

## 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 text; 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** (7<sup>th</sup>) 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, summary, 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.
- A **summary rule** takes interim effect on the date the **Notice of Proposed Summary Rulemaking** is published in the *Register*. If G.R.R.C. approves the summary rule and files it in the Office, the interim effective date becomes the **permanent effective date** 60 days after the date of filing in the Office.
- 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@dot.state.az.us*. 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.

*Avoid:*  
 chairman  
 crewman  
 draftsman  
 fireman  
 foreman  
 man-hours  
  
 mankind  
 manpower  
 policeman

*Use:*  
 chair, chairperson  
 crew member  
 drafter  
 firefighter  
 supervisor  
 hours worked, work-hours, staff-hours  
 humanity, humankind  
 personnel, workforce  
 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 summary 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****interim effective date**

A rule made by **summary rulemaking** takes interim effect on the date the **Notice of Proposed Summary Rulemaking** is published in the *Register*. If G.R.R.C. approves a final summary rule and

files it in the Office, the interim effective date becomes the **permanent effective date** 60 days after the date of filing in the Office.

If G.R.R.C. returns or remands the rule, the proposed summary rule's interim effect is revoked as of the date of initial publication of the rule. If G.R.R.C. disapproves the summary rulemaking and orders initiation of regular rulemaking, the proposed summary rule's interim effect is revoked as of the date of initial publication of the rule.

See A.R.S. §§ 41-1027 and 41-1053 and R1-1-801.

**internet**

Lowercase *i*. The *Code* and *Register* are online at **www.sos.state.az.us**. 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 Summary Rulemaking
- Notice of Final Summary 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  <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>

## 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.*

**permanent effective date**

A rule made by **summary rulemaking** takes interim effect on the date the **Notice of Proposed Summary Rulemaking** is published in the *Register*. If G.R.R.C. approves a final summary rule and files it in the Office, the interim effective date becomes the **permanent effective date** 60 days after the date of filing in the Office.

See A.R.S. §§ 41-1027 and 41-1053 and R1-1-801.

**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 rulemaking 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*.

The Office publishes *Code* supplements approximately four weeks after each calendar quarter has passed.

If an agency erroneously submits a proposed rule, it must submit a **Notice of Termination of Rulemaking**. There is no means to terminate a summary, exempt, final, or emergency rulemaking except to go through rulemaking again.

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 an official state publication and contains the rulemaking activity of the state's agencies, including proposed, final, emergency, summary, 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:

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**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.

### **summary rulemaking**

If an agency's rules are subject to review by G.R.R.C., the agency may use the summary rulemaking process in A.R.S. § 41-1027 for repeals of rules made obsolete by repeal or supersession of the agency's statutory authority or the making, amendment, and repeal of rules that repeat verbatim existing statutory authority granted to the agency.

An agency files a Notice of Proposed Summary Rulemaking with G.R.R.C. and the Office, and the rule takes interim effect on the date of publication in the *Register*. Within 90 days after publication, after consideration of public comment, the agency files the summary rules with G.R.R.C. as final summary rules. If G.R.R.C. approves the summary rule and files it in the Office, the interim effective date becomes the **permanent effective date** 60 days after the date of filing in the Office.

See A.R.S. § 41-1027, R1-1-801, and the **Rulemaking Forms** section of this manual.

### **Summary Rulemaking, Notice of Proposed**

Within 90 days after publication of the Notice of Proposed Summary Rulemaking in the *Register*, you must submit the summary rules to G.R.R.C. as final summary rules. You must also submit the preamble, the concise explanatory statement, and the economic, small business, and consumer impact statement (the economic, small business, and consumer impact statement is not necessary if you are only repealing existing rule language).

After G.R.R.C. reviews the summary rule, it will place the summary rule on its consent agenda unless a member of G.R.R.C. requests a hearing. If a hearing is requested, G.R.R.C. shall act on the summary rule and issue its approval or return the rule to the agency for initiation of the rule under the regular rulemaking process. If G.R.R.C. returns the rule to the agency, the interim effect of the rule is revoked as of the date of initial publication of the proposed summary rule in the *Register* unless G.R.R.C. orders otherwise.

See A.R.S. § 41-1027, R1-1-801, and the **Rulemaking Forms** section of this manual.

### **Summary Rulemaking, Notice of Final**

If G.R.R.C. approves a summary rule, an agency must submit a Notice of Final Summary Rulemaking to the Office for publication and filing.

See A.R.S. § 41-1027, R1-1-801, 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**

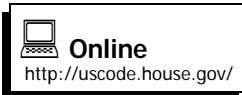
A rule of continuing effect speaks of the time it is applied, not of the time it is drafted or when it becomes effective. Place verbs in the present tense and use the active voice.

*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**

**web site**

**whac-a-mole**

R3-12-206: "Whac-A-Mole. A player hits as many moles as possible with a rubber mallet in the five-hole target area. The animated moles pop up and down at random in the holes. The first player to hit a predetermined number of moles wins the designated prize."

**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.*