regulations*. In January 1987 the name of the set was statutorily changed to its current title, the *Arizona Administrative Code*.

Until 1990 supplements were published on 6” x 9” paper as “replacement pages.” Since then the Office has published supplements by full Chapters on standard 8 1/2” x 11” paper, making *Code* set updates faster and easier. Starting in 1997 the *Code* was put online at the Secretary of State’s web site.

The *Code* uses a hyphenated numbering system. Each rule (Section) number is preceded by the letter “R” indicating “Rule.” The first number following the letter “R” indicates the Title (subject area) in which the rule appears. The middle number indicates the Chapter (agency or program). The last number indicates the Section number. For example: A.A.C. R18-2-101 is the citation for Section 101 of Chapter 2 of Title 18 of the *Code*.

Publication of a rule in the *Code* is prima facie evidence in court of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012.

See **Register**, A.R.S. §§ 41-1011, 41-1012, and R1-1-301 and R1-1-302.

Code of Federal Regulations (CFR)

Do not use periods in the citation: *40 CFR 64*.

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. The CFR online is a joint project authorized by the publisher, the National Archives and Records Administration’s Office of the *Federal Register*, and the Government Printing Office.

The CFR is divided into 50 titles representing broad areas subject to federal regulation. Each title is divided into chapters that usually bear the name of the issuing agency.

 **Online**
<http://www.archives.gov>
 Click on Federal Register, then CFR.

Fast Fact
 Total pages in *Code* Supps.

2003 Supps:	7000 (est.)
2002 Supps:	6725
2001 Supps:	6708
2000 Supps:	5567
1999 Supps:	5561
1998 Supps:	5452

codification

The codification for the *Code* is established in R1-1-102, R1-1-301, and R1-1-402. The codification starts with general subject areas and continues to specific rules.

The Office is the ultimate authority for codification. The Office rarely interferes with the organization of a rule established by the drafter. However, keep in mind:

Only the Office can create a new **Title**.

Agencies must contact the Office for the designation of a new **Chapter**.

Agencies must consult with and get the approval of the Office before creating a **Subchapter** or **Part**.

coemployee**colons**

Use a colon between two independent clauses when the second clause explains or illustrates the first clause and there is no coordinating conjunction or transitional expression linking the two clauses. *The new rules will simplify filing: only electronic submissions will be required.*

Use colons to introduce a list or an example.

Do not use a colon when a form of the verb *to be* is used. *The three courses required in this program are accounting, business English, and Computer Science 22.*

Do not use a colon between two independent clauses when the two clauses are equal in value. Use a semi-colon or period instead.

See **semi-colon**.

colored paper

Until Supp. 01-2, the Code was published on four colors of paper to distinguish rules made, amended, or repealed under the regular rulemaking process and those changed under various statutory or court-ordered exemptions. Since September 1992 exempt rules were published on blue paper. Certain exempt rules of the Corporation Commission were printed on green paper.

Chapters are separated by goldenrod paper, and Titles are separated by blue tab pages.

Currently, all rules made, amended, or repealed are printed on white paper. Introductory materials such as the Title Index and APA are also printed on white paper.

See **exempt rulemaking**.

commas

Standard grammatical rules for commas apply to rulewriting:

- Use a comma to separate independent clauses in a compound sentence.

- Use a comma to separate three or more items in a series: *We ate turkey, stuffing, and yams.*
- Do not separate a month and year with a comma: *January 2001.*

See **lists** and **semi-colons**.

commercial use of public records

Any material from the *Code* or *Register* ordered from the Office is limited to your personal use. If you intend to use the material for a commercial purpose or knowingly allow it to be used for a commercial purpose, you may be in violation of Arizona law. Refer to the procedures in A.R.S. § 39-121.03 to obtain permission to use public records for a commercial purpose.

The fee for commercial use of an individual Chapter in the *Code* is \$84.00.

See **Price List**, R1-1-113, and R1-1-302.

commingle**committeeperson****communitywide****complement, compliment**

Complement is a noun and a verb denoting completeness or the process of supplementing something: *This ship has a complement of 200 sailors. The tie complements his suit.*

Compliment is a noun or verb that denotes praise: *The captain complimented the sailors.*

complementary, complimentary

The husband and wife have complementary careers. They received complimentary tickets.

compose, comprise, constitute

Compose means to create or put together. *The United States is composed of 50 states.*

Comprise means to contain or to include all. *The United States comprises 50 states.*

Constitute, in the sense of make up, may be preferable to *compose* or *comprise*. *Fifty states constitute the United States.*

compound words

Compound words usually begin as two separate words with one space between the two words. As the two words are more frequently used together, a hyphen may be added to link them together. When the use of the compound word becomes common, the hyphen is usually dropped.

The following compound words are also listed individually in alphabetical order in this section of the manual.

See **hyphen**.

aboveground	firefighting	outreach
airtight	firehouse	overall
anticrime	fireproof	paperwork
antipollution	floodplain	passthrough
areawide	freestanding	percent
bipartisan	freshwater	policyholders
biweekly	fundraising	policymaking
bondholder	groundwater	postaudit
bookmaking	handgun	postclosure
buildup (n.)	highlight	postgraduate
bulkhead	horsepower	postsecondary
businessperson	infrastructure	powerhouse
bylaw (n.)	inpatient	praiseworthy
bypass (n., v.)	interagency	preaudit
cardholder	intrastate	preconstruction
caregiver	lifesaving	preempt
carpool	lifestyle	preexist
carryforward (n.)	lifetime	printout
carryout (n., adj.)	longstanding	rainwater
carryover (n.)	lowfat	ratemaking
caseworker	makeup	recordkeeping
checkout (n., adj.)	manmade	restroom
checkup (n., adj.)	manpower	retroactive
childrearing	marketplace	rulemaking
cleanup (n., adj.)	markup	runoff
clearinghouse	microcomputer	saltwater
clubhouse	microform	securityholders
classwork	multicounty	semiannual
codefendant	multidimensional	semiautomatic
coemployee	multifamily	semifinal
commingle	multistate	semimonthly
committeeperson	multiyear	setup
communitywide	nationwide	soundproof
co-officer	nonappropriated	springwater
co-owner	nonattainment	standby
copartnership	noncancelable	statewide
copayment	noncontact	stockholder
counterclaim	nongovernmental	subcommittee
countywide	nonmember	subcontract
coursework	nonprescription	videotape
courthouse	nonprofit	wastepaper
coworker	nonsupport	wastewater
creditworthiness	nonvoting	waterborne
database	offsite	watercourse
districtwide	offsite	whitewater
earthmoving	offtrack	workload
farmland	oneself	workspace
farmworker	onsite	wrongdoing
firefighter	outpatient	

comprise, constitute, compose

See **compose, comprise, constitute**.

Concise Explanatory Statement (CES)

The CES is no longer required as a separate document in a rulemaking package. The CES was formerly required by A.R.S. § 41-1036.

concurrent, consecutive

Concurrent is an adjective that means simultaneous: *The concurrent strikes of several unions crippled the economy.* *Consecutive* means successive: *The union called three consecutive strikes in one year.*

conditional text

If you have Tools>Track Changes turned on in Microsoft Word at any time during preparation of your rule package, the rule package you submit on disk will contain conditional text when the Office prepares it for publication. Conditional text is underlined or stricken, appears blue or red, and **does not match the hard copy** you submit to the Office. Significant inaccuracies can result from the use of these files, and the Office may delay publishing a rule package created with Track Changes or return the package to the agency.

In Word, go to Tools>Track Changes>Highlight Changes and make sure the boxes are not checked (remain white).

See **Track Changes**.

conditions (lists)

Rules often contain conditions that result in complex sentences containing many clauses.

- A list that follows introductory language that is an incomplete sentence should not contain a complete sentence with end punctuation within any item in the list.
- If only one or two simple conditions must be met before a rule applies, state the conditions first and then state the rule.

Example: If you are the owner or operator of a chemical manufacturing facility, you shall keep a daily inspection log.

- If two or more complex conditions must be met before a rule applies, state the rule first and then the conditions.

Example: The owner or operator of the plant shall record daily inspections in a log if the plant manufactures hazardous substances, employs 10 or more employees, and has equipment that is more than three years old.

- If several conditions or subordinate provisions must be met before a rule applies, use a list. Listing provides white space that separates the various conditions. Listing can help avoid the problems of ambiguity caused by the words “and” and “or.” Use the following rules when making a list:

- a. Each item in the list must fit the classification.
- b. Each item in the list must correspond, both in substance and form, to the introductory language for the list.
- c. If the introductory language for the list is a complete sentence, end the introduction with a colon and make each item in the list a separate sentence.
- d. If the introductory language for the list is an incomplete sentence:
 - i. End each item in the list, except the last item, with a comma if no item in the list contains a comma, or a semi-

colon if one or more items in the list contain a comma;

- ii. Capitalize the first word of each listed item;
- iii. Use parallel structure;
- iv. Write “and” or “or,” as appropriate, after the comma or semicolon in the next-to-last item in the list; and
- v. End the last item in the list with a period unless the next subsection is a continuation.

- Instead of trying to list every possible situation, develop broad categories.

connote

Connote is a verb that means to imply or suggest: *The word “espionage” connotes mystery and intrigue.* *Denote* is a verb that means to indicate or refer to specifically: *The symbol for “pi” denotes the number 3.14159.*

consistency

Make the reader’s job easier by writing clearly. Follow the guidelines in this manual, including:

- Don’t use different words to denote the same thing.

Wrong: Each *registered nurse* shall notify the agency if the *licensee’s* place of practice is changed.

Right: Each *registered nurse* shall notify the Board if the *registered nurse’s* place of practice is changed.

- Don’t use the same word to denote different things.

Wrong: The tank had a 200-gallon tank for fuel.

Right: The tank had a 200-gallon fuel container.

Wrong: The agency shall test these methods of presenting test materials by requiring each test taker to choose the testing method he prefers.

Right: The agency shall test these methods of presenting examination materials by requiring each examinee to choose the type of examination the examinee prefers.

constitute, compose, comprise

See **compose, comprise, constitute.**

contents

The contents of the *Register* are specified in A.R.S. §§ 41-1013 and 49-112. The Office will publish in the *Register* only those items mandated by law and those documents pertaining to rulemaking in Arizona.

The contents of the *Code* are specified in A.R.S. § 41-1012.

continual, continuous

Continual means something that happens again and again, over a long period of time. *The statutes have been the source of continual rule-making.*

Continuous means without interruption, steady, unbroken. *Ahead of them was a continuous stretch of desert.*

contractions

Do not use contractions in rules.

convince, persuade

Strictly speaking, one convinces a person that something is true but persuades a person to do something. *Pointing out that I was overworked, my friends persuaded me to take a vacation. Now that I’m relaxing on the beach with my book, I am convinced that they were right.* Following this rule, *convince* should not be used with an infinitive.

co-officer

co-owner

copartnership

copayment

copies (number of)

An agency submitting materials for filing or publication in the *Register* or *Code* must send an original and two copies (R1-1-103). An **Agency Certificate** and two copies of the **Agency Receipt** must accompany the original of the rulemaking package (R1-1-105 and R1-1-106). An Agency Certificate must accompany each copy of the rulemaking package. This means, for example, the materials for a Notice of Proposed Rulemaking are the following:

<p><i>Original:</i> Computer disk Two Agency Receipts Agency Certificate Rule package <i>Filed in permanent storage</i></p>	
<p><i>Copy:</i> Agency Certificate Rule package <i>Used by Register editor</i></p>	<p><i>Copy:</i> Agency Certificate Rule package <i>Used by Code editor</i></p>

correction of errors

The Office can correct nonsubstantive errors. The Office may catch some of these errors when proofing the material, or you may catch some of them and notify the Office. The Office asks that you put in writing, for our records, any notice you give us about errors you would like us to correct.

After you have submitted a **Notice of Proposed Rulemaking** to the Office, you may correct a **substantive error** only by filing a **Notice of**

Supplemental Proposed Rulemaking specifying the change.

After you have filed a **final, expedited, exempt, or emergency rulemaking** package with the Office, you may correct a **manifest typographical error** by filing the corrected page with the Office accompanied by a letter from the agency's chief executive officer requesting the Office to make the change. The letter must also specify why you believe the error is a manifest typographical or clerical error.

In contrast, substantive errors must be corrected by the regular rulemaking process. If you request a change of what you consider to be a non-substantive error and the Office is unsure whether the error is substantive or nonsubstantive, the Office will contact the Attorney General's Office or G.R.R.C. for clarification.

See R1-1-109 and R1-1-507.

council, counsel

Council means a group of people. *Counsel* means an attorney, advice, or to advise. A *councilor* is a member of a council, and a *counselor* is one who counsels.

cover letter

When delivering a rule package to G.R.R.C., an agency must include a cover letter (one original and one copy) with information specified in R1-6-104(A)(1) and signed by the agency head.

creditworthiness

criterion, criteria

cross section (n.) cross-section (v.)

D

database

dates

When writing dates, spell out the date rather than write it in numerical form. See **commas**.

Wrong: 2/17/99

Right: February 17, 1999

Wrong: 4/01

Right: April 2001 (no comma)

deadline

See **publication deadline**.

decades

Use Arabic numerals to indicate decades of history. Use an apostrophe to indicate missing

numerals, and show the plural by adding the letter *s*: *the 1990s, the '60s, the mid-1980s*.

definitions

WHEN TO USE A DEFINITION

1. Define all terms specific to the rules that are necessary to help a member of the general public read and understand the rule.
2. Define all terms to which you are giving meaning outside of the normal, common meaning of the term.
3. Define all acronyms and shortened forms used in the rule.
4. Define only those terms actually used in the rules.

PLACEMENT

Definitions of terms or phrases applicable to an entire Chapter should appear in the first Article for the Chapter, usually as the first rule of the Chapter. Definitions applicable only to a specific Article or Section should appear at the beginning of that Article or Section.

LEAD-IN STATEMENT

1. Introduce definitions without using "shall" as a command.

Examples:

In this Chapter, unless otherwise specified:

In addition to the definitions provided in A.R.S. §§ 44-421, 49-521, 3-201, 3-231, 3-441 and 3-481, the following terms apply to this [Chapter, Article, Section]:

2. If you do not include a lead-in statement in your definitions Section, and you choose to label your definitions, you must label them as first-level subsections (capital letter labels).
3. You may leave lists of definitions unlabeled, although you must still indent them as if they were labeled. If you do not label your definitions, the subsections of those definitions must also be unlabeled. However, if you must refer to those subsections elsewhere in your rules, you may want to label your definitions.

TERMS DEFINED BY STATUTE

1. If it is necessary to use a term in a rule that has been defined by statute, use the following example.

Example: "Person" has the same meaning as prescribed in A.R.S. § 49-701(7).

2. Place all statutory definitions repeated verbatim within the text of the rule in italics, followed by the statutory citation. If the statutory language contains subsection labeling, retain the labeling.
3. If several definitions are used from a specific statute, include a reference to the statute in the rule lead-in statement. (See LEAD-IN STATEMENT examples.)

ORDER

List definitions in alphabetical order. Alphabetical definitions do not have to be labeled and therefore can be amended more easily. If you choose not to label definitions, do not use labels on any subsections of the definitions.

FORMAT

Place the terms defined in quotations and use the verb “means” to begin each definition.

Example: “Oral proceeding” means a public hearing held during the rulemaking process, as described by A.R.S. § 41-1023, at which members of the public may comment about proposed rules.

TERMINOLOGY

1. Use terms already understood to explain the meaning of a defined term. Do not use the term being defined to describe its meaning.
2. Define a term only when it is necessary to make its use clear and consistent.
3. Use the defined term throughout the rules.

Example: Rules governing school buses include a definition of “passenger.” Always refer to a person riding on a school bus as a passenger. Do not refer to a passenger as a “student,” “person,” or “youth.”

4. Define a term so it is mutually exclusive.
5. Do not include regulatory language within a definition.

Example:

[Note: The rule language in the example below is no longer in effect.—*Ed.*]

Wrong: Only employees in covered positions are eligible to receive on-call duty pay.

On-call duty hours are recorded on the Positive Attendance Report (PAR) by entering attendance code “OC” and the number of hours assigned to on-call duty.

On-call duty pay is paid with other earnings in the pay period during which it is earned.

Right: “On-Call Duty Pay” means a cash payment of \$1.00 per hour for the period of time when an eligible employee is assigned to on-call duty, calculated to the nearest tenth of an hour.

See R1-1-101.

degrees

Use the degree symbol.

Wrong: 102 degrees Fahrenheit

Right: 102° F (space before the F and no period after the F); 35° C

dependent

(Noun and adjective) Not *dependant*.

different

Takes the preposition *from*, not *than*.

directness; imperative mood

Direct the rule to the readers. Rules, especially those that provide procedures, how-to instructions, or a list of duties, lend themselves to use of the imperative mood. Directness avoids the passive voice. This style results in procedures that are more clearly concise and understandable.

Examples:

Sign all copies.

Attach a check to the application.

discreet, discrete

Discreet is an adjective that means prudent, circumspect, or modest: *Their discreet comments about the negotiations led the reporters to expect an early settlement.* *Discrete* is an adjective that means separate or individually distinct: *Each company in the conglomerate operates as a discrete entity.*

disinterested, uninterested

Disinterested is an adjective that means unbiased or impartial: *We appealed to the disinterested mediator to facilitate the negotiations.* *Uninterested* is an adjective that means not interested or indifferent: *They seemed uninterested in our offer.*

disk

R1-1-104(B) requires an agency to submit its rulemaking package or other notice in paper copy and electronic medium. All electronic media submissions shall be compatible with the Office’s computer system and software. Contact the Office for further help.

districtwide**divisions of the Code**

The major divisions of the *Code* are defined in R1-1-101. Definitions for the major divisions of the *Code* are also in this section of the manual.

See **Title, Chapter, Subchapter, Article, Part, Section**, and R1-1-101, R1-1-301, R1-1-402, and R1-1-501.

docket

A docket is 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*.

A docket is pending until any one of the following occurs: 1) The agency decides not to act and closes the docket; 2) The agency does not file

*The Office requires agencies to include a disk when submitting rule packages. See **disk**.*

a **Notice of Proposed Rulemaking** within one year after the Notice of Rulemaking Docket Opening is published; 3) The agency does not submit the final rule to G.R.R.C. within one year after the proposed rulemaking is published; 4) The rule becomes effective; 5) The agency files a **Notice of Termination of Rulemaking** (A.R.S. § 41-1021).

To renew the one-year docket period, an agency must file a new docket opening.

See **Notices** and the **Rulemaking Forms** section of this manual.

Docket Opening, Notice of Rulemaking

There is no uniform way to open a docket. Some agencies simply label a file folder with the subject or rules under consideration. Some agencies establish a rulemaking docket number. Some agencies work with their governing boards to open a docket.

Once you have opened a docket, you must prepare a Notice of Rulemaking Docket Opening for publication in the *Register*. It is a “Rulemaking” Docket Opening because some agencies open other kinds of dockets that are not published in the *Register*.

When preparing the Notice of Rulemaking Docket Opening, place the heading NOTICE OF RULEMAKING DOCKET OPENING in all capital letters one inch from the top of the page and center it on the line. Below the Notice heading place the agency name, also capitalized, centered on the line. The remainder of the Notice contains information in a specified, numerical order. A sample of the Notice appears in Section 4 of this manual. Some of this information is explained below:

1. In the place where you list the Chapter, its label and heading, specify the agency name as it appears in the *Code*.

In the place for Articles, Parts, and Sections, do not use the term “et seq.” Specify the first and last numbers in the series. Do not specify any Sections, Parts, or Articles on which you are not opening rulemaking consideration. In other words, if you specify R1-1-201 through R1-1-208, you must consider every Section in that series. If one of these Sections has no text currently, it should not be listed unless you are considering adding text at that Section number. If you do not know the specific Section numbers, you may insert “Sections to be determined” instead of listing specific Section numbers. You may also insert the phrase, “Sections may be added, deleted, or modified as necessary.”

2. If you do not establish a docket number, you may omit that portion of the item.

3. In many instances you will answer this item, “None published.” If you had previously opened a docket or proposed rulemaking on some of the Sections specified in this docket, you should list those Notices here, specifying the date and *Register* citation.
4. This subsection is self-explanatory.
5. This subsection is self-explanatory. The APA requires you to list the time during which you will accept written comments and the time and place where oral comments may be made.
6. For item #6, specify the timetable for action on this rulemaking. If you do not know a specific timetable, specify this.

See R1-1-205.

double space

All rulemaking packages submitted for publication shall meet the requirements in 1 A.A.C. 1. The Office will accept text that has line spacing of **space-and-a-half**, or text that is double-spaced. Spacing for the **EIS** is at the agency’s discretion.

See R1-1-103.

E

each

Takes a singular verb.

each other, one another

Two people look at *each other*. More than two look at *one another*.

earthmoving

Economic, Small Business, and Consumer Impact Statement (EIS)

The EIS is prepared by an agency for most rules it makes and submits to G.R.R.C. or the Attorney General. It 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 for these groups and for agencies and political subdivisions of the state. The agency must include a brief summary of the EIS in the **Preamble** to the rulemaking.

See A.R.S. §§ 41-1001(14), 41-1031, and 41-1035.

editing and relabeling

The Office may edit rules for grammar, punctuation, gender-specific language, incorrect Section numbering, incorrect subsection labeling,

definitions not in alphabetical order, capitalization, proper rulemaking action, and other nonsubstantive errors.

See R1-1-108 and R1-1-415.

effect, affect

Affect means to influence (usually a verb): *The rule will affect the public.* *Effect* means result (usually a noun): *The effect of this rule is cleaner air.*

effective dates

- The effective date of a **final** or **emergency rule** is 60 days after the date of filing in the Office, unless G.R.R.C. or the Attorney General approves an effective date earlier or later than 60 days after the date of filing in the Office.
- The effective date of an **exempt rule** depends on the statutory exemption.
- Use the last first-level subsection to specify an effective date in the text of a Section if the effective date is required in the text of the Section.
- For a **Notice of Recodification**, the effective date is the date of filing in the Office.
- If you leave the effective date item in the Preamble blank, the Office will fill in the date.

See R1-1-110 and A.R.S. §§ 41-1027, 41-1031 and 41-1032.

EIS

See **Economic, Small Business, and Consumer Impact Statement**.

electronic media

Electronic media or *electronic medium* means any type of material for data storage used by a computer.

See R1-1-104, R1-1-112, and R1-1-113.

e-mail

Lowercase in the middle of a sentence, but capitalize the *e* when it stands alone in the **Preamble**: *E-mail: rules@azsos.gov* Do not underline or italicize an e-mail address.

emergency rulemaking

If an agency determines that a rule must be made effective immediately to protect the public health, safety, or welfare; to comply with legislative deadlines; to avoid violation of another law; to avoid an imminent budget reduction; or to avoid serious prejudice to the public interest, it must send the rule to the Attorney General for approval before the emergency rule becomes

effective. (The attorney general may not approve the rule as an emergency measure if the emergency situation is created due to the agency's delay or inaction and the emergency situation could have been averted by timely compliance with the notice and public participation provisions of the APA.) A.R.S. § 41-1026 lists four other justifications for emergency rulemaking.

If the Attorney General approves the emergency rule and the agency files the rule with the Office, it is effective for 180 days. The rule may be renewed for one more 180-day period if several conditions are met.

See A.R.S. §§ 41-1026, 41-1026.01, R1-1-701, and the **Rulemaking Forms** section of this manual.

Emergency Rulemaking, Notice of

When an agency determines that a rule falls within the emergency provisions of A.R.S. § 41-1026, the agency shall prepare a Notice of Emergency Rulemaking. The notice shall contain the heading NOTICE OF EMERGENCY RULEMAKING in all capital letters centered on a line approximately one inch from the top of the page. Below this heading shall be the word TITLE, the Title number, and the Title heading, all in capital letters and centered on the line. Below the Title shall be the word CHAPTER, the Chapter number, and the Chapter heading, all in capital letters and centered on the line.

If your agency uses Subchapters, place the word SUBCHAPTER, the Subchapter label, and the Subchapter heading below the Chapter.

If the rules have Parts, the Parts will appear in the table of contents for the rulemaking and in the text but not at the beginning of the Notice.

Under the Chapter, or the Subchapter if applicable, place the word PREAMBLE all in capital letters and centered on the line.

An emergency rulemaking package must be submitted to the Attorney General for approval. The package must contain one original and two copies of the Agency Certificate, two copies of the Agency Receipt, and a computer disk. The Office will not accept the rules without these items.

The Attorney General will indicate approval of the package by signing an approval form that is attached to the first page of the original of the notice. The Attorney General then submits the package (one original and two copies) to the Office for publication and filing.

Emergency rules are in effect for 180 days and may be renewed for one additional 180-day period under the provisions of A.R.S. § 41-1026.

If the text of a renewed emergency rule differs from the text of the previous emergency rule, you must submit to the Office, at the time the renewed

emergency rule is filed, a list of every change made to the latest emergency rule since the previous emergency rule was made.

A renewal of an emergency rule shall be prepared in the manner outlined in R1-1-701.

See A.R.S. §§ 41-1026, 41-1026.01, R1-1-701, and the **Rulemaking Forms** section of this manual.

ensure, insure, assure

Use *ensure* to mean guarantee: *The agency wants to ensure compliance.* Use *insure* for references to insurance: *Owners shall insure their vehicles.* *Assure* is an acceptable synonym for *ensure*, but it is used less often in rules.

entitled

Use it to mean a right to do or have something. Do not use it to mean *titled*.

et seq.

Not *et. seq.* Abbreviation of *et sequentes*, “and the following.”

except, accept

Except means to exclude. *Accept* means to receive or to agree with.

exceptions

- Avoid starting a sentence with an exception.
- State a rule or category directly rather than describing that rule or category.

Wrong: All applicants except those applicants who are 18 or older shall . . .

Right: Each applicant less than 18 shall . . .

- However, you may use an exception if it avoids a long and cumbersome list or elaborate description. When using an exception, state the rule or category first then state its exception.

Wrong: January, February, . . . and November (a list of ten months) are appropriate for . . .

Right: Each month except June and December is appropriate for . . . (Note that the category “each month” is established first and then the exceptions are stated.)

exempt rulemaking

If a proposed rule falls within any of the specific categories listed in A.R.S. § 41-1005 or other statute or session law, it is exempt from the APA and can be made without following APA procedures. However, an agency must follow the rules of the Office for the filing and publication of a Notice of Exempt Rulemaking. Chapters that contain these exempt rules were printed on blue paper in the *Code* until Supp. 01-2.

Some rules of the Corporation Commission have been exempt from the Attorney General certification provisions of the APA by a court order (*State ex. rel. Corbin v. Arizona Corporation*

Commission, 174 Ariz. 216 848 P2d 301 (App. 1992)). Chapters that contain these exempt rules were printed on green paper in the *Code* until Supp. 01-2.

See **colored paper**, A.R.S. § 41-1005, R1-1-901.

Exempt Rulemaking, Notice of

Any rule exempted from the provisions of the APA and initiated by the agency before September 30, 1992, is not filed with the Office and does not appear in the *Code*. Contact the specific agency for these early exempt rules. For agencies making rules under an exemption before September 30, 1992, there will be two versions of their rules: one that the agency maintains that contains the exempted rules and one that the Office has that does not contain any of the exempted rules.

Any rule exempted from the provisions of the APA and initiated by the agency after September 30, 1992, must be submitted to the Office for publication in the *Code*. These rules shall be submitted as final rules are filed. The notice shall be the same as that specified in R1-1-602 except that the heading of the notice shall be NOTICE OF EXEMPT RULEMAKING in all capital letters centered on a line approximately one inch from the top of the page, and it shall specify the authorization for the exemption.

The Office identifies each Chapter containing exempt rules initiated by the agency after September 30, 1992, by means of an introductory statement specifying the exemption at the beginning of the Chapter and before each Section or Article made under an exemption and by specifying the exemption in the Section’s **Historical Note**. Until Supp. 01-2, any Chapter containing rules exempted from the APA by legislation appeared on blue paper. Any Chapter containing rules exempted by other reasons appeared on green paper.

Agencies shall specify the reason for the exemption and the specific statute or other citation authorizing the exemption on the Notice of Exempt Rulemaking.

See A.R.S. § 41-1005, R1-1-901, and the **Rulemaking Forms** section of this manual.

Exhibit

An Exhibit is a form of **supplementary material** used for items that do not fit the definition of an **Appendix, Table, or Illustration**. (R1-1-101)

Exhibits are listed in the table of contents for the Chapter in the same format that Sections are listed, but they are indented two spaces from the left. Agencies shall number Exhibits with either capital letters or Arabic numbers using a consistent numbering scheme. An agency shall refer to an Exhibit within the text of one or more Sections.

An Exhibit that appears *within* the text of a Section, as opposed to being separate from the Section, does not appear in the table of contents and does not have its own **Historical Note**. To reference such an Exhibit, use the appropriate subsection label.

See R1-1-412.

expiration of rules

When an agency's rules expire, the Office removes them from the *Code*. A.R.S. § 41-1011 states: "With the consent of the attorney general, the secretary of state may remove from the code a provision of a rule that a court of final appeal declares unconstitutional or otherwise invalid and a rule made by an agency that is abolished if the rule is not transferred to a successor agency."

If an agency does not include its rules in a scheduled five-year rule review, the rules scheduled for review expire and G.R.R.C. shall notify the Office that the rules have expired. The Office shall publish a notice of the expiration in the *Register* and remove the rules from the *Code*.

Emergency rules expire after 180 days unless the agency renews the rules for an additional 180 days.

See A.R.S. §§ 41-1011, 41-1026, and 41-1056(E).

F

Fahrenheit (F)

Use the degree symbol when using degrees in your rules.

Wrong: 102 degrees Fahrenheit

Right: 102° F (space before the F and no period after the F)

farmland

farmworker

farther, further

Farther refers to physical distance that can be measured.

Further means "to a greater degree or extent" and refers to matters in which physical measurement is impossible or in which distance is figurative.

fax (n., v.)

Preferred over facsimile.

federal government

Lowercase in all uses.

Federal Register (FR)

Federal Register citations do not use periods: 78 FR 11829-11892, July 11, 1989.

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. The *Federal Register* informs citizens of their rights and obligations and provides access to a wide range of federal benefits and opportunities for funding. NARA's Office of the Federal Register prepares the *Federal Register* for publication in partnership with the Government Printing Office (GPO), which distributes it on paper, microfiche, and the internet.

See **citations**.

fees

The various fees for the *Register* and *Code* are listed in R1-1-113. Certain agencies receive copies of the *Register* and *Code* without charge (see R1-1-114).

An agency shall not make a rule establishing a fee unless the fee for the specific activity is expressly authorized by statute or state gaming compact (see A.R.S. § 41-1008).

fewer, less

In general, use *fewer* for individual items, *less* for bulk or quantity.

Wrong: The trend is toward less people. She was fewer than 60 years old.

Right: Fewer than 10 applicants appealed. He had less than \$50 in his wallet.

filing location

Filings can be hand delivered or mailed to the Office at the following location:

Office of the Secretary of State
Public Services Division, Attn: Rules
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

See R1-1-107.

final rulemaking

An agency submits a Notice of Final Rulemaking to G.R.R.C. or the Attorney General for review and approval after a proposed rule is published and the agency has considered and addressed public comments. A final rule contains the **Preamble**, the text of the rule, and an **EIS** (A.R.S. § 41-1024). If approved by G.R.R.C. or the Attorney General, the final rule package must be filed with the Office for publication in the *Register* and *Code*. The **effective date** of the rule is 60 days after the date of filing unless otherwise specified by the agency (see A.R.S. § 41-1032).



If an agency's rules are subject to review by G.R.R.C., the adopted rules must be submitted to G.R.R.C. within 120 days after the close of the rulemaking record. After review and approval by G.R.R.C., G.R.R.C. submits the rules to the Office for filing and publication. Provide G.R.R.C. the appropriate number of copies of the rules, one original and two copies of the Agency Certificate, two copies of the Agency Receipt, and a computer disk. The Office cannot accept your rules without these items.

If an agency's rules are exempt from the rulemaking process under A.R.S. § 41-1005, the rules must be submitted to the Office within 120 days of the close of the rulemaking record.

If an agency's rules are exempt from G.R.R.C. review, the rules must be submitted to the Attorney General for approval within 120 days after the close of the rulemaking record. Once the Attorney General has approved the rules, that office will submit them directly to the Secretary of State for filing and publication. Make sure that you have submitted to the Attorney General one original and two copies of the Agency Certificate, two copies of the Agency Receipt, and a computer disk. The Office cannot accept your rules without these items.

See A.R.S. §§ 41-1031 and 41-1032; R1-1-601 and R1-1-602.

Final Rulemaking, Notice of

See A.R.S. §§ 41-1031 and 41-1032, R1-1-602, and the **Rulemaking Forms** section of this manual.

The Notice shall contain the heading NOTICE OF FINAL RULEMAKING all in capital letters and centered on a line approximately one inch from the top of the page. Below this heading shall be the word TITLE, the Title number, and the Title heading, all in capital letters and centered on the line. Below the Title shall be the word CHAPTER, the Chapter number, and the Chapter heading, all in capital letters and centered on the line.

If your agency has more than one Chapter, the Chapter heading always includes the statutorily designated agency name with the subheading for the Chapter below the agency name.

If your agency uses Subchapters, place the word SUBCHAPTER, the Subchapter label, and the Subchapter heading below the Chapter.

If your agency uses Parts, the Parts will appear in the table of contents for the rulemaking and in the text but not at the beginning of the Notice.

Under the Chapter, or the Subchapter if applicable, place the word PREAMBLE all in capital letters and centered on the line.

The following items must appear on the Notice. For further explanation of these items, see the entry for Notice of Proposed Rulemaking.

1. Item #1 has two columns. The first column is headed **Sections Affected**. The second column is headed **Rulemaking Action**.
2. Item #2 asks for the specific statutory authority for the rulemaking, including both the implementing and the authorizing statutes. List the authorizing statute or statutes first and, on the next line (one double-space below) the statutes the rules are implementing.
3. In item #3 specify the effective date of your rules. If you do not know the effective date, leave this item blank, and the Office will insert the appropriate date when the Office publishes the rules in the *Register*.
4. In item #4 list all previous notices that appeared in the *Register* concerning this final rule. You need to specify the heading of the notice and then give the *Register* citation for each notice listed.
5. In item #5 list the name and address of a specific person in your agency whom the public can call with questions or comments about the rulemaking.
6. In item #6 explain the rule and your agency's reasons for initiating the rule.
7. In item #7 provide a reference to any study your agency relied on or did not rely on in its evaluation of or justification for the rule and information for the public on how to access the study.
8. In item #8 show good cause why this rulemaking is necessary to promote a statewide interest if the rule or rules will diminish a previous grant of authority of a political subdivision of this state.
9. In item #9 give the summary of the economic, small business, and consumer impact. Your full statement must also be submitted to the Office for filing but is not published. A summary of that statement is what must appear here.
10. In item #10 describe the changes made to the rules between proposed and final rules including all supplemental notices.
11. In item #11 summarize the principal comments received from the public and your agency's response to them.
12. In item #12 list any other matters prescribed by statute that are applicable to

your agency or to the specific set of rules.

13. In item #13 list the material you have incorporated by reference and the Sections in which those incorporations by reference appear.
14. In item #14 specify whether the rule was previously made as an emergency rule. If your answer is “yes,” specify whether you made any changes to the rule between adoption as an emergency rule and this final rule.
15. The full text of the rules, which actually begins with a table of contents for the rulemaking, starts on the page following item #15.

- In the table of contents, show the Title, its number, and its heading on the first line approximately one inch from the top of the page. Under the Title, show the Chapter, its number, and its heading. Under the Chapter, show the Subchapter, its label, and its heading, if applicable, or the first Article contained in this rulemaking, its number, and its heading. Under the Article show the first Part in the Article involved in the rulemaking, its label, and its heading, if applicable. These shall all be centered on their respective lines. Under the first Article or the first Part of the first Article, show the word “Section.” On the next line show the first Section involved in the rulemaking. List all Sections in numerical order under their respective Parts or Articles. Do not list any Section, Part, or Article not involved in this particular rulemaking. Do list all supplementary material that appears in the rulemaking.

All Articles and Parts that have Sections undergoing rulemaking in this package must be shown in the table of contents. Do not list any Article or Part that has no Sections undergoing rulemaking unless you are amending the heading of the Article or Part or renumbering the Article or Part.

- The full text of the Sections begins on the next page following the last item in the table of contents. At the top of this page list the first Article and its heading. Then all the Articles, Parts, and Sections involved in this particular rulemaking are listed in order. The Articles, and Parts if applicable, must be shown if one Section within the Article or Part is undergoing rulemaking activity.
- When you are renumbering entire Sections, show the entire old number with strike-outs and the entire new number with underlining.

Place renumbered Sections in the text at their new number locations.

If the only action being taken on a Section is renumbering of the entire Section and no

changes are being made to the text of the Section, show the renumbering and the Section heading. Then list “No change” for each subsection in that Section.

Each final rulemaking submitted to the Office for publication and filing must contain one original package and two copies. You also must include the following:

1. The **Agency Certificate** (one original and two copies).
2. The **Agency Receipt** (one original and two copies).
3. A Certificate of Approval from G.R.R.C. if the rules are subject to G.R.R.C. review (one original and two copies).
4. A Certificate of Approval from the Attorney General if the rules are not subject to Council review (one original and two copies).
5. The **disk** containing the **Preamble** and text of the rules.

See A.R.S. §§ 41-1031 and 41-1032, R1-1-602, the entry for **copies (number of)**, and the **Rulemaking Forms** section of this manual.

firefighter

firefighting

firehouse

fireproof

flammable, inflammable

These two words are actually synonyms, both meaning easily set on fire. *The flammable [inflammable] fuel shall be stored in a specially built tank.*

flaunt, flout

To *flaunt* means to show off shamelessly: *She was eager to flaunt her knowledge of a wide range of topics.* To *flout* means to show scorn or contempt for: *He disliked boarding school and took every opportunity to flout the house rules.*

floodplain

footnotes

Do not use footnotes or endnotes in a rulemaking package. Only the **EIS** and material incorporated by reference may contain footnotes.

See R1-1-103(E)(4).

Formal Rulemaking Advisory Committee, Notice of

Agencies sometimes create rulemaking advisory committees to help prepare rules for the rulemaking process. If an agency creates a committee, the APA requires the agency to publish notice of the committee in the *Register*.

Use the Notice of Formal Rulemaking Advisory Committee in the Rulemaking Forms section of this manual.

If you establish a formal rulemaking advisory committee, you must prepare and submit for publication the Notice of Formal Rulemaking Advisory Committee each year.

See the **Rulemaking Forms** of this manual and R1-1-206.

forms

Sample rulemaking forms can be found in Section 4 of this manual. The Office will not accept any rule package if it does not contain all required forms (for example, **Agency Receipt, Agency Certificate, G.R.R.C. Certificate of Approval**).

All items on these forms must appear just as they appear on the samples, and all items must be answered. Attachment pages for answers are not permitted.

The agency’s chief executive officer must sign the Agency Certificate in the designated place. The officer’s name and title shall appear under the signature and the date the officer signed the certificate shall be noted. If a designee signs the form, the designee’s name and title shall appear under the signature. *The Office will not accept a certificate form containing one person’s signature and another person’s typed name.*

forms in rules

Avoid including forms in your rules as **Exhibits**. If your rules refer to a particular form used by your agency, indicate where an interested party can obtain a copy.

forward

Not *forwards*.

founder, flounder

In its primary sense *founder* means to sink below the surface of the water: *The ship foundered after colliding with an iceberg.* By extension, *founder* means to fail utterly. *Flounder* means to move about clumsily, or to act or proceed with confusion. A good synonym for *flounder* is blunder: *After floundering through the first half of the course, the student finally passed with the help of a tutor.*

fractions

Spell out a fraction at the beginning of a sentence. For most uses, use Arabic numbers: *6 2/3, 1/2 inch, 1/8 mile.* Spell out when a fraction detracts from readability: *the first half of the year.*

Do not use a hyphen to separate a whole number from a fraction: *8 1/2” by 11”.*

Do not use fraction symbols: (*1/2, 3/4*). These symbols sometimes disappear when your files are prepared for publication by the Office.

See **ordinals** and **numbers**.

freestanding

freshwater

full time, full-time

Hyphenate when used as a compound modifier: *He works full time. She has a full-time job.*

fundraising

further, farther

See **farther, further**.

G

gender-specific terminology

- Do not use words that unnecessarily distinguish between male and female.

<i>Avoid:</i>	<i>Use:</i>
chairman	chair, chairperson
crewman	crew member
draftsman	drafter
fireman	firefighter
foreman	supervisor
man-hours	hours worked, work-hours, staff-hours
mankind	humanity, humankind
manpower	personnel, workforce
policeman	police officer

- Avoid the gender-specific pronoun when the antecedent could be male or female.

Wrong: The Director or his designee shall complete the evaluation form.

Right: The Director or the Director’s designee shall complete the evaluation form.

- Be careful when you rewrite to avoid the problem. The following examples do not necessarily have the same meaning.

Examples:

Each assistant Director shall announce his or her recommendations at the conference.

The Assistant Directors shall announce their recommendations at the conference.

- Do not attempt to avoid using a gender-specific pronoun by using a plural pronoun with a singular noun.

Wrong: The applicant shall submit their documents.

Right: The applicant shall submit the applicant’s documents.

- Do not use *s/he, he/she, or his or her*.

government

Lowercase *government* unless it is part of a formal title: *the U.S. government, the state gov-*

ernment, the United States Government Printing Office.

grammar

- Use “a” or “an” when you mean any item or individual. Use “the” when referring to a specific subject already described.
- Avoid split infinitives.
- Make the verb agree with its subject in number and person. The following words are singular and take a singular verb:

anyone	anybody	each
everyone	everybody	either
no one	nobody	neither
one	somebody	someone

The following “group” words take a singular verb:

audience	family	kind
band	flock	lot
class	group	number
committee	heap	none
crowd	herd	public
dozen	jury	team

The following words are plural and take a plural verb: *media, data, criteria, phenomena.*

- Do not use **contractions**. Write out each verb.

gray

Not *grey*. But: *greyhound*.

groundwater

group

Takes singular verbs and pronouns: *The group is reviewing its position.*

G.R.R.C. (Governor’s Regulatory Review Council)

Write G.R.R.C., not GRRC.

The Governor’s Regulatory Review Council was created by Executive Order in May 1981. Composed of six members, the Council is chaired by the director of the Department of Administration or the director’s designee, who serves ex-officio.

For most agencies, G.R.R.C. is the final step in the rulemaking process. G.R.R.C. reviews 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. If a rule does not meet these criteria, G.R.R.C. returns it to the agency for further consideration.

See 1 A.A.C. 6 and A.R.S. §§ 41-1051 through 41-1057.

G.R.R.C. Certificate of Approval

A G.R.R.C. Certificate of Approval must accompany all final and expedited rulemaking packages approved by the Council and submitted to the Office.

See **forms**, R1-1-105, and the **Rulemaking Forms** section of this manual.

H

handgun

harass, harassment

headings

Headings of each division of the *Code* shall explain what is in that division. Because the divisions of the *Code* are, by definition, sets of rules (**Title, Chapter, Subchapter, Article, and Part**) or a single rule (Section), the word *rule* or *regulation* shall not appear in the heading of the division.

Use a heading for each Section to describe briefly the subject of the Section. If the heading is too long or contains different topics, the Section itself is probably too long or too broad and should be broken into two or more Sections. Limit Section headings to 10 or fewer words.

Subsections may be used and are a good idea for long Sections. If a heading is used for one subsection, give headings to all subsections within the Section.

health care

Two words.

highlight

historic, historical

In general usage, *historic* refers to what is important in history, while *historical* applies more broadly to whatever existed in the past whether it was important or not: *A historic summit meeting between the prime ministers; historical buildings torn down in the redevelopment.*

Historical Note

A Historical Note appears after each Section in the *Code* that gives the cumulative history of the Section, including the rulemaking action, the *Register* citation, effective date, and *Code Supplement* number in which the Section was published.

Historical Note

Adopted as Section R9-20-502 and renumbered as Section R18-4-102 effective October 23, 1987 (Supp. 87-4). R18-4-102 recodified to R18-5-102 (Supp. 95-2). New Section adopted effective April 28, 1995 (Supp. 95-2). Amended effective June 3, 1998 (Supp. 98-3).

Reminder

Do not use the article *an* before the word *history*, *historic*, or *historical*. Use *a*.

Amended by final rulemaking at 8 A.A.R. 973, effective February 19, 2002 (Supp. 02-1).

See R1-1-101 and R1-1-415.

horsepower

hyphens

The following general rules should be used:

- Use hyphens to connect words:
Nouns: brother-in-law, follow-up, one-half
Verbs: double-space, tape-record
- Compound adjectives appearing before a noun: *all-inclusive list, black-and-white picture, decision-making authority, long-range goals, part-time employees, up-to-date record.*
- Use a hyphen when two or more words act together to create a new meaning.
- Use a hyphen when the first part of a compound adjective contains a number: *third-party liability, two-party system.*
- Use a hyphen after a prefix when the prefix precedes a capitalized word: *pre-World War II.*
- Do not use a hyphen between adverbs ending in *-ly* and adjectives they modify: *a fully informed applicant, a badly damaged foundation.*
- The following list shows some common compound words that should be hyphenated. Those that are adjectives are usually hyphenated when they immediately precede the nouns they modify, not hyphenated when they appear after the noun they modify but before the verb, and not hyphenated when they appear after both the noun they modify and the verb.

See **suspensive hyphenation.**

<i>able-bodied (adj.)</i>	<i>county-owned (adj.)</i>
<i>agreed-upon (adj.)</i>	<i>cross-examine (v.)</i>
<i>air-condition (v.)</i>	<i>cross-examination (n.)</i>
<i>all-time (adj.)</i>	<i>day-care (adj.)</i>
<i>animal-drawn (adj.)</i>	<i>degree-granting (adj.)</i>
<i>at-large (adj.)</i>	<i>drug-related (adj.)</i>
<i>base-year (adj.)</i>	<i>energy-saving (adj.)</i>
<i>child-care (adj.)</i>	<i>even-numbered (adj.)</i>
<i>civic-minded (adj.)</i>	<i>fact-finding (n., adj.)</i>
<i>computer-related (adj.)</i>	<i>fire-resistant (adj.)</i>
<i>cost-effective (adj.)</i>	<i>fire-retardant (adj.)</i>
<i>cost-efficient (adj.)</i>	

See **compound words.**

I

if, whether

If introduces a conditional clause. *Whether* introduces a noun clause involving choices.

Illustration

An Illustration **supplementary material** used for diagrams, pictures, and other graphics. (R1-1-101)

An Illustration that appears *within* the text of a Section, as opposed to being separate from the Section, does not appear in the table of contents and does not have its own **Historical Note**. To reference such an Illustration, use the appropriate subsection label.

Illustrations are listed in the table of contents for the Chapter in the same format that Sections are listed, indented two spaces from the left. Label Illustrations with either capital letters or Arabic numbers using a consistent identification scheme. You must refer to an Illustration within the text of one or more Sections.

See R1-1-101 and R1-1-412.

inappropriate words

Because of the need for precision in legal writing, certain words are not used in Arizona rules. *Can* should be used only to indicate ability. *Should* and *could* are not allowed in rules. *Will* may be used only in limited circumstances. Do not use *must*; use *shall* instead. *May* is used to indicate discretion. When using *may*, specify the standards under which the agency will use that discretion.

include

Use *include* to introduce a series when the items that follow are only part of the total: *The form includes a signature line and a fee.*

Use *comprise* when the full list on individual elements is given: *The form comprises 10 questions, a signature line, and a fee.*

incorporation by reference

- Items that may be incorporated by reference are specified in A.R.S. § 41-1028. The Office keeps incorporated by reference material on file for viewing only. An agency must keep one copy of any item incorporated by reference. As of September 18, 2003 it is no longer necessary to file a copy with the Office (Laws 2003, Ch.104, § 26).

- When incorporating items by reference, cite the items as specified in R1-1-414. The material must be identified by a date and include information about where to obtain a copy of the material.

See A.R.S. § 41-1028, R1-1-409 and R1-1-414.

indent levels

Rules submitted to the Office for publication and filing should be indented similarly to the way the Office publishes the material. This means the following:

The opening paragraph (implied **A.**) begins at the 1-inch left-hand margin and continues across the page to the 1-inch right-hand margin. Each line goes from the 1-inch margin on the left to the 1-inch margin on the right.

The first level of subsection has the label (**A., B., C.,** etc.) at the 1-inch left-hand margin with the text beginning 1/4 inch to the right of the left-hand margin. Each successive line of text at the first level of subdivision begins 1/4 inch from the left-hand margin and continues across the page to the right-hand margin.

The second level of subsection has the label (1., 2., 3., etc.) 1/4 inch to the right of the left-hand margin with the text beginning 1/2 inch to the right of the left-hand margin. Each successive line of text at the second level of subdivision begins 1/2 inch from the left-hand margin and continues across the page to the right-hand margin.

The third level of subsection has the label (a., b., c., etc.) 1/2 inch to the right of the left-hand margin with the text beginning 3/4 inch to the right of the left-hand margin. Each successive line of text at the third level of subdivision begins 3/4 inch from the left-hand margin and continues across the page to the right-hand margin.

The fourth level of subsection has the label (i., ii., iii., etc.) 3/4 inch to the right of the left-hand margin with the text beginning one inch to the right of the left-hand margin. Each successive line of text at the fourth level of subdivision begins one inch from the left-hand margin and continues across the page to the right-hand margin.

See R1-1-408.

indispensable**indoor (adj.), indoors (adv.)**

He plays indoor tennis. He went indoors.

infant

Applicable to children from birth to 12 months old.

infrastructure**inoculate****inpatient****interagency****internet**

Lowercase *i*. The *Code* and *Register* are online at www.azsos.gov. The *Register* is published in PDF format. The *Code* is published in HTML, PDF, and RTF formats.

intrastate**irregardless**

A double negative. *Regardless* is correct.

italics

Place the following in italics:

- Verbatim statutory language
- Book titles
- Scientific names
- The name of a legal case: *Brown v. Board of Education* (the *v.* is not in italics)

See R1-1-413.

J**jargon, technical language, foreign phrases, legalese, and other inappropriate language**

- Use plain English when drafting rules. The plainer the English, the less confusing the material is to the reader. Although all agencies draft their rules for specific audiences, even the most technical information should be written plainly because there will always be people other than an agency's specific audience who will need to understand the material.
- Unlike legitimate technical terms, which outsiders could look up in a dictionary, jargon is a private language that has meaning only to a particular group. If these special words or phrases are necessary to the understanding of your rule, define the jargon.
- Avoid redundant phrases, long sentences, passive voice, and topic-specific acronyms unless you first define each one. Use concrete or common use

words and phrases, and make sentences short, direct, and clear.

- Do not add *-ize* to a noun to make it into a verb. The list below contains several *-ize* words that are unacceptable.
- Do not use a foreign phrase if an everyday English equivalent can be used.
- Avoid unclear words and phrases that sound like “legalese”: *aforesaid, hereby, hereinabove, pursuant to, said, such, thereof, to wit, whatsoever, and wherein.*

judgment

Not *judgement.*

L

labeling subsections

- There are usually only four levels of subsections allowed:
 1. The first level of subsection is labeled with capital letters followed by a period, both in boldface. The label for this level appears at the one-inch left-hand margin and the text begins 1/4 inch to the right of the left-hand margin.
 2. The second level of subsection is labeled with Arabic numbers followed by a period. The label for this level appears 1/4 inch from the left-hand margin and the text begins 1/2 inch to the right of the left-hand margin.
 3. The third level of subsection is labeled with small (lower case) letters followed by a period. The label for this level appears 1/2 inch from the left-hand margin and the text begins 3/4 inch to the right of the left-hand margin.
 4. The fourth level of subsection is labeled with small Roman numerals followed by a period. The label for this level appears 3/4 inch from the left-hand margin and the text begins one inch to the right of the left-hand margin.
- The Office prefers that rules do not contain levels of subsection below the fourth level.
- For a subsection reference that contains several labels for different levels of subsection, list the labels in order, each within its own set of parentheses with no space between the parentheses.

Wrong: subsection (a)

Right: subsection (B)(1)(a)

Right: subsections (C)(1) and (2)

Wrong: subsection (A) (6) (c) (vii)

Right: subsection (A)(6)(c)(vii)

- A list of definitions may be unlabeled, but the items in the list must still be indented as if they were labeled. If definitions are unlabeled, the subsections of those definitions must also be unlabeled. However, if you must refer to those subsections elsewhere in rules, you may want to label the definitions.

See R1-1-408 and **subsection levels.**

laid, lain, lay

Laid is the past tense and the past participle of the verb lay and not the past tense of lie. *Lay* is the past tense of the verb lie and *lain* is the past participle: *He laid his books down and lay down on the couch, where he has lain for an hour.*

landfill

Latin words

Italicize scientific names in Latin. Do not italicize Latin phrases (such as *ad hoc, et seq., ex parte, de jure.*)

legislature

Capitalize when preceded by the name of a state or a specific number: *the Arizona Legislature, the 45th Legislature.* Keep capitalization when the state name is dropped but the reference is specifically to that state’s legislature.

less, fewer

In general, use *fewer* for individual items, *less* for bulk or quantity.

Wrong: The trend is toward less people. She was fewer than 60 years old.

Right: Fewer than 10 applicants appealed. He had less than \$50 in his wallet.

lifesaving

lifestyle

lifetime

lists

- You may leave a list of three or fewer items within the text of the paragraph, but do not individually label each item. Lists of more than three items must appear in a “displayed” list: that is, at the next subsection level. Each item in a displayed list must be labeled.
- In a displayed list, capitalize the first word of each item.
- When each item in a list completes the thought that you began in the introductory sentence, use semicolons (when one or more of the items in the list contains an internal comma) or commas (when none of the items in the list contains an internal comma) after all but the last item and use a period after the last item. When using a

When labeling rules, remember:

- Do not leave a paragraph unlabeled (except an opening paragraph). You cannot cite an unlabeled paragraph (except as noted in the **definitions** entry).
- Do not use **A** without **B**, **1** without **2**, and so on.
- You may leave definitions unlabeled as long as the definitions are listed in alphabetical order.

list of items that complete the introductory sentence, make sure each item is parallel in structure.

- When each item in a list is a complete thought by itself, end each item with a period.

See **commas** and **semi-colons**.

longstanding

long-term

Long-term is hyphenated. Lowercase *-term*: *Arizona Long-term Care System*. If a statute applicable to your agency includes this term in a different style, notify the Office.

M

makeup (n., adj.)

manageable

manifest typographical error

Under A.R.S. § 41-1011 the Office may correct manifest typographical errors, in contrast to **substantive errors**, within the text of the *Register* or *Code*. The Office consults with the Attorney General's office or G.R.R.C. when clarification about an error is required.

See **correction of errors**, R1-1-109 and R1-1-507.

manmade

manpower

mantel, mantle

A *mantel* is a shelf. A *mantle* is a cloak. Mickey Mantle played center field and first base for the New York Yankees from 1951 to 1968.

marketplace

markup

may, shall, must

See **shall, must, may** and **active voice**.

microcomputer

microform

millennium

misdemeanor

months

When a phrase lists only a month and a year, do not separate the month and year with a comma. *The license expires in January 2005.*

See **dates**.

more than, over

Over generally refers to a spatial relationship: *The plane flew over the city. The cow jumped over the moon.*

Over can be used with numbers: *She is over 30. I paid over \$200 for this suit. But more than may be better: Their salaries went up more than \$20 a week.* The AP Stylebook states, "Let your ear be your guide."

multicounty

multidimensional

multifamily

multistate

multiyear

must, shall, may

See **shall, must, may** and **active voice**.

N

nationwide

New Section (or Article)

New Section is one of the four rulemaking actions that is listed in the column for rulemaking action in the **Agency Receipt, Agency Certificate**, and item #1 of the **Preamble**. It is used only for a Section that is *entirely new text* (not recycled from somewhere else in the Code) at a pre-existing Section number or a new Section number.

See R1-1-502.

nighttime

No change

An agency may omit the text of subsections that are not undergoing revision and insert the phrase "No change" (no period). If an agency chooses this option, it must list *every* subsection level omitted and insert "No change" at those subsection levels. See A.R.S. § 41-1013(D).

Wrong:

R4-15-106. Record and Transcript

- A. No change
- B. Transcripts: Oral proceedings or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party. ~~The cost of such transcript shall be paid in accordance with the provisions of R4-15-109(B).~~

Right:

R4-15-106. Record and Transcript

- A. No change
 1. No change

2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
- B. Transcripts: Oral proceedings or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party. ~~The cost of such transcript shall be paid in accordance with the provisions of R4-15-109(B).~~

If the Section has definitions that do not have subsection labeling, insert the term being defined followed by “No change”.

Right:

R18-4-101. Definitions

The terms in this Chapter have the following meanings. In addition to the definitions in A.R.S. § 49-201, in this Chapter, unless otherwise specified:

- “Action level” No change
- “ADHS” No change
- “Air-gap separation” No change
- “ANSI/NSF Standard 60” No change
- “ANSI/NSF Standard 61” No change
- “Backflow” No change
- “Backflow-prevention assembly” No change
- “Baseline sampling” No change
- “BAT” No change
- “Best available technology” No change
- “CCR” No change
- “Certified operator” No change
- “Coagulation” No change
- “Community water system” No change
- “Compliance cycle” No change
- “Compliance period” No change
- “Comprehensive performance evaluation” means a thorough review and analysis of a water treatment plant’s performance-based capabilities and associated administrative, operation and maintenance practices. A comprehensive performance evaluation consists of at least the following components: assessment of water treatment plant performance, evaluation of major unit processes, identification and prioritization of performance limiting factors, assessment of the applicability of comprehensive technical assistance, and preparation of a comprehensive performance evaluation report.

nonappropriated

nonattainment

noncancelable

noncontact

none

It usually means no single one and takes a singular verb and pronoun: *None of the seats was in its right place.*

Use a plural verb only if the sense is no two or no amount: *None of the consultants agree on the same approach. None of the taxes have been paid.*

nongovernmental

nonmember

nonprescription

nonprofit

nonsupport

nonvoting

Notices

All Notices submitted to the Office for publication in the *Register* or *Code* shall be double-spaced or spaced “space and a half” and have a one inch margin on all sides. This includes the information in the **Preamble** and all pages of text. **Incorporated by reference materials and Economic Impact Statements** submitted with final rules are not included in this requirement. Notices submitted that are single-spaced will be returned for correction before the Office will accept them for filing and publication.

See the following entries for more information on Notices, and the **Rulemaking Forms** section of this manual for samples:

- Notice of Rulemaking Docket Opening
- Notice of Proposed Rulemaking
- Notice of Supplemental Proposed Rulemaking
- Notice of Proposed Expedited Rulemaking
- Notice of Final Expedited Rulemaking
- Notice of Termination of Rulemaking
- Notice of Exempt Rulemaking
- Notice of Emergency Rulemaking
- Notice of Final Rulemaking
- Notice of Recodification
- Notice of Formal Rulemaking Advisory Committee
- Notice of Proposed Delegation Agreements
- Notice of Oral Proceeding on Proposed Rulemaking
- Notice of Public Workshop on Proposed Rulemaking
- Notice of Public Meeting on Open Rulemaking Docket
- Notice of Oral Proceeding on Proposed Delegation Agreement
- Notice of Agency Guidance Document
- Notice of Substantive Policy Statement
- Notice of Agency Ombudsman
- Notice of Public Information

See the **Rulemaking Forms** section of this manual for other Notices not listed in this entry.

number of copies

When G.R.R.C. files approved rules with the Office, it submits an original and two copies of the agency’s items, two copies of the agency receipt, and one copy of any incorporated by reference materials (R1-6-1108).

An agency submitting materials for filing or publication in the *Register* or *Code* must send an original and two copies (R1-1-103). An **Agency Certificate** must accompany each rulemaking

package (R1-1-105), except for certain Notices, as well as two copies of an **Agency Receipt** (R1-1-106). This means, for example, the materials for a Notice of Proposed Rulemaking are the following:

<p><i>Original:</i> Computer disk Two Agency Receipts Agency Certificate Rule package Filed in permanent storage</p>	
<p><i>Copy:</i> Agency Certificate Rule package Used by Register editor</p>	<p><i>Copy:</i> Agency Certificate Rule package Used by Code editor</p>

numbers

Spell out whole numbers below 10. Exceptions to this style include numbers in tabular material, equations, and measurements. Contact the Office for guidance on numbers in text.

- Do not use both the number spelled out and its Arabic number equivalent in parentheses.
- Avoid beginning a sentence with a number.
- For expressions of time, use the abbreviations *a.m.* and *p.m.* in lower case.
- When using numbers that are 1 million or greater, use a combination of figures and words (*The amount of insurance shall be \$5 million.*).
- Use a comma to separate groups of three digits: *109,278,345*. The exception to this rule is for numbers of four figures: *1000*. In this instance, you may omit the comma, but be consistent throughout your rules.

See **fractions** and **ordinals**.

O

occur, occurred, occurring

office

Capitalize when part of an agency's formal name: *on file with the Office of the Secretary of State*.

In this manual *Office* refers to the Office of the Secretary of State.

off of

The *of* is unnecessary. *He fell off the bed*. Not: *He fell off of the bed*.

offset

offsite

offtrack

on

Do not use *on* before a date or day of the week when its absence would not lead to confusion: *The hearing will be held Monday. The application is due September 1, 2005.*

Use *on* to avoid any suggestion that a date is the object of a transitive verb: *The House killed on Tuesday a bid to raise taxes. The Senate postponed on Wednesday its consideration of a bill to reduce import duties.*

one-

Hyphenate when used in writing fractions: *one-half, one-fourth*.

See **fractions**.

oneself

one-sided

online

One word in all cases for the computer connection term.

onsite

Onsite is not hyphenated as an adjective or adverb.

oral proceeding

An agency may schedule one or more oral proceedings on a proposed rulemaking. A proceeding notice must be published in the *Register* at least 30 days before the proceeding. The heading is usually noticed in the **Preamble** of the Notice of Proposed Rulemaking, but it can also be submitted as part of a **Notice of Oral Proceeding on Proposed Rulemaking**.

See A.R.S. § 41-1023 and R1-1-209 and R1-1-504.

Oral Proceedings, Public Workshops, or Other Meetings, Notices of

If an agency needs to conduct an oral proceeding, a public workshop, or another type of meeting on a proposed rulemaking, a rulemaking docket opening, or a proposed delegation agreement, it must prepare a Notice of Oral Proceeding, a Notice of Public Workshop, or Notice of Meeting (specify the type of meeting) for publication in the *Register*.

Use the appropriate notice form in the Rulemaking Forms section of this manual.

See R1-1-209 and the **Rulemaking Forms** section of this manual.

ordinals

Spell out ordinals below *10th* except if it would detract from readability (such as in a Table): *The first applicant, third-party liability*.

See **numbers** and **fractions**.

outpatient

outreach

over, more than

Over generally refers to a spatial relationship: *The plane flew over the city. The cow jumped over the moon.*

Over can be used with numbers: *She is over 30. I paid over \$200 for this suit.* But *more than* may be better: *Their salaries went up more than \$20 a week.* The AP Stylebook states, "Let your ear be your guide."

overall

Overall, the Department succeeded. Overall policy.

P

page numbers

If you do not know the page number or publication date for a *Register* citation in the Preamble because the notice you are citing has not yet been published, you may leave it blank. The Office will fill in the appropriate page number.

Example: *Notice of Rulemaking Docket Opening: 8 A.A.R. xxxx, (date)*

palate, palette, pallet

Palate is the roof of the mouth. A *palette* is an artist's paint board. A *pallet* is a bed.

paperwork

paragraph

Use *subsection*, not *paragraph*, when referring to a part of a rule in the Code. However, *paragraph* is acceptable when referring to a part of the *United States Code*, *Code of Federal Regulations*, or *Federal Register*.

parallel, paralleled, paralleling

parallel structure

Arrange items in a list so that parallel ideas have parallel construction.

NONPARALLEL:

Wrong: The duties of the Executive Secretary of the Administrative Committee are:

1. To take minutes of all the meetings, *(phrase)*
2. The Executive Secretary answers all the correspondence, and *(clause)*
3. Writing of monthly reports. *(topic)*

PARALLEL CONSTRUCTION:

Right: The duties of the Executive Secretary of the Administrative Committee are to:

1. Take minutes of all the meetings,
2. Answer all the correspondence, and
3. Write the monthly reports.

Part

A Part is a division of the *Code* between **Article** and **Section**. Parts are designated by capital letters that precede the last numbers of the Section number: *R18-2-B201*. An agency must request and receive approval from the Office before using Part divisions.

Always capitalize *Part* when referring to a division of the *Arizona Administrative Code*.

After you have used a **Chapter** and you repeat or renumber it in its entirety so that no text remains, you may not re-use that Chapter for one year.

See **Title, Chapter, Subchapter, Article, and Section**; and R1-1-101, R1-1-301, R1-1-402, R1-1-406, and R1-1-501.

part time, part-time

Hyphenate when used as a compound modifier: *She works part time. She has a part-time job.*

passthrough

percent

The Office no longer prefers that you spell out *percent* instead of using the symbol %, as long as you are consistent within your rule package.

Percent takes a singular verb when standing alone or when a singular word follows an *of* construction: *The Department said 95 percent is a passing test result. It said 80 percent of the population complies.*

It takes a plural verb when a plural word follows an *of* construction: *The Department said 80 percent of the cars were tested.*

Repeat % with each individual figure: *The Department said 10% to 30% of the vehicles were tested.*

permissible

permissive examples

A.R.S. § 41-1021.01 states: *An agency may include a diagram, example, table, chart or formula in a rule, preamble, economic impact, small business and consumer impact statement or concise explanatory statement to the extent that it assists in making the document understandable by the persons affected by the rule.*

persuade, convince

Strictly speaking, one convinces a person that something is true but persuades a person to do something. *Pointing out that I was overworked, my friends persuaded [not convinced] me to take a vacation. Now that I'm relaxing on the beach with my book, I am convinced [not persuaded] that they were right.* Following this rule, *convince* should not be used with an infinitive.

phenomenon, phenomena**plurals**

Do not make a noun or a verb plural by adding the plural form in parentheses. Use either the singular form or the plural form. The Office will edit your rules to delete the parentheses if you use them.

Wrong: paragraph(s), ability(ies), or run(s)

Right: paragraph, ability, or run

Right: paragraphs, abilities, or runs

Right: paragraph or paragraphs, ability or abilities, run or runs

See **singular form**.

p.m., a.m.

See **time**.

policyholder**policymaking****positive writing**

- Negative sentences can be difficult to understand.

Wrong: No application shall be accepted unless it is signed by the owner.

Wrong: The application shall not be signed by a person who is not the owner.

Right: The owner shall sign the application.

- A negative statement can be clear. Use it if you are cautioning the reader: *No smoking.*
- Avoid several negatives in one sentence.

Wrong: A license may not be issued if all application requirements are not met.

Right: A license shall be issued only if the applicant meets all requirements.

possessives

- Avoid using *of* phrases (*grades of students*) when an apostrophe and *s* construction is possible:

driver's license, drivers' licenses, contractor's license, parent's responsibility.

- Certain phrases indicating the passage of time are possessives: *a day's pay, two years' experience.*

postaudit**postclosure****postgraduate****postsecondary****powerhouse****praiseworthy****Preamble**

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 depending on the rulemaking procedure used and the stage of the rulemaking.

See A.R.S. § 41-1001 and the **Rulemaking Forms** section of this manual.

preaudit**preconstruction****preempt****preexist****present tense**

A rule of continuing effect speaks of the time it is applied, not of the time it is drafted or when it becomes effective.

Wrong: The fine for employing an unlicensed person shall be \$100.

Right: The fine for employing an unlicensed person is \$100.

Wrong: When it has been determined by the Director that the application that was submitted by the applicant is complete . . .

Right: When the Director determines that the person's application is complete . . .

Price List

When *Code* supplements are published, the Office publishes a new price list that shows all Chapters in numerical order, the last supplement in which the Chapter appeared, and the price for each Chapter. Price Lists are available free from the Office.

See **commercial use of public records** and R1-1-302.

Fast Fact

Perhaps the **longest uninterrupted sentence** in the Code is in R19-1-205 with **206 words**.

principal, principle

Principal means main or chief, or the sum of money on which interest accrues. *Principle* means moral standard or belief.

printout

Proposed Delegation Agreement, Notice of

Some agencies have been given legislative authority to delegate functions, powers, or duties to political subdivisions within Arizona. When an agency proposes a delegation agreement, the agency must submit to the Office for *Register* publication a Notice of Proposed Delegation Agreement.

Use the Notice of Proposed Delegation form in the Rulemaking Forms section of this manual and follow the procedures specified in A.R.S. § 41-1081.

See the **Rulemaking Forms** section of this manual and R1-1-208.

proposed rulemaking

For rulemaking that is not exempt from the APA, an agency must file a Notice of Proposed Rulemaking with the Office for publication in the *Register*. The notice includes the **Preamble** and the text of the rule. The **public comment period** begins on the day the proposed rulemaking is published in the *Register*.

See A.R.S. § 41-1022 and R1-1-502.

Proposed Rulemaking, Notice of

See R1-1-502 and the **Rulemaking Forms** section of this manual.

- The Notice shall contain the heading NOTICE OF PROPOSED RULEMAKING all in capital letters and centered on a line approximately one inch from the top of the page. Below this heading shall be the word TITLE, the Title number, and the Title heading, all in capital letters and centered on the line. Below the Title shall be the word CHAPTER, the Chapter number, and the Chapter heading, all in capital letters and centered on the line.

Under the Chapter, or the Subchapter if applicable, place the word PREAMBLE all in capital letters and centered on the line.

1. Item #1 has two columns. The first column is headed **Sections Affected**. The second column is headed **Rulemaking Action**.
 - a. In the first column, list all Sections on which you are taking rulemaking action in numerical order. If one or more Articles or Parts are involved in the rulemaking because their labels or headings are being added, repealed, amended, or renumbered, list the Articles and Parts in the Sec-

tions Affected column in the proper location. List each Article undergoing rulemaking above the Sections in that Article undergoing rulemaking, if any. The same thing applies to Parts.

If you are also adding, amending, repealing, or renumbering any Appendix, Exhibit, Illustration, or Table that appears at the end of a Section, an Article, a Part, or the Chapter as a whole, list it in the Sections Affected column.

If you are repealing a Section and making a new Section in its place or renumbering a Section to another Section number and replacing the first one with text, the Section number will appear twice. You could list a Section three times depending on the action you are taking. For example, a Section could be repealed, another Section could be renumbered to where the first one was, and then you could amend the renumbered Section. Because only one rulemaking action can appear per line in the second column, a Section number may appear one, two, or three times, depending on what you are doing to the Section.

Note: Previously repealed, reserved, or renumbered Sections where no text currently appears cannot be amended. (You cannot amend what does not exist.) A previously repealed Section cannot be repealed again unless you have subsequently made new text at that Section number.

You cannot renumber a Section where no text currently exists.

- b. In the second column, list the rule-making action you are taking on each Section. The proper terms and listing order for each type of action are as follows:

Repeal: used when you are deleting the entire text of a Section *and* its heading.

Renumber: used when you are changing the Section number.

New Section: used when you are making completely new text at a Section number. This includes new text after a Section has been repealed or renumbered and new text in a previously nonexistent Section.

Amend: used when you are chang-

- ing existing text within a Section but not changing the entire text.
2. This item asks for the specific statutory authority for the rulemaking, including both the implementing and the authorizing statutes. List the authorizing statute or statutes first and, on the next line (one double-space below) the statutes the rules are implementing.
 3. In this item, list all previous notices appearing in the *Register* addressing the proposed rule.
 4. List in this item the name and address of a specific person in your agency whom the public can call with questions or comments about the rulemaking.
 5. In this item, explain your agency's reasons for initiating the rule.
 6. Provide in this item a reference to any study your agency proposes to rely on or not rely on in its evaluation of or justification for the proposed rule and information for the public on how to access the study.
 7. In this item, show good cause why this rulemaking is necessary to promote a statewide interest if the rule or rules will diminish a previous grant of authority of a political subdivision of this state.
 8. In this item, give a preliminary summary of the economic, small business, and consumer impact statement. Your full statement will be submitted to G.R.R.C. later in the rulemaking process.
 9. In this item, give the name and address of a specific person or persons in your agency whom the public can call with questions or comments concerning the accuracy of the economic, small business, and consumer impact statement.
 10. In this item, list the time, place, and nature of the proceedings for this rulemaking. If you do not schedule a proceeding, you must list where, when, and how persons may request an oral proceeding on the proposed rule. Many agencies schedule at least one oral proceeding.
 11. In this item, list any other matters prescribed by statute that are applicable to your agency or to the specific set of rules.
 12. In this item, list the material you have incorporated by reference in this rulemaking and the Sections in which those incorporations by reference appear.
 13. The full text of the rules, which actually begins with a table of contents for the rulemaking, starts on the page *following*

item #13.

- a. In the table of contents, show the Title, its number, and its heading on the first line approximately one inch from the top of the page. Under the Title, show the Chapter, its number, and its heading. Under the Chapter, show the Subchapter, its label, and its heading, if applicable, or the first Article contained in this rulemaking, its number, and its heading. Under the Article shall be the first Part in the Article involved in the rulemaking, its label, and its heading, if applicable. These shall all be centered on their respective lines, capitalized. Under the first Article or the first Part of the first Article, shall be the word "Section" under which is the first Section involved in the rulemaking. List all Sections in numerical order under their respective Parts or Articles. *Do not list any Section, Part, or Article not involved in this particular rulemaking, unless you are amending the heading or renumbering the item.*
- b. The full text of the Sections shall begin on the *next page* following the last item in the table of contents. At the top of this page list the first Article and its heading. Then all the Articles, Parts, and Sections involved in this particular rulemaking shall be listed in order. The Articles, and Parts if applicable, must be shown if one Section within the Article or Part is undergoing rulemaking activity.
- c. Show new language by underlining the text. Show language being deleted from the rule with strike-outs.
- d. If you are renumbering entire Sections, show the entire old number with strike-outs and the entire new number with underlining.

Place renumbered Sections in the text at their new number locations.

If the only action being taken on a Section is renumbering of the entire Section and no changes are being made to the text of the Section, show the renumbering and the Section heading. Then list "No change" for *each* subsection in that Section.

See R1-1-502 and the **Rulemaking Forms** section of this manual.

publication deadline

The publication schedule for materials submitted to the Office is published in each *Register*. Generally, all materials submitted during a given week will be published in the *Register* three weeks from that week's Friday. However, the Office may take longer to publish larger rule packages or other materials that require more time to process.

If an agency schedules a proceeding for proposed rules, it must take place at least 30 days after the publication date of the proposed rules in the *Register*.

If an agency erroneously submits a proposed rule, it must submit a **Notice of Termination of Rulemaking**.

See R1-1-201.

publication requirements

All rulemaking packages submitted for publication shall meet the requirements in 1 A.A.C. 1. The Office accepts text that is double-spaced and text that has line spacing of **space and a half**. Spacing for the **EIS** is at the agency's discretion.

See 1 A.A.C. 1.

public comment period

After a proposed rulemaking is published in the *Register*, a public comment period begins. During the period, an agency must take oral and written comment from the public for at least 30 days before holding an oral proceeding or hearing or submitting the rules to G.R.R.C. or to the Attorney General.

See A.R.S. § 41-1023 and R1-1-503.

public hearing

See **oral proceeding**.

public inspection of documents

All documents filed with the Office are available for public inspection during business hours. Copies of documents are available for a charge of 10¢ per page. The Office will not photocopy any copyrighted material incorporated by reference.

See R1-1-112 and R1-1-414.

public participation in the rulemaking process

The public is encouraged to participate in the rulemaking process by which administrative rules are made, amended, or repealed. The following are some of the ways in which to participate:

- By inspecting a copy of the Notice of Proposed Rulemaking filed with the Secretary of State. (See A.R.S. § 41-1022.)

- By making oral comments, if an oral proceeding is held, or written comments to the agency proposing the rule. In order for the agency to consider comments, the agency must receive them by the close of record. Comments must reach the agency within the 30-day (or longer) comment period following *Register* publication of the Notice of Proposed Rulemaking. Send your comments to the agency representative whose name and address are printed in the Notice of Proposed Rulemaking. (See A.R.S. § 41-1022.)

- By requesting, in writing, an oral proceeding on a proposed rule within 30 days after the Notice of Proposed Rulemaking has been published in the *Register* if the agency has not scheduled a proceeding. (See A.R.S. § 41-1023.)

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

- By petitioning an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033.)

public record

"Public record . . . means the rulemaking documents as filed by state agencies with the Secretary of State, the rules as published by the Secretary of State in either the *Code* or the *Register*, or the rules as generated in any electronic format by the Secretary of State." (R1-1-101)

pursuant to

Avoid using *pursuant to*. Use *according to*, *under*, *following*, or *by*.

Q

questionnaire

quotation marks

As the *Associated Press Stylebook* states, follow these long-established printers' rules:

- The period and the comma always go within the quotation marks.
- The dash, the semicolon, the question mark, and the exclamation point go within the quotation marks when they apply to the quoted matter only. They go outside when they apply to the whole sentence.

R

rainwater

ratemaking

retroactive

Receipt

See **Agency Receipt**.

recodification

If an agency is changing the codification of part or all of a division of the *Code* from one Chapter to a different Chapter, the change is called a *recodification*. An agency shall file with the Office a **Notice of Recodification** for publication in the *Register*. The Office will publish the codification changes in the next available supplement of the *Code*. Only entire Sections (or other divisions) may be renumbered in this manner.

See R1-1-404 and R1-1-1001.

Recodification, Notice of

A Notice of Recodification shall contain information on the recodification of entire Chapters, Subchapters, Articles, Parts, or Sections from one Chapter to a different Chapter. The Notice shall contain no other rulemaking action. An agency Receipt and Agency Certificate shall accompany the Notice.

The following items shall be listed in the Notice:

1. A list of Chapters, Subchapters, Articles, Parts, and Sections being recodified along with their respective headings.
2. A list of Chapters, Subchapters, Articles, Parts, and Sections as recodified along with their respective headings.
3. A conversion table between the old numbering scheme and the new numbering scheme. (This table shall contain two columns listing the Old Numbering Scheme and the New Numbering Scheme.)
4. The name and address of agency personnel with whom persons may communicate regarding the recodification.

See **recodification**, R1-1-404, R1-1-1001, and the **Rulemaking Forms** section of this manual.

recordkeeping

Recordkeeping is not hyphenated, either as a noun or adjective.

recur, recurred, recurring

Register (A.A.R.)

The *Arizona Administrative Register* (A.A.R.) is the official state publication and contains the rulemaking activity of the state's agencies, including proposed, final, emergency, expedited, and exempt rules. The Secretary of State's Office prints the *Register* weekly.

The full text of rulemakings initiated under the APA as effective January 1, 1995 is published in the *Register*. In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions. Other documents may be included if the documents are concerned with rulemaking or if statute requires their publication in the *Register*.

The *Register* is cited by volume, page number, and issue date. For example: 8 A.A.R. 4834, November 22, 2002 refers to Volume 8, page 4834, dated November 22, 2002. Pagination of the *Register* is consecutive throughout each volume year. An index to rulemaking activity is published in each issue and is cumulated every six months in a separately published index. The Office also publishes biennially an index to the Governor's documents, the Attorney General's summaries of opinions, and the Governor's appointments to boards and commissions.

The Secretary of State began publishing the *Arizona Administrative Digest* in 1976. The *Digest* was a monthly publication containing "notice only" notices of rulemaking activity in the state. In January 1987, the title was changed to the *Arizona Administrative Register*. The *Register* was modified to a full-text, weekly format in January 1995 after significant changes were made to the APA.

See A.R.S. §§ 41-1011 and 41-1013 and R1-1-202.

regulation

Headings for any division of the Code shall not contain the words "Rule" or "Regulation."

See R1-1-402.

relabeling

See **editing and relabeling**.

Renumber

Renumber is one of the four rulemaking actions listed in the column for rulemaking action in the **Agency Receipt**, **Agency Certificate**, and item #1 of the **Preamble**. It is used to change the number for an entire, existing Section or Article (but not the labels of subsections within a Section).

Fast Fact

Total pages in the *Register*

2002:	5268
2001:	6025
2000:	4861
1999:	4735
1998:	4379

The heading for a repealed Section is **Repealed**, not **Reserved**. A repealed Section has a **Historical Note** because text has existed at that Section number. A reserved Section does not have a Historical Note because no text has ever existed at that Section number.

Note: If all of the text of a Section is stricken but the heading remains unchanged (or mostly unchanged), the rulemaking action is **Amend**, not **Repeal**.

See R1-1-101, R1-1-404 and R1-1-502 and Section 3 of this manual.

renumbering Sections

For samples of complicated renumbering in rules, see Section 3 of this manual.

You do not have to renumber Sections when you are repealing Sections. The Office prefers that you not renumber unless there is a specific reason for doing so. (Renumbering usually makes your rules harder to “figure out” when the Office must reconstruct them as they were in effect on a particular date.) However, if you must renumber, follow the procedures listed below.

The rulemaking action intended by an agency must be accurate in the Preamble, table of contents, and body of the rules. It matters because the rulemaking action is reflected in the Historical Note and the index of the *Register*. The types of rulemaking action listed in the Preamble are the following: **Repeal, Renumber, Amend, and New Section** (or Article).

The maximum number of actions on a Section is three, taken as applicable in this order: Repeal, Renumber, Amend, New Section.

Single Rulemaking Action

For a **single** rulemaking action, follow these guidelines:

Repeal -- If all of the text of a Section and all of the Section heading is stricken, it is a simple repeal. The Section number is not stricken, and the word **Repealed** (underlined) is placed after the stricken heading. The Preamble uses the word *Repeal*.

Renumber -- If a Section is renumbered to another Section number, and no text is going in the old place, it is a simple renumber. The Section number is not stricken, and the word **Renumbered** (underlined) is placed after the stricken heading. The Preamble uses the word *Renumber*.

Amend -- If the only rulemaking action on a Section is amend, it is a simple amend. Note, however, that if all of the text of a Section is stricken but the heading remains unchanged (or partly unchanged), the rulemaking action is Amend, not Repeal.

New Section -- If the text of a Section is brand new (it hasn’t existed somewhere else before), it is

a simple New Section. If the Section number is not currently in the Code, underline the number in the table of contents and the body of the rules. If the Section number currently exists in the Code, with the word *Repealed, Renumbered, or Expired* next to it, do not underline the number, and strike the word *Repealed, Renumbered, or Expired*.

Double Rulemaking Action

For a **double** rulemaking action, follow these guidelines:

Repeal - Renumber -- In this case, Section 101 is repealed and Section 102 is renumbered into the place of Section 101, with no amendments. Here’s how item #1 of the Preamble and the table of contents should appear:

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R1-1-101	Repeal
R1-1-101	Renumber
R1-1-102	Renumber

Section
~~R1-1-101.~~ Definitions
~~R1-1-102.~~~~R1-1-101.~~ Certificates
R1-1-102. Renumbered

Repeal - New Section -- In this case, Section 101 is repealed and a brand new Section is put into the place of Section 101.

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R1-1-101	Repeal
R1-1-101	New Section

Section
R1-1-101. ~~Definitions~~ Certificates

Renumber - Amend -- In this case, Section 101 is renumbered, and Section 102 is renumbered into the place of old Section 101 and amended. Therefore, the rulemaking action Renumber applies to what’s happening to the Section leaving *and* to what’s happening to the Section coming in.

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R1-1-101	Renumber (<i>moving to R1-1-130, and receiving R1-1-102</i>)
R1-1-101	Amend
R1-1-102	Renumber (<i>moving to R1-1-101</i>)
R1-1-130	Renumber (<i>coming from R1-1-101</i>)

Section
~~R1-1-102.~~~~R1-1-101.~~ Certificates
R1-1-102. Renumbered
~~R1-1-101.~~~~R1-1-130.~~ Definitions

Triple Rulemaking Action

For a **triple** rulemaking action, follow these guidelines:

Repeal - Renumber - Amend -- In the previous example, R1-1-101 only had two rulemaking actions listed in the Preamble, but in effect three actions took place. A repeal-renumber-amend is the only occasion in which all three rulemaking actions appear in the Preamble. In this case, Section 101 is repealed, and Section 102 is renumbered into the place of Section 101 and amended.

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R1-1-101	Repeal
R1-1-101	Renumber (<i>coming from R1-1-102</i>)
R1-1-101	Amend
R1-1-102	Renumber (<i>going to R1-1-101</i>)

Section

~~R1-1-101. Definitions~~

~~R1-1-102. R1-1-101. Certificates and Licenses~~

R1-1-102. Renumbered

- The table of contents for the rulemaking shall show the Section numbers in their new order. Disregard the old numbers (which are shown with strike-outs) and only consider the new numbers to place the Sections in numerical order.
- Show the rules in the text in numerical order as renumbered. The Sections in the text must appear in the same new order as they are shown in the table of contents for the rulemaking.
- If you renumber some rules but make no other changes to the rules, you may do either of the following:
 1. Prepare a Notice of Recodification as specified in R1-1-1001, or
 2. Go through the regular rulemaking process to make the numbering changes.
- You may only renumber full Sections. If you want to split Sections into two or more Sections, combine two or more Sections into one Section, or take portions of one Section and move them to one or more other Sections, you must go through the regular rulemaking process to make these changes.

See R1-1-404.

Repeal

Repeal is one of the four rulemaking actions listed in the column for rulemaking action in the **Agency Receipt, Agency Certificate**, and item #1 of the **Preamble**. It is used for an existing Section.

The heading for a repealed Section is **Repealed**, not **Reserved**. A repealed Section has a **Historical Note** because text has existed at that Section number. A reserved Section does not have

a **Historical Note** because no text has ever existed at that Section number.

Note: If all of the text of a Section is stricken but the heading remains unchanged (or mostly unchanged), the rulemaking action is **Amend**, not **Repeal**.

See R1-1-502.

repealing supplementary material

You have two options when repealing **supplementary material**. First, you may, if possible, strike through all text in the material as you would normal text in a Section. Second, you may use a single slash mark (/) drawn from the lower left to the upper right sufficiently to cover all of the material.

See R1-1-412.

rescission

Reserved

When the Sections in an Article are not consecutive, the Office will list the “missing” Section numbers with the heading *Reserved*.

The heading for a repealed Section is **Repealed**, not **Reserved**. A reserved Section does not have a **Historical Note** because no text has ever existed at that Section number.

restroom

re-using a Chapter

After you have used a Chapter and you repeal or renumber the Chapter in its entirety so that no text remains, you must wait at least one year before re-using that Chapter.

If you use a Section number and either repeal or renumber the Section in its entirety, you may re-use the Section number immediately.

See R1-1-406.

rule

Always write *rule* in lowercase. If the text of a rule refers to itself, use **Section** (always uppercase), not *rule*: *An applicant shall meet all requirements of this Section*. Headings for any division of the Code shall not contain the words “Rule” or “Regulation.”

A.R.S. § 41-1001(17) states: “*Rule*” means an agency statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of an agency. Rule includes prescribing fees or the amendment or repeal of a prior rule but does not include intraagency memoranda that are not delegation agreements.

See **headings** and R1-1-402.

rulemaking

Rulemaking is not hyphenated, either as a noun or adjective in the *Register* and *Code*. Arizona Revised Statutes prefers *rule making*.

rulemaking action

There is a column for rulemaking action in the **Agency Receipt**, **Agency Certificate**, and item #1 of the **Preamble**. The types of rulemaking action listed are the following: **Repeal**, **Renumber**, **Amend**, **New Section** (or **Article**).

See R1-1-502.

rule package, rulemaking package

Rule package is the term the Office uses to refer to the material filed with the Office as part of a rulemaking action. In the circumstances under A.R.S. § 41-1024, a rule package must contain the **Preamble**, the text of the rule, and the **EIS**. (The Office also requires **Agency Receipts** and **Agency Certificates**.)

runoff

S

saltwater

scientific names

Place statutory quotations, book titles, and scientific names in italics.

seasons

Lowercase *spring*, *summer*, *fall*, *winter*, and derivatives such as *springtime* unless part of a formal name: *Tucson's Spring Fling*.

second-hand (adj.)

Section

A Section is a complete, individual rule in the *Code*. Always capitalize Section when referring to part of the *Code*.

See **subsection**, **Title**, **Chapter**, **Subchapter**, **Article**, and **Part**; and R1-1-101, R1-1-301, R1-1-402, and R1-1-501.

Sections Affected

There is a column for Sections Affected in the **Agency Receipt**, **Agency Certificate**, and item #1 of the **Preamble**. List only the Sections and **supplementary material** contained in the rule package.

See R1-1-502.

Section numbers

A Section number is not complete unless all parts of the Section number appear.

Wrong: R12-1-101, -102, -103, and -104

Right: R12-1-101, R12-1-102, R12-1-103, and R12-1-104

or

R12-1-101 through R12-1-104

Sections between existing Sections

An agency must request permission from the Office before inserting a new Section between two existing, consecutively numbered Sections. The new Section uses the number of the preceding Section followed by a decimal point and a two-digit number. See R1-1-405.

Example:

- R18-2-306. Permit Contents
- R18-2-306.01. Permits with Standards
- R18-2-306.02. Establishment of an Emissions Cap
- R18-2-307. Permit Review by the EPA

securityholders

semiannual

Semiannual Index

The Semiannual Index is published biannually. It contains an index to all rulemaking activity during the last six months and an index to the Governor's documents, the Attorney General's summaries of opinions, and the Governor's appointments to boards and commissions.

See A.R.S. § 41-1013(A).

semiautomatic

semifinal

semimonthly

semi-colons

- Use a semi-colon when two independent clauses are related and emphasis is placed equally on both clauses.
- Use a semi-colon at the end of each subsection that completes the thought of the next previous level of subsection if none of the items in the list is a complete sentence and if one of the items in the list contains a comma.
- If no item in the list contains a comma, use commas at the end of each item.

See **commas** and **lists**.

serviceable

set up (v.), setup (n., adj.)

sewage, sewerage

Sewage is waste matter. *Sewerage* is the draining system.

shall, must, may

In Arizona, both in statutes and in rules, *shall* is the proper term to use, not *must*. *May* is permissive and confers a right, privilege, or power. When using *may*, give the standards under which the dis-

Fast Fact
Of 592 packages filed in 2002:

Title 9: 20% of total
DEQ: 18% of total
Title 4: 15% of total
ADOT: 12% of total

Fast Fact
Of 641 packages filed in 2001:

Title 9: 18% of total
ADOT: 15% of total
Title 4: 13% of total
DEQ: 8% of total

cretion will be used: *The Director may approve an incomplete application after assessing the following factors:*

- Use *shall* instead of *may* when you require specific action. *Shall* is used to impose a mandatory duty, direction, or command. (*The Director shall approve each completed application.*)
- Use *shall not* to indicate an obligation not to act or a prohibition against acting. (*The Director shall not delegate the duty described in this subsection.*)

- Avoid using *shall* to confer a right.

Wrong: The applicant shall receive compensation.

Right: The applicant is eligible to receive compensation.

Wrong: Committee members shall serve for two years.

Right: The term of office of committee members is two years.

- Avoid the negative subject with the affirmation *shall*.

Wrong: No person shall . . .

Right: A person shall not . . .

See **active voice**.

shut down (v.), shutdown (n.)

shut-in

shut off (v.), shut-off (n., adj.)

singular form

- In the absence of specific language to the contrary, the singular implies the plural. A rule should be written using the singular form.

Avoid: Applicants may . . .

Use: An applicant may . . .

Wrong: The guard shall issue security badges to the examinees who shall be tested in Building D and Building E.

Right: The guard shall issue a security badge to each examinee who shall be tested in Building D and each examinee who shall be tested in Building E.

or

The guard shall issue a security badge to each examinee who shall be tested in both Building D and Building E.

See **plurals**.

sizable

soundproof

space and a half

All rulemaking packages submitted for publication shall meet the requirements in 1 A.A.C. 1.

The Office accepts text that has line spacing of “space and a half,” and text that is **double-spaced**. Spacing for the **EIS** is at the agency’s discretion.

See R1-1-103(B).

spacing

Never use two spaces after a colon, period, or state abbreviation. It is an obsolete printing style. However, the headings for **supplementary material** listed in the table of contents should be indented two spaces from the left.

spelling

The Office corrects misspelled words. Remember that spelling checkers are not accurate for Latin names, many scientific terms, and other words.

See **Latin words**.

springwater

standby

staples

Do not staple the *original* elements of a filing. This means the receipts, the original Agency Certificate, and the original rule package. The *copies* of these elements may be stapled.

The Office scans the original documents for permanent digital storage, so it’s preferable not to have to remove staples.

See **number of copies**.

state

Lowercase in all *state of* constructions: *the state of Arizona, licensees in this state*. Capitalize when it is part of an agency title: *State Board of Education*.

statewide

stationary, stationery

To stand still is to be *stationary*. Writing paper is *stationery*.

statutory quotations

Place statutory quotations, book titles, scientific names, and the names of court cases in italics. If the statutory language contains subsection labeling, retain the labeling.

stockholder

striking in rules

In general, place stricken text before underlined text. When striking a subsection label, **strike the period as well**:

~~A.~~ (Text here)

~~B.A.~~ (Text here)

~~C.B.~~ (Text here)

See **amending words, phrases, and blocks of text**.

striking (repealing) supplementary

material

You have two options when repealing **supplementary material**. First, you may, if possible, strike through all text in the material as you would normal text in a Section. Second, you may use a single slash mark (/) drawn from the lower left to the upper right sufficiently to cover all of the material.

See R1-1-412.

Subchapter

A Subchapter is a division of the *Code* between **Chapter** and **Article**. A Subchapter is designated by a capital letter after the Chapter number before the hyphen: *R15-2A-201*. An agency must request and receive approval from the Office before using a Subchapter division.

Always capitalize *Subchapter* when referring to a division of the *Code*.

After you have used a **Chapter** and you repeal or renumber it in its entirety so that no text remains, you may not re-use that specific Chapter for one year.

See **Title, Chapter, Article, Part, and Section**; R1-1-101, R1-1-301, R1-1-402, and R1-1-501; and **re-using Chapter, Subchapter, Article, Part, or Section numbers**.

subcommittee

subcontract

submission requirements

When submitting material to the Office, provide an original and two copies of the material and a **disk**. The disk should not contain the **Agency Receipt** or **Agency Certificate**.

All pages of the original document and all copies shall be printed on only one side. Each page shall have margins of one inch on each edge of the page.

When filing a rulemaking package with the Office, place only one Chapter on a single Notice. The Office prefers that agencies do not file more than one Notice per Chapter per week for each type of rulemaking activity.

subsection

A subsection is a division of a Section of the *Code*. Lowercase *subsection* when referring to a part of a rule in the *Code*. Do not use **paragraph** to refer to a subsection of the *Code*.

subsection levels

The Office prefers that rules do not contain levels of subsection below the fourth level. If an agency submits a proposed rule with more than four levels of subsection, the Office may ask the agency to split the rules into additional Sections to avoid exceeding four levels of subsection.

See **labeling subsections**.

substantial change

A.R.S. § 41-1025 states that an agency shall not make a rule that is “substantially different” from the proposed rule published in the Notice of Proposed Rulemaking or Supplemental Notice of Proposed Rulemaking, and G.R.R.C. shall not approve a final rule that contains a “substantial change” from the proposed rule.

In determining whether there is a substantial change, three factors must be considered: 1) the extent to which all persons affected by the final rule should have understood that the published proposed rule would affect their interests; 2) the extent to which the subject matter of the final rule or the issues determined by it are different from the subject matter or issues involved in the proposed rule; and 3) the extent to which the effects of the final rule differ from those of the proposed rule.

See A.R.S. §§ 41-1022 and 41-1025.

substantive error

A substantive error is a mistake in the text of the *Register* or *Code* significant enough that correcting it would change the meaning of the text. The Office consults with the Attorney General’s office when clarification about an error is required.

See **correction of errors**, R1-1-109 and R1-1-507.

Substantive Policy Statement

A.R.S. § 41-1001 states: “*Substantive policy statement*” means a written expression which informs the general public of an agency’s current approach to, or opinion of, the requirements of the federal or state constitution, federal or state statute, administrative rule or regulation, or final judgment of a court of competent jurisdiction, including, where appropriate, the agency’s current practice, procedure or method of action based upon that approach or opinion. A substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents which only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties, confidential information or rules made in accordance with this chapter.

- The APA requires the Office to publish summaries of substantive policy statements and guidance document publications in the *Register*. A.R.S. § 41-1013(B)(14).
- A.R.S. § 41-1091 requires an agency to submit summaries of substantive policy statements to the Office for publication. An agency must also publish a directory summarizing its rules and policy statements. Although the APA does not penalize an agency for failing to do so, the agency should make a good faith effort to abide by these

requirements and notify the public of these documents.

- You do not need to file a copy of the actual policy statement with the Office, only the Notice.

See the **Rulemaking Forms** section of this manual.

Substantive Policy Statement, Notice of

Use the Notice of Substantive Policy Statement form in the Rulemaking Forms section of this manual. The Office does not need a copy of your actual policy statement.

See R1-1-210 and the **Rulemaking Forms** section of this manual.

supersede

supplemental proposed rulemaking

A.R.S. § 41-1025 states that an agency shall not make a rule that is “substantially different” from the proposed rule published in the Notice of Proposed Rulemaking or Supplemental Notice of Proposed Rulemaking, and G.R.R.C. shall not approve a final rule that contains a “substantial change” from the proposed rule.

If there is a **substantial change** made to a rule after it is proposed, an agency has three options:

1. Do nothing. The docket for the rulemaking will expire one year after the proposed is published if the agency does not submit the final rule to G.R.R.C.

2. File a **Notice of Termination of Rulemaking**. The agency then has the option of starting the rulemaking over with a new docket and a new proposed.

3. File a **Notice of Supplemental Proposed Rulemaking** and provide for additional public comment under A.R.S. § 41-1023.

Sections included: In the past, the Office advised rulewriters to include only the Sections undergoing change *after* the publication of the proposed rule (or supplemental). The Office now advises that the supplemental include every Section undergoing change. Rather than being considered an addendum to the proposed, the supplemental should be considered a “do-over” – as if you were resubmitting the original proposed, but now with new changes.

Changes to the text: In the past, the Office advised rulewriters to show *all changes*, interpreted to mean the changes (striking and underlining) from the proposed rule and the “new” changes that required the supplemental notice – but only for Sections undergoing change in the supplemental. These two sets of changes were seen to exist essentially as two separate layers. Some text, therefore, might have had both underlining and striking if multiple changes were made to the same words.

The Office now advises that the supplemental simply appear as if it were the original proposed rule package. Include all desired changes from the original Code text (the base text from which all

proposed rulemakings start) as if the supplemental were your first version of the proposed rule.

Rulemaking timetable: A.R.S. § 41-1021 states that a rulemaking docket expires one year after publication of the proposed rulemaking if the agency does not submit a final rule to G.R.R.C. within that time. The start date of that one-year period is reset upon publication of a supplemental rulemaking.

For more information on supplementals, see the **Guide for Notices of Supplemental Proposed Rulemaking** in Section 3 of this manual.

See A.R.S. §§ 41-1022, 41-1023, and 41-1025, R1-1-507, and the **Rulemaking Forms** section of this manual.

Supplemental Proposed Rulemaking, Notice of

See the entry for **supplemental proposed rulemaking** above.

Be sure to include the citation to the original proposed rules and any supplemental notices.

See A.R.S. §§ 41-1022, 41-1023, and 41-1025, R1-1-507, and the **Rulemaking Forms** section of this manual.

supplementary material

CAMERA-READY MATERIAL: If it is necessary to include a table, an illustration, a diagram, or other material that appears in a form other than prose, submit a camera-ready copy of the item with the final rules. **Camera-ready material** is supplementary material that meets the requirements of R1-1-412(D). It must be clear and legible, in solid black ink on one side of an 8 1/2” by 11” sheet of paper with a one-inch margin on all edges of the page.

SUPPLEMENTARY MATERIAL: Supplementary material that has a heading and a Historical Note should be listed in the Chapter’s table of contents. If the material is supplementary to a particular Section, it shall appear immediately after the Section and be included in the Chapter’s table of contents slightly indented under the Section to which it belongs. If the material is supplementary to the entire Article, place it at the end of the Article and list it in the table of contents slightly indented under the last Section. Use one of the following four terms for supplementary material:

- **Appendix:** Use with material in prose form.
- **Exhibit:** Use for forms. Note that forms described in statutes or in expository form in the rules need not be filed with or contained in your rules as a form.
- **Illustration:** Use for pictures, maps, drawings, etc.
- **Table:** Use for material in tabular format.

REPEALING SUPPLEMENTARY MATERIAL: You have two options when repealing supplementary material. First, you may, if possible, strike through all text in the material. Second, you may use a single slash mark (/) drawn from the lower left to the upper right sufficiently to cover all of the material.

See R1-1-412.

suspensive hyphenation

The form: *The 5- and 6-year-olds attend morning classes.*

symbols

Contact the Office when using special symbols, fonts, or formats in the text of a rule.

Some signs and symbols disappear from the electronic file when the Office formats rule packages from agency disks, especially certain symbols inserted by **autoformatting** in word processing programs. Turn off autoformatting when drafting your rules.

See R1-1-408(N).

T

Table

A Table is **supplementary material** containing tabular information. Create a Table using a spreadsheet program or the table function in your word processing program.

List a Table in the **table of contents** for the Chapter in the same format that a Section is listed, but indent it two spaces from the left. Number a Table with either a capital letter or Arabic number using a consistent identification scheme, and refer to a Table within the text of one or more Sections.

A Table does not have to be placed at the end of an Article. If a Table appears *within* the text of a Section, as opposed to being separate from the Section, it does not appear in the table of contents and does not have its own **Historical Note**. To reference such an Table, use the appropriate subsection label.

Keep the rows in Tables connected to each other.

See R1-1-101 and R1-1-412.

table of contents

The table of contents in a rulemaking package is the list of Articles and Sections that follows the Preamble and precedes the full text of the Articles and Sections. The table of contents must start on the page following the last item of the Preamble.

The table of contents in a Code Chapter is the list of Articles and Sections at the beginning of the Chapter that precedes the full text of the Articles and Sections.

telephone numbers

The form: (602) 542-4751. If there is an extension, (602) 542-4751, ext. 24 (abbreviated and lowercase *ext.*). The parentheses around the area code are based on a format that telephone companies have agreed upon for domestic and international communications.

temperature

See **Celsius** and **Fahrenheit**.

termination

If an agency terminates a rulemaking after the proposed rule has been submitted to the Office for filing and publication and before the final rule has been submitted, the agency shall submit to the Office a **Notice of Termination of Rulemaking**. No rule may be terminated after the agency has submitted the final rule to the Office.

See A.R.S. § 41-1021 and R1-1-506.

Termination of Rulemaking, Notice of

The Notice shall contain the following:

- The *Register* citation and the date of the Notice of Proposed Rulemaking.
- The Section numbers and their appropriate Articles or Parts or both in numerical and, in the case of Parts, in alphabetical order in one column and the original rulemaking action in the second column. Be sure that you list the *original* rulemaking action; the term “Termination” is not allowed for this rulemaking action because it is not the original rulemaking action.
- The original and each of the two copies of this Notice of Termination of Rulemaking shall be attached to a copy of the Notice of Proposed Rulemaking.

Both the original Notice of Proposed Rulemaking and the Notice of Termination of Rulemaking remain on file in the Office.

The Office publishes a list of terminated rules in the *Register*, but not the text of the terminated rules.

See A.R.S. § 41-1021, R1-1-506, and the **Rulemaking Forms** section of this manual.

that (conjunction)

Use the conjunction *that* to introduce a dependent clause if the sentence sounds or looks awkward without it. *That* is often unnecessary, but in general:

- *That* should be used when a time element intervenes between the verb and the dependent clause: *The president said Monday that he had signed the bill.*

- *That* usually is necessary after some verbs. They include: *advocate, assert, contend, declare, estimate, make clear, point out, propose, and state.*

- *That* is required before subordinate clauses beginning with conjunctions such as *after, although, because, before, in addition to, until, and while*: *The Department said that after the applicant passes the test, the Department shall process the application.*

that, which

- Use *who* and *whom* for references to people. Use *that* and *which* for inanimate objects and animals: *This is the owner who drove the car that was not registered.*

- *That* sets off a restrictive or essential clause and is used without commas: *The Nile is the river that gives Egypt life.* (restrictive)

- *Which* sets off a non-restrictive or non-essential clause and is used with commas: *The Nile, which flows into the Mediterranean, gives Egypt life.* (non-restrictive)

third-party (adj.), third party (n.)

Hyphenate when used as an adjective. Always lowercase *-party*.

through, thru

You may see *thru* in the Code, but for several years the Office has been changing to *through*.

time

Lowercase *a.m.* and *p.m.*, and use periods and minute numbers. *2:00 p.m.*, not *2 PM*.

Lowercase a.m. and p.m.

time-frame

Time-frame is hyphenated when used as a noun or adjective. Lowercase *-frame* in all uses: *Licensing Time-frame.*

Title

A Title is a subject area in the codification of the Code. Titles are divided into Chapters.

Always capitalize *Title* when referring to a division of the *Code*.

The Secretary of State’s Office assigns Title and Chapter designations to state agencies, boards, and commissions. An agency preparing to make rules for the first time shall contact the Office for assignment of a Title and Chapter number within the codification system. An agency that already has at least one Chapter on file shall contact the Office when the agency needs a new Chapter assignment.

See **Chapter, Subchapter, Article, Part, Section, capitalization**; and R1-1-101, R1-1-301, R1-1-402, and R1-1-501.

total, totaled, totaling

toward

Not *towards*.

Track Changes

Do not turn on Track Changes under Tools in Word. Files created with Track Changes cannot be imported properly into the Office's publishing software. The Office may delay publishing a rule package created with Track Changes, or return the package to the agency.

See **conditional text**.

transfer, transferred, transferring

travel, traveled, traveling

U

under, below

Avoid using prepositions that indicate direction or location when indicating quantity.

See **over, more than**.

underlining in rules

• Underlining is used in the text of rules filed with the Secretary of State only to indicate new language being added to an existing rule. Do not use underlining in the text of rules for any other purpose.

• All new Section numbers, headings, and text shall be underlined (R1-1-501(B)(13)(b)(i)). If a Section number currently exists in the Code, it shall not be underlined.

• If your agency has rules that were exempted from the rulemaking process before September 30, 1992 (which by law the Office could not publish), and now you amend your rules, you must show all changes between the version the Office has *on file in the Office* and what you are doing in the new rulemaking. You will include in these changes all language you deleted and all language you added or otherwise changed during the exemption. Thus, text that you have been operating under since you made your rules under the exemption will have to be shown as either repealed text or new language. This is the only way the Office can ensure that the appropriate changes are made when the Office publishes the rules in the *Register* and *Code*.

See **amending words, phrases, and blocks of text**; and R1-1-103 and R1-1-104.

unique

It means one of a kind. Avoid describing something as *rather unique* or *most unique*.

United States Code (U.S.C.)

Citations use periods: *16 U.S.C. 792*.

The Office of the Law Revision Counsel of the U.S. House of Representatives prepares and publishes the United States Code under 2 U.S.C.

285b. 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. Regulations issued by executive branch agencies are available in the *Code of Federal Regulations*. Proposed and recently adopted regulations may be found in the *Federal Register*.

unnecessary words

• If it is possible to omit a word and preserve the desired meaning, always omit the word.

Example:

~~Make sure to eliminate~~ Eliminate unnecessary words

~~In order to~~ to eliminate unnecessary words

• Omit language that is meaningless or confusing.

Wrong: The Department shall maximize its deficit reduction program and enforce a positive downsizing in the personnel pool.

Right: The Department shall cut costs and lay off employees.

upward

Not *upwards*.

U.S.

U.S. in all uses when abbreviating United States, not US. Do not use U.S. as a noun.

V

v. or vs.

Do not italicize in the formal title of a legal case: *Brown v. Board of Education*.

vacuum

verb tense and voice

A rule of continuing effect speaks of the time it is applied, not of the time it is drafted or when it becomes effective. Place verbs in the present tense and use the active voice.

Wrong: The fine for employing an unlicensed person shall be \$100.

Right: The fine for employing an unlicensed person is \$100.

Wrong: When it has been determined by the Director that the application that was submitted by the applicant is complete . . .

Lowercase state in all state of constructions: the state of Arizona...



Right: When the Director determines that the applicant's application is complete . . .

vice versa

videotape

W

wastepaper

wastewater

waterborne

watercourse

website

which, that

See **that, which**.

whitewater

who, whom

- Use *who* and *whom* for references to people. Use **that** and **which** for inanimate objects and animals: *This is the owner who drove the car that was not registered.*
- Use *who* when someone is the subject of a sentence, clause, or phrase: *The Director who approves the license shall notify the applicant by mail.*
- Use *whom* when someone is the object of a verb or preposition: *The Director shall determine to whom the case will be assigned.*

wildlife

workers' compensation

workload

workspace

wrongdoing

XYZ

yearlong

years

Years are the lone exception to the general rule in numerals that a figure is not used to start a sentence: *2002 marked the first year of the program.*

Use Arabic figures to indicate decades of history. Use an apostrophe to indicate missing numerals, and show the plural by adding the letter *s*: *the 1990s, the '60s, the mid-1980s.*

ZIP code

Put one space between the state abbreviation and the ZIP code: *Phoenix, AZ 85007.*

This page intentionally left blank.

Section 3

Frequently Asked Questions; Renumbering; Supplementals

These frequently asked questions were compiled from the Rule-writers' Consortium and the Secretary of State's Office. For more detailed information, see Section 2 of this manual.

1. I'm a new rulewriter. Where do I start?

Read this manual carefully and then give the editors a call with your questions. **No question is unimportant.** Remember to check that you have updated copies of the APA and the rules for the Secretary of State and G.R.R.C.

2. We're a new agency. How do we get a Chapter number?

Contact the Office, and we will assign a Title and Chapter number for your rules.

3. I submitted a Docket Opening, but now I want to add some Sections. Can I pull the Docket and start over?

No. Once a Docket Opening has been date stamped and logged in, it cannot be pulled. To add Sections to an open Docket, either file another Docket Opening with the additional Sections, or include, under the Sections Affected part of the Docket, the phrase, "Additional Sections may be added, deleted, or modified as necessary." This phrase gives you room to add Sections in the future.

4. Can I split one Docket into two Proposed (or Final) packages, or take two Dockets and combine them into one Proposed (or Final)?

Yes, but you should explain that you did so in the Preamble so the history of the rulemaking can be traced more easily. You can also combine multiple Proposed packages and combine them into one Final.

5. What exactly has to be on the disk I submit with the package?

Only the Notice (Preamble and text of the rule). The Agency Receipt, Agency Certificate, and EIS do not have to be on the disk you submit because they are not published in the *Register*.

6. Do I always have to submit a disk?

The Office prefers that you always send a disk with materials that will be published in the *Register*. Submitting

both a disk and hard copy better ensures that your rules will be published correctly and on schedule.

At the time of this writing, the Office has submitted a proposed rule for R1-1-104 that requires an agency to submit its rulemaking package or other notice in paper copy and electronic medium. All electronic media submissions shall be compatible with the Office's computer system and software. Contact the Office for further help.

7. Can I submit a Docket and Proposed on the same day?

Yes. Usually they will be published in the same issue of the *Register*. However, it was probably the intent of the legislature when it wrote the APA that a docket be open before a proposed rule is filed. This provides notice to the public of future rulemaking.

8. Why wasn't my notice published in this week's *Register*?

There are several explanations. First, notices are not published the week they are filed: they are usually published three weeks from the Friday of the week they are filed. Second, if an agency files two like notices for the same Chapter in the same week, the Office may hold one notice for a week. The Office will contact you to determine which notice to hold. Third, you may not have submitted a disk with your notice, which can delay publishing. Fourth, your notice may be particularly large or complicated, which can delay publishing.

9. What parts of my notice will the *Register* editor fill in for me?

The *Register* editor will fill in the items in the Preamble listing *Register* citations and the effective date of the rules if you cannot answer those questions at the time you file your notice. Sometimes an agency will file a proposed rule package before the docket opening has been published, and agencies usually cannot answer item #3 of the preamble in a final rule package because they do not know when G.R.R.C. or the A.G.'s Office will file the package with the Office and therefore when it will be published in the *Register*.

10. Who can sign an agency certificate?

The certificate must contain the signature, in ink, of the agency chief executive officer or the officer's designee. Certificates that contain one person's signature and another person's typed name will not be accepted.

11. How many copies of my materials should I bring to the Office?

An agency submitting materials for filing or publication in the *Register* or *Code* must send an original and two copies. An **Agency Certificate** and two copies of the **Agency Receipt** must accompany the original of the rulemaking package (R1-1-105 and R1-1-106). An Agency Certificate must accompany each copy of the rulemaking package.

12. Can I correct an error in a rule package I submitted, either before or after publication in the *Register* or *Code*?

Sometimes. Contact the Office about the error, and we will advise you on your options. Depending on the error, you may be required to do a variety of things to correct it. See the **correction of errors** entry in Section 2 of this manual.

13. Can I get a courtesy review of my rule before it is published in the *Register*?

Sometimes. Depending on the workload in the Office, the editors may be able to provide a courtesy review of your rule package. But if you are especially concerned about your rule package, or if it is particularly complex, the Office will probably spend additional time on it. It benefits everyone if you are in contact with the Office during the time you are doing the rulemaking.

14. How long will it take for my rule to get published in the *Register* and *Code*?

Usually the turnaround time for *Register* publication is three weeks from the Friday of the week you submit it. (Refer to the calendar in the back of the *Register*.) *Code* supplements are published approximately one month after the close of the quarter.

15. When is a final rule effective?

Laws 2002, Ch. 334, §§ 7 and 8 (SB 1339) changed the effective date of final rules. The effective date is now 60 days after the date of filing in the Office, unless G.R.R.C. or the Attorney General approves an effective date earlier or later than 60 days after the date of filing in the Office.

16. There was an error in my rule in the *Register*. Can it be corrected before appearing in the *Code*?

If the error is minor, it will be corrected in the *Code*. If it is substantive, you will have to do additional rulemaking to make the correction. Contact the Office regarding corrections.

17. My agency is exempt from the APA. Do I still have to file rules with the Office?

Yes. Under A.R.S. §§ 41-1005 and 41-1012, your agency must file a Notice of Exempt Rulemaking and follow the Secretary of State's rules for filing notices. Some agencies are only partially exempt from the APA, and others are exempt but choose to follow the normal rulemaking process (for example, submitting proposed rules and holding a hearing).

18. What changes have to be in the Notice of Supplemental Proposed Rulemaking?

See the entry for **supplemental proposed rulemaking** in Section 2 of this manual.

19. Can I repeal a rule by letting it expire?

Yes, under the circumstances described in A.R.S. § 41-1056(E). The Historical Note, however, will indicate that the rule expired, not that it has been repealed.

20. Can I insert a Section between two already existing Sections?

Yes. You must request permission from the Office to insert a new Section between two existing, consecutively numbered Sections. The new Section uses the number of the preceding Section followed by a decimal point and a two-digit number.

21. Can I get a free copy of my agency's rules?

Under R1-1-114, each agency is entitled to one free paper copy of its rules. The Office will send the rules to the agency's chief executive officer unless the Office receives other instructions from the agency.

22. How do I make sure my document doesn't contain autoformatted text?

In Microsoft Word, go to Format>AutoFormat... and click on "Options." In each of the four tabs, uncheck all of the boxes (leave them blank). Then click "OK" and "Close" -- **not "OK."** Then go back to each subsection label and make sure it is manually typed in. (If the text is autoformatted, you cannot highlight it with your cursor.) You may find that you have manual labels and autoformatted labels in the same document.

It's best to do this when the document is first created, but you can do it later as well.

Renumbering Examples

The following excerpts from the *Register* contain renumbering that is more complicated than the examples shown in the **renumbering Sections** entry in Section 2 of this manual. When renumbering in a rule package, be sure that the rulemaking action in item #1 of the Preamble matches the striking and underlining in the table of contents and the text of the rules. For more details about renumbering, see the **renumbering Sections** entry in Section 2 of this manual.

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 6. DEPARTMENT OF HEALTH SERVICES COMMUNICABLE DISEASES

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
R9-6-101	Amend
R9-6-102	Amend
R9-6-103	Amend
R9-6-104	Repeal
R9-6-308	Amend
R9-6-309	Amend
R9-6-323	Amend
R9-6-330	Amend
R9-6-331	Amend
R9-6-360	Amend
Article 4	Amend
R9-6-401	Renumber
R9-6-401	New Section
R9-6-402	Renumber
R9-6-402	Amend
R9-6-403	Renumber
R9-6-403	Amend
R9-6-404	Renumber
R9-6-404	Amend
R9-6-405	Renumber
R9-6-405	Amend
R9-6-406	Renumber
R9-6-406	Amend
R9-6-407	Repeal
R9-6-407	Renumber
R9-6-407	Amend
R9-6-408	Renumber
R9-6-408	New Section
R9-6-409	Renumber
R9-6-409	Amend
Exhibit A	Renumber
Exhibit B	Renumber
R9-6-410	Renumber
Article 9	New Article
R9-6-901	New Section
R9-6-902	Renumber
R9-6-902	Amend
Exhibit A	Renumber
Exhibit A	Amend
Exhibit B	Renumber
Exhibit B	Amend
R9-6-903	Renumber

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 6. DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES**

ARTICLE 1. DEFINITIONS

Section

- R9-6-101. General Definitions
- R9-6-102. Communicable Disease Reporting
- R9-6-103. Control Measures for Communicable Diseases
- R9-6-104. ~~Human Immunodeficiency Virus (HIV)/Acquired Immunodeficiency Syndrome (AIDS)~~ Repealed

ARTICLE 3. CONTROL MEASURES FOR COMMUNICABLE AND PREVENTABLE DISEASES

Section

- R9-6-308. Chancroid (*Haemophilus ducreyi*)
- R9-6-309. Chlamydia Infection
- R9-6-323. Gonorrhea
- R9-6-330. Herpes Genitalis
- R9-6-331. Human Immunodeficiency Virus (HIV) Infection and Related Disease
- R9-6-360. Syphilis

~~ARTICLE 4. HUMAN IMMUNODEFICIENCY VIRUS (HIV) / ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)~~ AIDS DRUG ASSISTANCE PROGRAM (ADAP)

Section

- R9-6-401. Definitions.
- ~~R9-6-401~~R9-6-402. Limitations and Termination of Program
- ~~R9-6-402~~R9-6-403. Eligibility Requirements
- ~~R9-6-403~~R9-6-404. Application Process
- ~~R9-6-404~~R9-6-405. Eligibility Determination and Enrollment Process
- ~~R9-6-405~~R9-6-406. Period of Eligibility Continuing Enrollment
- R9-6-407. Appeal
- ~~R9-6-406~~R9-6-407. Distribution Requirements
- R9-6-408. Time-frames
- ~~R9-6-408~~R9-6-409. Confidentiality
- Exhibit A. Consent for HIV-Related Testing Renumbered
- Exhibit B. Consentimiento para la Prueba de VIH Renumbered
- R9-6-410. Human Immunodeficiency Virus Testing Renumbered

ARTICLE 9. HIV-RELATED TESTING

Section

- R9-6-901. Definitions
- ~~R9-6-409~~R9-6-902. Consent for HIV-related Testing
 - ~~Exhibit A~~Exhibit A. Consent for HIV Testing
 - ~~Exhibit B~~Exhibit B. Consentimiento Para la Prueba de VIH
- ~~R9-6-410~~R9-6-903. Human Immunodeficiency Virus Court-ordered HIV-related Testing

NOTICE OF FINAL RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 15. DEPARTMENT OF ENVIRONMENTAL QUALITY WATER INFRASTRUCTURE FINANCE AUTHORITY

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
R18-15-101	Amend
R18-15-103	Amend
R18-15-104	Amend
R18-15-105	Amend
R18-15-106	Amend
R18-15-108	Repeal
R18-15-108	Renumber
R18-15-109	Renumber
R18-15-110	Renumber
R18-15-110	Amend
R18-15-111	Renumber
R18-15-111	Amend
R18-15-112	Renumber
R18-15-112	Amend
R18-15-113	Renumber
R18-15-201	Amend
R18-15-202	Amend
R18-15-203	Amend
R18-15-204	Amend
R18-15-205	Repeal
R18-15-205	Renumber
R18-15-205	Amend
R18-15-206	Renumber
R18-15-206	New Section
R18-15-207	Repeal
R18-15-207	New Section
R18-15-208	Amend
R18-15-301	Amend
R18-15-302	Amend
R18-15-303	Amend
R18-15-304	Amend
R18-15-305	Repeal
R18-15-305	Renumber
R18-15-305	Amend
R18-15-306	Renumber
R18-15-306	New Section
R18-15-307	Repeal
R18-15-307	New Section
R18-15-308	Amend
R18-15-403	Repeal
R18-15-501	Amend
R18-15-502	Amend
R18-15-503	Amend
R18-15-504	Repeal
R18-15-504	Renumber
R18-15-504	Amend
R18-15-505	Renumber
R18-15-505	New Section
R18-15-506	Repeal
R18-15-506	New Section
R18-15-507	Repeal
R18-15-507	New Section
R18-15-508	New Section
R18-15-509	New Section
R18-15-510	New Section

Section 3. Frequently Asked Questions; Renumbering; Supplementals

R18-15-511	New Section
R18-15-601	Amend
R18-15-602	Amend
R18-15-603	Amend
R18-15-701	Amend

15. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 15. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA**

ARTICLE 1. MANAGEMENT

Section

R18-15-101. Definitions
R18-15-103. Legal Capability
R18-15-104. Financial Capability
R18-15-105. Technical Capability
R18-15-106. Managerial and Institutional Capability
~~R18-15-108. Readiness to Proceed~~
~~R18-15-109. R18-15-108. Interest Rate Determinations~~
~~R18-15-110. R18-15-109. Bid Document Review~~
~~R18-15-111. R18-15-110. Disbursements and Repayments~~
~~R18-15-112. R18-15-111. Administration~~
~~R18-15-113. R18-15-112. Disputes~~
R18-15-113. Renumbered

ARTICLE 2. CLEAN WATER REVOLVING FUND

Section

R18-15-201. Types of Financial Assistance Available
R18-15-202. Eligibility Requirements for Financial Assistance
R18-15-203. Clean Water Revolving Fund Intended Use Plan
R18-15-204. Clean Water Revolving Fund Priority List
~~R18-15-205. Clean Water Revolving Fund Priority Classes~~
~~R18-15-206. R18-15-205. Ranking Criteria for the Clean Water Revolving Fund Priority List Ranking Criteria~~
R18-15-206. Fundable Range for Clean Water Revolving Fund Design Financial Assistance
~~R18-15-207. Project Construction Fundable Range for Clean Water Revolving Fund Construction Financial Assistance~~
R18-15-208. Clean Water Revolving Fund Requirements

ARTICLE 3. DRINKING WATER REVOLVING FUND

Section

R18-15-301. Types of Financial Assistance Available
R18-15-302. Eligibility Requirements for Financial Assistance
R18-15-303. Drinking Water Revolving Fund Intended Use Plan
R18-15-304. Drinking Water Revolving Fund Priority List
~~R18-15-305. Drinking Water Revolving Fund Priority Classes~~
~~R18-15-306. R18-15-305. Ranking Criteria for the Drinking Water Revolving Fund Priority List Ranking Criteria~~
R18-15-306. Fundable Range for Drinking Water Revolving Fund Design Financial Assistance
~~R18-15-307. Project Construction Fundable Range for Drinking Water Revolving Fund Construction Financial Assistance~~
R18-15-308. Drinking Water Revolving Fund Requirements

ARTICLE 4. OTHER FINANCIAL ASSISTANCE

Section

~~R18-15-403. Project Construction Repealed~~

ARTICLE 5. TECHNICAL ASSISTANCE

Section

R18-15-501. Technical Assistance Intended Use Plan
R18-15-502. Eligibility Requirements for Project Technical Assistance

R18-15-503. Types of Project Technical Assistance Available

~~R18-15-504. Maximum Amount of Project Technical Assistance~~

~~R18-15-505. R18-15-504. Clean Water Project Technical Assistance Priority List~~

~~R18-15-505. Ranking Criteria for Clean Water Project Technical Assistance Priority List~~

~~R18-15-506. Project Technical Assistance Priority Classes Fundable Range for Clean Water Project Technical Assistance Grants~~

~~R18-15-507. Project Technical Assistance Priority Scoring Criteria Fundable Range for Clean Water Project Technical Assistance Loans~~

~~R18-15-508. Drinking Water Project Technical Assistance Priority List~~

~~R18-15-509. Ranking Criteria for Drinking Water Project Technical Assistance Priority List~~

~~R18-15-510. Fundable Range for Drinking Water Project Technical Assistance Grants~~

~~R18-15-511. Fundable Range for Drinking Water Project Technical Assistance Loans~~

ARTICLE 6. HARDSHIP GRANT FUND

Section

R18-15-601. Types of Assistance Available

R18-15-602. Eligibility Requirements for Hardship Grant Financial Assistance

R18-15-603. Hardship Grant Financial Assistance Awards

ARTICLE 7. INTEREST RATE SETTING AND FORGIVABLE PRINCIPAL

Section

R18-15-701. Interest Rate Setting and Forgivable Principal

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 14. DEPARTMENT OF HEALTH SERVICES LABORATORIES

PREAMBLE

<u>1. Section Affected</u>	<u>Rulemaking Action</u>
R9-14-601	Amend
R9-14-602	Amend
R9-14-603	Amend
R9-14-604	Amend
R9-14-605	Renumber
R9-14-605	New Section
R9-14-606	Renumber
R9-14-606	Amend
R9-14-607	Renumber
R9-14-607	Amend
R9-14-608	Renumber
R9-14-608	New Section
R9-14-609	Renumber
R9-14-609	Amend
R9-14-610	Renumber
R9-14-610	Amend
R9-14-611	Renumber
R9-14-611	Amend
R9-14-612	Renumber
R9-14-612	Amend
R9-14-613	Renumber
R9-14-613	Amend
R9-14-614	Renumber
R9-14-614	Amend
R9-14-615	Renumber
R9-14-615	Amend
R9-14-616	Repeal
R9-14-616	Renumber
R9-14-616	Amend
R9-14-617	Renumber
R9-14-617	Amend
R9-14-618	Renumber
R9-14-618	Amend
R9-14-619	Renumber
R9-14-619	Amend
R9-14-620	New Section
Table 1	New Table

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 14. DEPARTMENT OF HEALTH SERVICES LABORATORIES

ARTICLE 6. LICENSING OF ENVIRONMENTAL LABORATORIES

- R9-14-601. Definitions
R9-14-602. ~~License~~ Applicability
R9-14-603. Initial ~~Licensure~~ License Process
R9-14-604. ~~Licensure~~ Regular License Renewal Process
R9-14-605. Compliance Monitoring
~~R9-14-605.~~ R9-14-606. Provisional ~~License~~ License
~~R9-14-606.~~ R9-14-607. ~~Licensure fees~~ Fees

R9-14-608. Payment of Fees
~~R9-14-607.~~ ~~R9-14-609.~~ Proficiency Evaluation
~~R9-14-608.~~ ~~R9-14-610.~~ Approved Methods and References
~~R9-14-609.~~ ~~R9-14-611.~~ Drinking Water Sample ~~Matrix~~ Methods
~~R9-14-610.~~ ~~R9-14-612.~~ Wastewater Sample ~~Matrix~~ Methods
~~R9-14-611.~~ ~~R9-14-613.~~ Solid, Liquid, and Hazardous Waste Sample ~~Matrix~~ Methods
~~R9-14-612.~~ ~~R9-14-614.~~ Air Sample ~~Matrix~~ Methods
~~R9-14-613.~~ ~~R9-14-615.~~ Quality Assurance
~~R9-14-616.~~ ~~Laboratory Safety~~
~~R9-14-614.~~ ~~R9-14-616.~~ Operation
~~R9-14-615.~~ ~~R9-14-617.~~ Laboratory Records and Reports
~~R9-14-617.~~ ~~R9-14-618.~~ Mobile Laboratories
~~R9-14-618.~~ ~~R9-14-619.~~ Out-of-State Environmental Laboratory ~~Licensure~~ Licensing
R9-14-620. Time-frames
Table 1. Time-frames (in days)

Guide for Notices of Supplemental Proposed Rulemaking (September 12, 2002)

The APA states that an agency shall not make a rule that is “substantially different” from the proposed rule published in the Notice of Proposed Rulemaking or Notice of Supplemental Proposed Rulemaking. G.R.R.C. shall not approve a final rule that contains a “substantial change” from the proposed rule or supplemental notice.

