

# 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

### CITIZENS CLEAN ELECTIONS COMMISSION

[R07-55]

- 1. Title and its heading:** 2, Administration  
**Chapter and its heading:** 20, Citizens Clean Elections Commission  
**Article and its heading:** 1, General Provisions  
**Section numbers:** R2-20-101, R2-20-103, R2-20-104, R2-20-105, R2-20-106, R2-20-107, R2-20-108, R2-20-109, R2-20-111, R2-20-112, R2-20-113, R2-20-115  
(Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**  
R2-20-101 sets forth definitions of terms used in the Citizens Clean Elections Act, A.R.S. § 16-940 *et seq.*, and in rules adopted by the Citizens Clean Elections Commission at A.A.C. Title 2, Chapter 20.  
R2-20-103 prescribes the time and method for making certain filings and submissions and for taking certain actions.  
R2-20-104 prescribes the process and requirements for certification as a participating candidate.  
R2-20-105 prescribes the process by which a participating candidate may be certified to receive funding.  
R2-20-106 prescribes the process by which the Citizens Clean Elections Commission will distribute funds to participating candidates.  
R2-20-107 prescribes the rules for candidate debates.  
R2-20-108 prescribes the rules for termination of participating candidate status.  
R2-20-109 prescribes the requirements of reporting contributions and expenditures.  
R2-20-111 prescribes the requirements of reporting contributions and expenditures.  
R2-20-112 prescribes the circumstances under which the payment by a political party of certain costs described therein shall be excluded from the definition of contribution pursuant to A.R.S. § 16-901(5)(b)(v) or from the definition of expenditures pursuant to A.R.S. § 16-901(8)(c), as applicable.  
R2-20-113 prescribes the method for calculation and issuance of equalizing funds.  
R2-20-115 prescribes the method for distributing constituent communications funds to officeholders.  
Adoption and amendment of the above described rules is exempt from regular rulemaking procedures pursuant of A.R.S. § 16-956(C) of the Citizens Clean Elections Act.
- 3. A citation to all published notices relating to the proceeding:**  
Not applicable
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Todd Lang, Executive Director  
Address: Citizens Clean Elections Commission  
1616 W. Adams, Ste. 110  
Phoenix, AZ 85007  
Telephone: (602) 364-3477  
Fax: (602) 364-3487  
E-mail: todd.lang@azcleelections.gov  
or  
Name: Eric Peterson, Administrative Counsel  
Address: Citizens Clean Elections Commission  
1616 W. Adams, Ste. 110  
Phoenix, AZ 85007

Notices of Rulemaking Docket Opening

Telephone: (602) 364-3477  
Fax: (602) 364-3487  
E-mail: eric.peterson@azcleelections.gov

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

Comments may be submitted in writing during the 60-day period following filing of the Notice of Proposed Exempt Rulemaking for each rule. Oral comments may be made at regularly scheduled meetings of the Citizens Clean Elections Commission during such 60-day period.

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

The Citizens Clean Elections Commission anticipates taking action on the proposed rules upon expiration of the 60-day period following filing of the Notice of Proposed Exempt Rulemaking for each rule.

**NOTICE OF RULEMAKING DOCKET OPENING**

**CITIZENS CLEAN ELECTIONS COMMISSION**

[R07-57]

- 1. Title and its heading:** 2, Administration  
**Chapter and its heading:** 20, Citizens Clean Elections Commission  
**Article and its heading:** 7, Use of Funds and Repayment  
**Section numbers:** R2-20-702, R2-20-702.01 (Sections may be added, deleted, or modified as necessary.)

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

R2-20-702 prescribes permissible uses for campaign funds.

R2-20-702.01 prescribes permissible uses of assets purchased with campaign funds.

Adoption and amendment of the above described rules is exempt from regular rulemaking procedures pursuant of A.R.S. § 16-956(C).

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

Notice of Proposed Exempt Rulemaking: 13 A.A.R. 1045, March 23, 2007 (*in this issue*)

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

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Phoenix, AZ 85007

Telephone: (602) 364-3477

Fax: (602) 364-3487

E-mail: todd.lang@azcleelections.gov

or

Name: Eric Peterson, Administrative Counsel

Address: Citizens Clean Elections Commission  
1616 W. Adams, Ste. 110  
Phoenix, AZ 85007

Telephone: (602) 364-3477

Fax: (602) 364-3487

E-mail: eric.peterson@azcleelections.gov

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

Comments may be submitted in writing during the 60-day period following filing of the Notice of Proposed Exempt Rulemaking. Oral comments may be made at regularly scheduled meetings of the Citizens Clean Elections Commission during such 60-day period.

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

The Citizens Clean Elections Commission anticipates taking action on the proposed rules upon expiration of the 60-day period following filing of the Notice of Proposed Exempt Rulemaking for each rule.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES  
COMMUNICABLE DISEASES AND INFESTATIONS

[R07-69]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 6, Department of Health Services – Communicable Diseases and Infestations  
**Articles and their headings:** 1, General; 2, Communicable Disease and Infestation Reporting; 3, Control Measures for Communicable Diseases and Infestations  
**Section numbers:** R9-6-101, R9-6-102, R9-6-201, R9-6-202, Table 1, R9-6-203, Table 2, R9-6-204, Table 3, R9-6-206, R9-6-301 through R9-6-388, and Exhibit III-A through III-N. (Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rules:**  
The rules regarding the reporting of information about communicable diseases and infestations are found in *Arizona Administrative Code* Title 9, Chapter 6, Article 2, and the rules specifying control measures for reportable communicable diseases and infestations are found in 9 A.A.C. Chapter 6, Article 3. The Department has initiated rulemaking to add Chagas disease to the reportable diseases identified in 9 A.A.C. Chapter 6, and a Notice of Rulemaking Docket Opening was published in the *Arizona Administrative Register* on February 9, 2007. While reviewing Sections of Article 3 opened for renumbering, to enable the insertion of Chagas disease into Article 3, the Department decided to initiate rulemaking to revise several of the opened Sections to update control measures. The Department is publishing this Notice of Rulemaking Docket Opening to replace the Notice of Docket Opening published on February 9, 2007. The rulemaking will conform to format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify other Sections, Tables, or Exhibits, as necessary.

**The agency docket number:**  
RE-008-07

- 3. A citation to all published notices relating to the proceeding:**  
Notice of Rulemaking Docket Opening: 13 A.A.R. 311, February 9, 2007

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

Name: Patty Gast, Office Chief  
Office of Infectious Diseases

Address: Arizona Department of Health Services  
150 N. 18th Ave., Ste. 150  
Phoenix, AZ 85007

Telephone: (602) 364-4564  
Fax: (602) 364-3198  
E-mail: gastp@azdhs.gov

or

Name: Kathleen Phillips  
Rules Administrator and Administrative Counsel

Address: Arizona Department of Health Services  
Office of Administrative Rules  
1740 W. Adams, Ste. 200  
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:**

Written comments will be accepted at the addresses listed in item #4 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 on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES  
COMMUNICABLE DISEASES AND INFESTATIONS

[R07-68]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 6, Department of Health Services – Communicable Diseases and Infestations  
**Articles and their headings:** 4, AIDS Drug Assistance Program (ADAP)  
**Section numbers:** R9-6-401 through R9-6-410 (Sections may be added, deleted, or modified as necessary.)

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

This Notice of Rulemaking Docket Opening is being published to replace the Notice expiring on March 10, 2007. The purpose of this rulemaking is to make the AIDS Drug Assistance Program rules consistent with current federal funding requirements and the practice of the AIDS Drug Assistance Program. The proposed changes will add definitions, clarify the application process and notification requirements, exclude those eligible to receive HIV-related prescription drugs through Medicare from enrolling in ADAP, specify prescription drug distribution requirements, and conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify other Sections, as necessary.

**The agency docket number:**

RE-007-07

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

Notice of Rulemaking Docket Opening: 12 A.A.R. 765, March 10, 2006

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

Name: Jay Moman, Program Manager  
Address: Arizona Department of Health Services  
HIV Care and Services  
150 N. 18th Ave., Ste. 110  
Phoenix, AZ 85007

Telephone: (602) 364-3606  
Fax: (602) 364-3263  
E-mail: momanj@azdhs.gov

or

Name: Kathleen Phillips  
Rules Administrator and Administrative Counsel  
Address: Arizona Department of Health Services  
Office of Administrative Rules  
1740 W. Adams, Ste. 200  
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:**

Written comments will be accepted at the addresses listed in item #4 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 on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES  
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R07-65]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 8, Department of Health Services – Food, Recreational, and Institutional Sanitation  
**Article and its heading:** 1, Food and Drink  
**Sections numbers:** R9-8-101 through R9-8-109 (Sections may be added, deleted, or modified as necessary.)

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

The purpose of this rulemaking is to amend the rules for food and drink in Title 9, Chapter 8, Article 1 of the *Arizona Administrative Code*. The Arizona Department of Health Services (Department) is amending the rules to implement Laws 2006, Ch. 272, § 1, effective May 11, 2006. Additionally, the Department is repealing the incorporation of the United States Food and Drug Administration publication, *Food Code: 1999 Recommendations of the United States Public Health Service, Food and Drug Administration* as modified, and incorporating the United States Food and Drug Administration publication, *Food Code: 2005 Recommendations of the United States Public Health Service, