

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when 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 OFFICE OF THE OMBUDSMAN - CITIZENS' AIDE

[R05-438]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 16, Office of the Ombudsman - Citizens' Aide
Article and its heading: 1, General Provisions; 2, Handling Confidential Material; 3, Receiving and Processing Complaints; 4, Conducting Investigations; 5, Incorporating Agency Responses into Reports and Recommendations
Section numbers: R2-16-101, R2-16-201 through R2-16-210, R2-16-301 through R2-16-306, R2-16-401 through R2-16-405, and R2-16-501 through R2-16-503 (As part of this rulemaking, the Office may add other Sections as necessary).
- 2. The subject matter of the proposed rule:**
In response to its five-year review report, the Office is updating its rules to make them more clear, concise, and understandable and consistent with current Office practice.
- 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: Patrick M. Shannanhan, Ombudsman - Citizens' Aide
Address: Arizona Ombudsman - Citizens' Aide
3737 N. 7th St., Ste. 209
Phoenix, AZ 85014
Telephone: (602) 277-7292
Fax: (602) 277-7312
E-mail: Ombuds@azoca.gov
- 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 comments during business hours at the address listed in item #4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING DEPARTMENT OF HEALTH SERVICES EMERGENCY MEDICAL SERVICES

[R05-448]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 25, Department of Health Services – Emergency Medical Services
Article and its heading: 3, Training Programs
Section numbers: 4, EMT Certification
R9-25-301, R9-25-319, R9-25-404 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
This rulemaking will establish a training course to allow a qualified EMT-I, as defined in R9-25-503, to become eligible to obtain certification as an EMT-P and will amend the application requirements for EMT certification to allow a qualified EMT-I who has completed the training course to obtain certification as an EMT-P, if the other standards for EMT-P certification are met.

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The agency docket number, if applicable: RE-023-05

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: Gene Wikle, Bureau Chief
Address: Arizona Department of Health Services
Bureau of Emergency Medical Services
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007

Telephone: (602) 364-3150
Fax: (602) 364-3568
E-mail: wiklee@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Suite 202
Phoenix, AZ 85007

Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

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

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

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

None

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
MEDICARE COST SHARING PROGRAM**

[R05-447]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 29, Arizona Health Care Cost Containment System – Medicare Cost Sharing Program
Article and its heading: 3, Benefits and Services
Section numbers: R9-29-302 (As part of this rulemaking, the Administration may add, delete, or modify additional Sections as necessary.)

2. The subject matter of the proposed rule:

The Administration is amending the Medicare Cost Sharing Program's rules to conform the current rules to the federal law implementing the Medicare Part D prescription drug benefit.

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

Notice of Proposed Rulemaking: 11 A.A.R. 5177, December 9, 2005

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

Name: Linda Barry
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4484
Fax: (602) 253-9115
E-mail: AHCCCSRules@ahcccs.state.az.us

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

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

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

The Administration anticipates filing a Notice of Proposed Rulemaking in November 2005.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

MEDICARE PART D PRESCRIPTION COVERAGE EXTRA HELP SUBSIDY PROGRAM

[R05-446]

1. Title and its heading:

9, Health Services

Chapter and its heading:

30, Arizona Health Care Cost Containment System – Medicare Part D Prescription Coverage Extra Help Subsidy Program

Article and its heading:

1, Definitions
2, Eligibility
3, Services
4, Grievance System

Section numbers:

R9-30-101, R9-30-201 through R9-30-218, R9-30-301 and R9-30-401 through R9-30-402 (As part of this rulemaking, the Administration may add, delete, or modify additional Sections as necessary.)

2. The subject matter of the proposed rule:

The Administration has initiated rulemaking for the Extra Help subsidy program. The applicant may apply for the Extra Help subsidy program with the Social Security Administration or with the Administration, under the requirements of section 1860D-14(a)(3) of the Act. The Administration shall determine eligibility for the Extra Help applicant when the individual applies with AHCCCS instead of the Social Security Administration.

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

Notice of Proposed Rulemaking: 11 A.A.R. 5179, December 9, 2005

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

Name: Linda Barry
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4484
Fax: (602) 253-9115
E-mail: AHCCCSRules@ahcccs.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 Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

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

The Administration anticipates filing a Notice of Proposed Rulemaking in November 2005.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA CRIMINAL JUSTICE COMMISSION

[R05-437]

1. Title and its heading:

10, Law

Chapter and its heading:

4, Arizona Criminal Justice Commission

Article and its heading:

5, Full-service Forensic Criminal Laboratory Account

Section numbers:

R10-4-501, R10-4-502, R10-4-503, and R10-4-504 (As part of this rulemaking, the Commission may add other Sections as necessary.)

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- 2. The subject matter of the proposed rule:**
The Commission is amending its rules to make them more clear, concise, and understandable and to make them consistent with current agency practice.
- 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: Pat Nelson, Program Manager
Address: Arizona Criminal Justice Commission
1110 W. Washington St., Ste. 230
Phoenix, AZ 85007
Telephone: (602) 364-1152
Fax: (602) 364-1175
E-mail: pnelson@azcjc.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Commission will accept comments during business hours at the address listed in item #4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING
CORPORATION COMMISSION
INVESTMENT MANAGEMENT

[R05-449]

- 1. Title and its heading:** 14, Public Service Corporations; Corporations and Associations; Securities Regulation
Chapter and its heading: 6, Corporation Commission – Investment Management
Article and its heading: 1, General Provisions Relating to the Arizona Investment Management Act; 2, Duties of Investment Advisers and Investment Adviser Representatives
Section numbers: R14-6-101; R14-6-206 (Other Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
R14-6-206 provides regulation over custody of client funds or securities by investment advisers; R14-6-101 provides definitions of terms used in the rules.
- The agency docket number, if applicable:** Docket Number RS-00000A-05-0809
- 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: Abby Henig
Address: Arizona Corporation Commission, Securities Division
1300 W. Washington, Third Floor
Phoenix, AZ 85007
Telephone: (602) 542-0187
Fax: (602) 594-7402
E-mail: ahenig@azcc.gov
- 5. The time during which agency will accept written comments and the time and place where oral comments may be made:**
Monday - Friday, 8:00 a.m. - 5:00 p.m. at the Securities Division as noted in item #4. No hearing date has been set.
- 6. A timetable for agency decisions or other action on the proceeding, if known:** Not known

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

[R05-444]

1. **Title and its heading:** 17, Transportation
Chapter and its heading: 4, Department of Transportation – Title, Registration, and Driver Licenses
Article and its heading: 4, Driver Licenses
Section numbers: R17-4-401, R17-4-411, R17-4-412
2. **The subject matter of the proposed rule:**
Laws 2005, Chapter 312 amends Title 28, Chapter 4, Arizona Revised Statutes by adding Article 3.1 (A.R.S. §§ 28-1401, 1402, and 1403), regarding the creation of a Special Ignition Interlock Restricted Driver License “SIIRDL.” Additionally, conforming amendments were made to A.R.S. §§ 28-673, 28-1301, 28-1321, 28-1383, 28-1441, 28-1461, 28-1463, 28-1464, 28-3159, 28-3166, 28-3319, 28-3320, and 28-3322. Effective February 1, 2006, a SIIRDL is created for qualifying individuals during a period of suspension or revocation for alcohol-related offenses. A person whose Class D or G Driver License has been suspended for refusal to submit to a blood alcohol concentration test or revoked for an extreme or aggravated DUI may apply to the Division for a SIIRDL, which allows a person to operate a motor vehicle as restricted by law and equipped with a certified ignition interlock device (CIID) during the period of suspension or revocation. Also, the new law states that the Division shall issue a SIIRDL to a person under 18 years of age, or a person age 18, 19, or 20, who has a court-ordered restriction pursuant to A.R.S. §§ 28-3320 or 28-3322, respectively.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel to whom persons may communicate regarding the rule:**
Name: Troy A. Walters, Rules Analyst
Address: Administrative Rules Unit
Department of Transportation, Mail Drop 530M
1801 W. Jefferson St.
Phoenix, AZ 85007
Telephone: (602) 712-8994
Fax: (602) 712-3081
E-mail: twalters@azdot.gov
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.azdot.gov/mvd/mvdrules/rules.asp.
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Oral, written, or faxed comments may be made to the agency official listed in item #4 above, Monday through Friday, 8:00 a.m. to 4:30 p.m. except state holidays.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL REVIEWS AND CERTIFICATION

[R05-451]

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 5, Department of Environmental Quality – Environmental Reviews and Certification
Article and its heading: 4, Subdivisions
Section numbers: R18-5-401 and other Sections yet to be determined
2. **The subject matter of the proposed rule:**
The purposes of this rulemaking are to update the Department’s rules pertaining to subdivisions, so that they conform with current rulemaking format and style requirements; to ensure that the rules are consistent with other rules and statutes; and to make any substantive changes deemed necessary to ensure the effectiveness of the rules.

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

Notice of Rulemaking Docket Opening: 10 A.A.R. 1320, April 2, 2004

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

Name: Sean McCabe
Address: Arizona Department of Environmental Quality
1110 W. Washington St. (5415B-2)
Phoenix, AZ 85007
Telephone: (602) 771-4600; or toll-free in Arizona: 800-234-5677, ext. 771-4600
Fax: (602) 771-4634
E-mail: mccabe.sean@ev.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:

Comments on this rulemaking may be submitted at any time to the person referenced in item #4 above. Formal written comments for the rulemaking record should be submitted after publication of the notice of proposed rulemaking in the *Arizona Administrative Register* and prior to the close of public record date specified in the notice of proposed rulemaking. If the Department holds a hearing at which oral comments can be made for the rulemaking record, the date(s) and time(s) of the proceeding(s) will be published in the *Arizona Administrative Register* and posted on the Department's web site on its Draft and Proposed Rules web page (<http://www.adeq.state.az.us/function/laws/draft.html>) and in its Events Calendar (<http://www.adeq.state.az.us/cgi-bin/vertical.pl>). Persons interested in keeping informed of proposed changes to the Department's drinking water rules via e-mail notice may so request by sending an e-mail to the person referenced in item #4.

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

Unknown at this time. The current status of this or any Department rulemaking can be assessed by checking the Department's Draft and Proposed Rules web page (<http://azdeq.gov/function/laws/draft.html>). Agency personnel can arrange for interested parties to inspect the proposed rule or any part of the rulemaking docket or record.

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS

[R05-453]

1. Title and its heading:

18, Environmental Quality

Chapter and its heading:

11, Department of Environmental Quality – Water Quality Standards

Article and its heading:

1, Surface Water Quality Standards

Section numbers:

R18-11-101, R18-11-102, R18-11-104, R18-11-105, R18-11-106,
R18-11-107, R18-11-108, R18-11-109, R18-11-110, R18-11-111,
R18-11-112, R18-11-113, R18-11-114, R18-11-116, R18-11-117,
R18-11-118, R18-11-119, R18-11-120, R18-11-121, R18-11-122,
R18-11-123, Appendices A and B and other Sections and Tables to be
determined at a later date.

2. The subject matter of the proposed rule:

The Department proposes to update the Surface Water Quality Standards rules by amending definitions; clarifying the applicability of the water quality standards rules; modifying designated uses; proposing new antidegradation implementation procedures; adopting new narrative water quality standards including a new narrative biocriterion; propose new numeric water quality criteria to protect human health; adopting new or revised water quality criteria for suspended sediment in surface waters; classifying new effluent dependent waters (EDWs); adopting numeric water quality criteria for total ammonia to maintain and protect water quality for aquatic life in EDWs; clarifying which canals are subject to regulation under the surface water quality standards rules; amending Appendix A by updating the water quality criteria to protect human health and aquatic life; and amending Appendix B by modifying the designated uses listed for surface waters.

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

Notice of Rulemaking Docket Opening: 10 A.A.R. 4780, November 26, 2004

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

Name: Steve Pawlowski
Address: Arizona Department of Environmental Quality
1110 W. Washington, 5560-B
Phoenix, AZ 85007

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Telephone: (602) 771-4219 (Metro-Phoenix area) or toll-free in Arizona at (800) 234-5677, extension 4219
Fax: (602) 771-4528
E-mail: sep@azdeq.gov

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

Written comments will be accepted at the address listed in item #4 between 8 a.m. and 5 p.m., Monday through Friday. Comments will be accepted until the close of record, which has not yet been determined.

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

The Department anticipates that the Notice of Proposed Rulemaking will be filed in January 2006 with the Office of the Secretary of State for publication in the *Arizona Administrative Register*.

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMITS AND COMPLIANCE FEES**

[R05-452]

1. Title and its heading:

18, Environmental Quality

Chapter and its heading:

14, Department of Environmental Quality – Permits and Compliance

Fees

Article and its heading:

1, Water Quality Protection Fees

Section numbers:

Sections and tables to be determined at a later date

2. The subject matter of the proposed rule:

This rulemaking will revise the fee schedule and rules related to ADEQ’s water quality protection services.

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

Notice of Rulemaking Docket Opening: 8 A.A.R. 4471, October 25, 2002

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

Name: Shirley J. Conard

Address: Arizona Department of Environmental Quality
1110 W. Washington, 5415B-3
Phoenix, AZ 85007-2952

Telephone: (602) 771-4632 (Metro-Phoenix area) or 1-800-234-5677, extension 4632 (other areas)

Fax: (602) 771-4674

E-mail: conard.shirley@azdeq.gov

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

Preliminary comments on this rulemaking may be submitted at any time to the person referenced in item #4. Formal written comments for the rulemaking record should be submitted after publication of the notice of proposed rulemaking in the *Arizona Administrative Register* and prior to the close of public record date.

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

Unknown at this time. The current status of this or any Department rulemaking can be assessed by checking the Department’s Draft and Proposed Rules web page (<http://azdeq.gov/function/laws/draft.html>). Agency personnel can arrange for interested parties to inspect the proposed rule or any part of the rulemaking docket or record.