If there is a substantial change made to a rule after it is proposed, an agency has three options:

1. Do nothing. The docket for the rulemaking will expire one year after the proposed is published if the agency does not submit the final rule to G.R.R.C.

2. File a Notice of Termination of Rulemaking. The agency then has the option of starting the rulemaking over with a new docket and a new proposed.

3. File a Notice of Supplemental Proposed Rulemaking and provide for additional public comment.

Supplemental notices have raised publishing questions because of the SOS instructions on how to prepare them. To answer these questions and promote consistency among rulewriters and the Office, SOS provides this brief guide on the requirements for supplemental notices. **These requirements differ from past instructions on supplementals.**

1. If I need to make changes to my proposed rule, do I have to do a supplemental?

Maybe. If the changes you want to make are not considered “substantial” under A.R.S. § 41-1025, you may simply make the changes in the Notice of Final Rulemaking and explain the changes in item #10 of the Preamble. But if the changes are substantial, a supplemental is necessary to continue the rulemaking process -- unless you terminate the rules and start over.

2. What Sections go in a supplemental?

In the past, SOS advised rulewriters to include only the Sections undergoing change *after* the publication of the proposed rule (or supplemental). SOS now advises that the supplemental include every Section undergoing change. Rather than being considered an addendum to the proposed, the supplemental should be considered a “do-over” -- as if you were resubmitting the original proposed, but now with new changes.

3. What changes to the text do I show?

In the past, SOS advised rulewriters to show *all changes*, interpreted to mean the changes (striking and

underlining) from the proposed rule and the “new” changes that required the supplemental notice -- but only for Sections undergoing change in the supplemental. These two sets of changes were seen to exist essentially as two separate layers. Some text, therefore, might have had both underlining and striking if multiple changes were made to the same words.

SOS now advises that the supplemental simply appear as if it were the original proposed rule package. Include all desired changes from the original Code text (the base text from which all proposed rulemakings start) as if the supplemental were your first version of the proposed rule.

4. How do I distinguish the changes in the proposed from the changes in the supplemental?

There are three ways readers can understand the changes in text:

1. Compare the two (or more) texts from the Registers in which they appeared.

2. Look at item #6 of the Preamble of the supplemental(s) for an explanation of the substantial change that resulted in the supplemental notice.

3. Look at item #10 of the Preamble of the final notice for a description of the changes between the proposed rules, including supplemental notices, and final rules.

The Preamble is therefore very important to the public as the quickest and easiest resource for understanding the agency’s actions.

5. What should be in the Preamble and table of contents?

The Preamble should list all Sections appearing in the text of the supplemental, regardless of whether the Sections appeared in the proposed. The Preamble should list the rulemaking action that is taking place in the supplemental -- not the rulemaking action that occurred in the proposed. The table of contents should reflect what is in the text of the rules (what follows the table of contents).

Publishing the supplemental as a “do-over” (that is, including all Sections) may mean republication of Sections that are identical to the proposed. However, showing all

Sections together gives the public a more complete understanding of the agency's intentions and the effects of the rulemaking. It also provides for public comment on the rulemaking as a whole, not just Sections undergoing change in the supplemental.

6. What happens to the rulemaking timetable?

A.R.S. § 41-1021 states that a rulemaking docket expires one year after publication of the proposed rulemaking if the agency does not submit a final rule to G.R.R.C. within that time. The start date of that one-year period is reset upon publication of a supplemental rulemaking.

This page intentionally left blank.

Section 4

Rulemaking and Legal Notice Templates

An Agency shall use these templates when preparing materials for submission to the Office for filing and publication. The questions and answers must appear in the order published here.

Double-space or space-and-a-half both the questions and answers, and take as many pages as you need to complete each Notice. The forms in this manual are printed on both sides of the page, but you should use one side of the page when submitting material to the Office. See Section 1 of this manual for more information on the rulemaking process.

***Editor’s Note:** Users are encouraged to review A.R.S. Title 41, Chapter 6, Articles 1 through 10 to ensure the documents prepared using these forms meet all legal requirements.*

The forms are available online for download at: <https://azsos.gov/rules/library>

The Regular Rulemaking Process

Agency Certificate - An agency shall prepare an agency certificate before filing a notice with the Division. A certificate name, title and wet signature shall match. There shall be no “signing for...” An agency certificate does not have to be provided when submitting a Notice of Rulemaking Docket Opening.

Agency Receipt – An agency shall prepare an agency receipt before filing any notice with the Division. A receipt is evidence a notice has been filed.

Dockets and Related Notices

- Notice of Rulemaking Docket Opening - A.R.S. § 41-1021 - Required
- Notice of Informal Public Meeting on Open Rulemaking Docket - A.R.S. § 41-1023(A) - TBD by agency
- Notice of Formal Rulemaking Advisory Committee - A.R.S. § 41-1021(D) - TBD by agency

Proposed and Related Notices

- Notice of Proposed Rulemaking - A.R.S. § 41-1022 - Required
- Notice of Oral Proceeding on Proposed Rulemaking - A.R.S. § 41-1023(C) through (F) – TBD by agency
- Supplemental Proposed and Related Notices
- Notice of Supplemental Proposed Rulemaking - A.R.S. § 41-1022(E) – TBD by agency
- Notice of Oral Proceeding on Supplemental Proposed Rulemaking - A.R.S. § 41-1023(C) through (F) – TBD by agency

Termination

- Notice of Termination of Rulemaking - A.R.S. § 41-1023(B)(2) – TBD by agency

Final Rulemaking Package

- Notice of Final Rulemaking - A.R.S. § 41-1024(E) - Required
- G.R.R.C. Certificate of Approval of Final Rules - A.R.S. § 41-1052 | Certificate prepared by G.R.R.C.
- Attorney General’s Approval of Final Rules | Certificate prepared by AGs Office.

The Exempt Rulemaking Process

Agency Certificate – An agency shall prepare an agency certificate before filing a notice with the Division. A certificate name, title and wet signature shall match. There shall be no “signing for...”

Agency Receipt – An agency shall prepare an agency receipt before filing any notice with the Division. A receipt is evidence a notice has been filed.

Docket Notice

- Notice of Rulemaking Docket Opening – TBD under exemption

Proposed Exempt and Related Notices

- Notice of Proposed Exempt Rulemaking – TBD under exemption
- Notice of Oral Proceeding on Proposed Exempt Rulemaking – TBD under exemption
- Supplemental Proposed Exempt and Related Notices
- Notice of Supplemental Proposed Exempt Rulemaking – TBD under exemption

Termination

- Notice of Termination of Rulemaking – TBD under exemption

Exempt Rulemaking Packages

- Notice of Final Exempt Rulemaking – TBD under exemption, only prepared if a notice of proposed exempt rulemaking was published somewhere and open for public comment.
- Notice of Exempt Rulemaking – TBD under exemption.

The Expedited Rulemaking Process

Agency Certificate – An agency shall prepare an agency certificate before filing a notice with the Division. A certificate name, title and wet signature shall match. There shall be no “signing for...”

Agency Receipt – An agency shall prepare an agency receipt before filing any notice with the Division. A receipt is evidence a notice has been filed.

Proposed Exempt Notice

- Notice of Proposed Expedited Rulemaking - A.R.S. § 41-1027

Objection Notice

- Notice of Objection to a Proposed Expedited Rulemaking - A.R.S. § 41-1013(8)

Termination Notice

- Notice of Termination on a Proposed Expedited Rulemaking - A.R.S. § 41-1027(D)

Final Notice

- Notice of Final Expedited Rulemaking - A.R.S. § 41-1013(9)

The Emergency Rulemaking Process

Agency Certificate – An agency shall prepare an agency certificate before filing a notice with the Division. A certificate name, title and wet signature shall match. There shall be no “signing for...”

Agency Receipt – An agency shall prepare an agency receipt before filing any notice with the Division. A receipt is evidence a notice has been filed.

Emergency

- Notice of Emergency Rulemaking - A.R.S. § 41-1026(A) through (C)

Renewal

- Notice of Emergency Rulemaking - Renewal - A.R.S. § 41-1026(D)

The Recodification Process

Agency Certificate – An agency shall prepare an agency certificate before filing a notice with the Division. A certificate name, title and wet signature shall match. There shall be no “signing for...”

Agency Receipt – An agency shall prepare an agency receipt before filing any notice with the Division. A receipt is evidence a notice has been filed.

Recodification

Notice of Recodification – R1-1-1001

LEGAL NOTICES

Legal notice means a notice that announces an agency’s intent or legal action required to be published in the A.A.R. under the Act or Arizona Revised Statutes that is not defined as a rulemaking notice. Legal notices include but are not limited to notices about: substantive policy statements; guidance documents; agency delegation agreements and public workshops; and formal rulemaking advisory committees.

Notification about Policy Statements

Notice of Substantive Policy Statement - A.R.S. § 41-1013(B)(9)

“Substantive policy statement” means a written expression which informs the general public of an agency's current approach to, or opinion of, the requirements of the federal or state constitution, federal or state statute, administrative rule or regulation, or final judgment of a court of competent jurisdiction, including, where appropriate, the agency's current practice, procedure or method of action based upon that approach or opinion. A substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents which only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties, confidential information or rules made in accordance with this chapter.

An agency shall prepare and file this notice with the Division which includes the name and summary (not the full text) of the policy statement when it adopts policy statements.

Notification about Delegation Agreements

Notice of Proposed Delegation Agreement - A.R.S. § 41-1081(B)

An agency that seeks to delegate functions, powers or duties shall file with the secretary of state a summary of the proposed delegation agreement.

Standards for delegation

No agency may enter into or amend any delegation agreement unless the delegation agreement clearly sets forth all of the following:

- 1. Each function, power or duty being delegated by the agency, the term of the agreement and the procedures for terminating the agreement.*
- 2. The standards of performance required to fulfill the agreement.*
- 3. The types of fees that will be imposed on regulated parties and the legal authority for imposing any such fees.*
- 4. The qualifications of the personnel of the political subdivision responsible for exercising the delegated functions, powers or duties.*
- 5. Record keeping and reporting requirements.*
- 6. Auditing requirements if the delegation agreement includes the transfer of funds from the delegating agency to the political subdivision.*
- 7. A definition of the enforcement role if enforcement authority is being delegated.*
- 8. Procedures for resolving conflicts between the parties to the delegation agreement.*
- 9. Procedures for amending the delegation agreement.*
- 10. The names and addresses of primary contact persons at both the delegating agency and the political subdivision.*

An agency shall prepare and file this notice with the Division which includes the name and summary (not the full text) of the agreement when it proposed to enter into a delegation agreement.

Notice of Public Hearing on a Proposed Delegation Agreement - A.R.S. § 41-1081(D)

An agency shall determine a location and time for the public hearing that affords a reasonable opportunity for persons to participate.

A public hearing on the delegation agreement shall not be held earlier than thirty days after the notice of its location and time is published in the register. The agency shall determine a location and time for the public hearing that affords a reasonable opportunity for persons to participate. At that public hearing persons may present oral argument, data and views on the proposed delegation agreement.

An agency shall prepare and file this notice with the Division which includes information about the public hearing about a proposed a delegation agreement.

Notice of Final Delegation Agreement

Optional - agency to determine

Some agencies have adopted the filing of this notice as a standard and acceptable practice to notify stakeholders the agreement has been approved.

Notification about an Ombudsman

Notice of Agency Ombudsman

A.R.S. § § 41-1006 and 41-1013(B)(13)

Each state agency shall publish annually in the register, in the state directory and in a telephone directory for Maricopa county [sic] the name or names of those employees who are designated by the agency to assist members of the public or regulated community in seeking information or assistance from the agency.

An agency shall prepare and file this notice with the Division which includes the name and contact information of the ombudsman.

Notification about Agency Guidance Documents

Notice of Agency Guidance Document

A.R.S. § 41-1013(B)(12)

Notices of an agency guidance document or revisions to a guidance document. This notice shall contain the name and a summary of the guidance document and information where a person may view the document in its entirety.

An agency shall prepare and file this notice with the Division which includes a summary of the guidance document and the name and contact information to view the complete document.

Section 5 - Checklists

All notices shall be submitted electronically as well as on paper for publication.

RULEMAKING NOTICE FILINGS

If submitting a notice for consideration to G.R.R.C refer to A.A.C. R1-6-201.

- All notices and related documents shall be printed one-sided and double-spaced.
- The pages of the Preamble and the rules shall be consecutively numbered.
- A notice shall not be stapled.
- A notice shall not contain references to page numbers in either its Preamble or rules. The page numbers will change when published in the Register and Code. References to the numbered section in a preamble are referred to as “items.” For example: Item #4 provides information about the agency’s ombudsman. References in the Preamble to rule Chapters and Sections shall be cited as specified in this Manual.

An agency submitting a notice for filing with the Division shall:

- 1. Print one original notice.
- 2. Print one original agency certificate (if applicable to the notice filing).
- 3. Print one agency receipt.
- 4. Make two paper copies of the documents listed in numbers 1 through 3.
- 5. Collate the original paper notice and supporting documents in order as follows:
 - a. AGENCY RECEIPTS: Two agency receipts shall be placed on top;
 - b. G.R.R.C. OR AG CERTIFICATE: If applicable for final, emergency or expedited rules, the original certificate of approval signed and dated from either the Council chairperson or the Attorney General;
 - c. AGENCY CERTIFICATE: The original signed and dated agency certificate;
 - d. PERMISSION TO PROCEED WITH RULEMAKING DOCUMENT: If applicable, if a moratorium is in place, an original of any correspondence, such as an e-mail or letter from the governor’s office that grants the agency permission to proceed with the rulemaking;
 - e. RULEMAKING NOTICE: The original printed notice, that includes a Preamble, table of contents and the original text of the rule and any supplementary material;
 - f. IMPACT STATEMENT: If applicable, the Economic, Small Business, and Consumer Impact Statement (A.R.S. § 41-1055).
- 6. Once collating the documents under number 5, an agency shall collate two copies of the notice and supporting documents each in its own pile as follows:
 - a. COPY OF THE G.R.R.C. OR AG CERTIFICATE: If applicable, a copy of the certificate of approval signed and dated from either the Council chair or the Attorney General;
 - b. COPY OF THE AGENCY CERTIFICATE: A copy of the signed and dated agency certificate;
 - c. COPY OF THE PERMISSION TO PROCEED WITH RULEMAKING DOCUMENT: If applicable, if a moratorium is in place, a copy of any correspondence, such as an e-mail or letter from the governor’s office that grants the agency permission to proceed with the rulemaking.
 - d. COPY OF THE RULEMAKING NOTICE: A copy of notice that includes a Preamble, table of contents and the original text of the rule and any supplementary material.
 - e. IMPACT STATEMENT: If applicable, the Economic, Small Business, and Consumer Impact Statement (A.R.S. § 41-1055).
- 7. The two copies as collated under number 6 shall be placed under the original documents as collated under number 5.

LEGAL NOTICES FILINGS

An agency submitting a legal notice for filing with the Division shall:

- All notices and related documents shall be printed one-sided and double-spaced.
- The pages of the notice shall be consecutively numbered.
- A notice shall not be stapled.
- A notice shall not contain references to page numbers.
- Print one original notice and as applicable, one of each related document.
- An agency shall make two paper copies of the original notice.
- An agency shall print two agency receipts.
- An agency shall collate the notice filing as follows, from top to bottom:
 - Two agency receipts;
 - The original notice; and
 - Two copies of the notice.

Section 6

Administrative Procedure Act

ADMINISTRATIVE PROCEDURE ACT

Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10

Click on the following link

<https://www.azleg.gov/arsDetail/?title=41/?chapter=6>

This page intentionally left blank.

Section 7

Rules of the Office of the Secretary of State

TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 1. SECRETARY OF STATE RULES AND RULEMAKING

Click on the following link.

https://apps.azsos.gov/public_services/Title_01/1-01.pdf

This page intentionally left blank.

Section 8

Rules of G.R.R.C.

TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

(Authority: A.R.S. § 41-1051)

Click on the following link

https://apps.azsos.gov/public_services/Title_01/1-06.pdf

This page intentionally left blank.

Section 9

Bibliography

- Arizona Legislative Council, *The Arizona Legislative Bill Drafting Manual*. Phoenix, Arizona, 1993.
- Block, Gertrude, *Effective Legal Writing, Second Edition*. The Foundation Press, Inc., Mineola, New York, 1983.
- Freeman, Lawrence H., Ph.D. and Terry R. Bacon, Ph.D., *Style Guide: Revised Edition*. Shipley Associates, Bountiful, Utah, 1990.
- Goldfarb, Ronald L. and James C. Raymond, *Clear Understandings*. Random House, New York, New York, 1982.
- Goldstein, Norm, Ed., *Associated Press Stylebook and Briefing on Media Law*. Perseus Publishing, Cambridge, Massachusetts, 2000.
- Lycos, infoplease.com, "Easily Confused Words," <http://infoplease.lycos.com/ipa/A0200807.html>.
- Office of the Federal Register, "Rule Writing - A Practical Approach." March, 1985. (Approved by the Arizona Governor's Regulatory Review Council, and printed by the Arizona Executive Budget Office, 1990.)
- Redish, Janice C., Ph.D., "How to Write Regulations And Other Legal Documents In Clear English." American Institutes for Research, Washington, D.C., 1991.
- Rosen, Leonard J., *The Everyday English Handbook*. Doubleday & Co., Garden City, New York, 1985.
- Sabin, William A., *The Gregg Reference Manual*. Macmillan/McGraw Hill Publishing Company, New York, New York.
- State Bar of Arizona, Administrative Law Section, *Rosie Rule*. Phoenix, Arizona, December 1999.
- Strunk, William Jr. and E.B. White, *The Elements of Style*. Macmillan Publishing Co., New York, New York, 1979.
- Thompson, Margaret H. and J. Harold Janis, *Revised Standard Reference for Secretaries and Administrators*. Macmillan Publishing Co., New York, New York, 1980.
- Venolia, Jan, *Rewrite Right!: How to Revise Your Way to Better Writing*. Ten Speed Press/Periwinke Press, Berkeley, California, 1987.
- Weihofen, Henry, *Legal Writing Style, Second Edition*. West Publishing Co., St. Paul, Minnesota, 1980.
- Wydick, R.C., *Plain English for Lawyers*. Academic Press, Durham, N.C., 1979.