

## NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

### NOTICE OF RULEMAKING DOCKET OPENING

#### STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

1. **Title and its heading:** 7, Education  
**Chapter and its heading:** 1, State Board of Directors for Community Colleges of Arizona  
**Articles and their headings:** 7, Instruction  
**Section numbers:** R7-1-212 and R7-1-712
2. **Subject matter of the proposed rule:**  
Section R7-1-212 establishes a procedure for resolving conflicts between community college districts that may arise from competing interests. Requires that the state board review the facts and make a final determination that will resolve the dispute. Section R7-1-712 establishes guidelines whereby a community college district may provide credit courses within the county boundaries of another community college district. Tuition and fees must be approved by the state board and state aid may be claimed for these credit courses.
3. **A citation to all published notices relating to the proceeding:**  
None.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Thomas Saad, Assoc. Executive Director  
Address: 3225 N. Central Ave., Suite 1220  
Phoenix, AZ 85012  
Telephone: (602) 255-4037  
Fax: (602) 279-3464
5. **The time during which the agency will accept written comment and the time and place where oral comments may be made:**  
Written comments will be received beginning November 29, 1999. The public hearing is scheduled for 10 a.m. on February 18, 1999, at Chandler-Gilbert Community College, 2626 E. Pecos Road, Chandler.
6. **A timetable for agency decisions or other action in the proceeding:**  
The proposed rules will be considered for adoption at 10 a.m. on February 18, 1999, at Chandler-Gilbert Community College.

### NOTICE OF RULEMAKING DOCKET OPENING

#### DEPARTMENT OF HEALTH SERVICES FOOD, RECREATIONAL AND INSTITUTIONAL SANITATION

1. **Title and its heading:** 9, Health Services  
**Chapter and its heading:** 8, Department of Health Services - Food, Recreational and Institutional Sanitation  
**Articles and their headings:** 1, Food and Drink  
2, Bottled Water  
**Section numbers:** R9-8-101 through R9-8-189 and R9-8-201 through R9-8-209 (*additional sections may be added, deleted, or modified as necessary*)
2. **Subject matter of the proposed rule:**  
The Department intends to repeal the existing rules in Article 1 and to replace them by incorporating by reference the United States Food and Drug Administration's *Food Code: 1999 Recommendations of the United States Public Health Service, Food and Drug Administration*, with modifications, and adding several new sections. The new

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rules in Article 1 will include provisions for applicability, licensure, enforcement, inspection, documentation, and time-frames. The Department intends to change Article 2 in order to separate the bottled water processing plant certification process from the food establishment licensing process. In addition, the Department will update the rules to conform to current rulemaking format and style requirements, to clarify the rules, and to include time-frames.

**The agency docket number:**

RE-002-99

**3. A citation to all published notices relating to the proceeding:**

Notice of Rulemaking Docket Opening: 5 A.A.R. 3276, September 24, 1999.

**4. Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Will Humble  
Address: Department of Health Services  
3815 N. Black Canyon Highway  
Phoenix, AZ 85015

Telephone: (602) 230-5941

Fax: (602) 230-5933

or

Name: Kathleen Phillips  
Address: Department of Health Services  
1740 W. Adams, Room 410  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 542-1289

E-mail address: kphilli@hs.state.az.us

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

The Department will accept written comments until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

**6. A timetable for agency decisions or other action in the proceeding:**

None.

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**DEPARTMENT OF HEALTH SERVICES  
OCCUPATIONAL LICENSING**

**1. Title and its heading:**

9, Health Services

**Chapter and its heading:**

16, Department of Health Services - Occupational Licensing

**Article and its heading:**

1, Licensing of Midwifery

**Section numbers:**

R9-16-101 through R9-16-112, and Exhibits A through E

*(additional sections may be added, deleted, or modified as necessary)*

**2. Subject matter of the proposed rule:**

In 1996, the Department reviewed its Midwifery rules, R9-16-101 through R9-16-112 and Exhibits A through E, as required by A.R.S. § 41-1056 and determined the rules were ineffective and inconsistent. The Governor's Regulatory Review Council (GRRC) approved the Report on February 6, 1996. The proposed rules will address the issues identified in the 1996 5-Year-Review-Report and update the rules as needed to reflect current industry practice and Department policy. Additional new sections may be added, deleted, or modified as necessary.

**3. A citation to all published notices relating to the proceeding:**

None.

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4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Dorothy Hanson, R.N., M.S.N., Licensed Midwife Program Manager

Address: 411 N. 24th Street  
Phoenix, Arizona 85008

Telephone: (602) 220-6550

Fax: (602) 220-6551

E-mail: dhanson@hs.state.az.us  
or

Name: Kathleen Phillips

Address: Department of Health Services  
1740 W. Adams, Room 410  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 542-1289

E-mail address: kphilli@hs.state.az.us

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

Written comments will be accepted Monday through Friday, 8 a.m. to 5 p.m., at the Department of Health Services at the address listed in question #4.

6. **A timetable for agency decision or other action in the proceeding:**

To be announced in the Notice of Proposed Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

1. **Title and its heading:** 12, Natural Resources

**Chapter and its heading:** 4, Game and Fish Commission

**Article and its heading:** 2, Miscellaneous Licenses and Permits

**Section numbers:** R12-4-217

2. **Subject matter of proposed rules:**

Section R12-4-217 may be amended to add chiropractic physicians to the list of doctors authorized to certify an applicant's disability eligibility for a Challenged Hunter Access/Mobility Permit (CHAMP).

**The agency docket number, if applicable:**

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3. **A citation to all published notices relating to the proceeding:**

None.

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

Name: Dona Marie Markley, Rulewriter

Address: Game and Fish Department  
2221 W. Greenway Road DORR  
Phoenix, AZ 85023

Telephone: (602) 789-3271

Fax: (602) 789-3677

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

Written comments will be accepted Monday through Friday from 8 a.m. until 5 p.m. The schedule for oral proceedings is to be determined and will be published when scheduled.

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

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**STATE LAND DEPARTMENT**

1. **Title and its heading:** 12, Natural Resources  
**Chapter and its heading:** 5, State Land Department  
**Articles and their headings:** 5, Leases  
**Section numbers:** R12-5-505, R12-5-506, R12-5-516, and R12-5-534
2. **Subject matter of the proposed rule:**

The Department proposes to repeal and adopt new rules that address the processing of conflicting applications when 2 or more applicants apply to lease or use State Trust land (surface estate only) for the same purpose.

The proposed rules will enable the State Land Commissioner to clarify the procedure in considering conflicting applications, to define equities to be considered, to require applicants to submit statements of equities and to require applicants to indicate, whether or not an applicant is offering additional rental as part of their equity statement, and if so, the amount.

In addition, the proposed rules will establish deadlines for filing conflicting applications on unleased State Trust lands and provides time periods outside the established deadlines in which the applications would be rejected.
3. **A citation to all published notices relating to the proceeding:**  
None.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Richard B. Oxford, Director  
Address: State Land Department  
1616 W. Adams  
Phoenix, AZ 85007  
Telephone: (602) 542-4602  
Fax: (602) 542-5223
5. **The time during which the agency will accept written comment and the time and place where oral comments may be made:**

Written comments will be accepted Monday through Friday, 8 a.m. to 5 p.m. Oral comments will be accepted Monday through Friday, 8 a.m. to 4 p.m., at the address listed in question #4.
6. **A timetable for agency decisions or other action in the proceeding:**

The following outlines a tentative timetable for the rule development schedule:

December 1999 - Notice of Proposed Rulemaking submitted to Secretary of State  
February 2000 - Submission of final rule to Governor's Regulatory Review Council  
March 2000 - Governor's Regulatory Review Council consideration of rule.

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**STATE LAND DEPARTMENT**

1. **Title and its heading:** 12, Natural Resources  
**Chapter and its heading:** 5, State Land Department  
**Articles and their headings:** 6, Improvements  
17, Natural Resource Conservation Districts  
**Section numbers:** R12-5-600 and R12-5-1703
2. **Subject matter of the proposed rule:**

The Department proposes to repeal the referenced rules that address the scope and requirement for an "application" to petition for a natural resource conservation district.

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The "scope" rule is unnecessary, contains extraneous verbiage and incorrectly cites the statutory authority for the Natural Resource Conservation District program.

The "application" for a petition rule adds additional requirements beyond the statutory requirements to form a natural resource conservation district. A.R.S. § 37-1002 defines "Petition" as meaning a petition to create or dissolve a district. A.R.S. § 37-1031 specifically outlines the purpose and contents of a petition to create a district. The Department does not have an "application" for a petition to form a natural resource conservation district.

**3. A citation to all published notices relating to the proceeding:**

None.

**4. Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Richard B. Oxford, Director

Address: State Land Department  
1616 W. Adams  
Phoenix, AZ 85007

Telephone: (602) 542-4602

Fax: (602) 542-5223

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

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**DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAFE DRINKING WATER**

**1. Title and its heading:** 18, Environmental Quality

**Chapter and its heading:** 4, Department of Environmental Quality - Safe Drinking Water

**Article and its heading:** 1, General Requirements  
7, Consumer Confidence Reports

**Section numbers:** Not yet determined

**2. The subject matter of the proposed rule:**

The Department intends to promulgate new rules for a water quality consumer confidence report (CCR). The United States Environmental Protection Agency (EPA) has published final regulations that require each community water system (CWS) to provide its customers with an annual CCR. These regulations amend the National Primary Drinking Water Regulations (NPDWR), Part 141 and regulations for implementation of the NPDWR, Part 142. The rules will require that the CCR contain information regarding the level of contaminants in the water including: the source of the water supply; health information regarding contaminants; definitions for maximum contaminant level (MCL) goals and maximum contaminant levels; information on violations of MCLs and exceedance of action levels for regulated contaminants; an explanation of the violation, including the length of potential health effects, and the actions taken by the system to address the violation; and information on unregulated contaminants radon, cryptosporidium, lead and copper. Additional information may be contained in the CCR.

This rulemaking could include revisions to the definitions in R18-4-101.

**3. A citation to all published notices relating to the proceeding:**

None.

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

Name: Margaret McClelland or Martha Seaman

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Address: Department of Environmental Quality  
3033 N. Central Avenue  
Phoenix, Arizona 85012

Telephone: (602) 207-2224

Fax: (602) 207-2251

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

The Department will accept written comments during a public comment period, following publication of the proposed rulemaking. The Department will schedule an oral proceeding, within the statutorily mandated time-frame, to be noticed in the *Register*.

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

It is anticipated that proposed rules will be filed with the Office of the Secretary, for publication in the *Register*, during the 4th quarter of 1999.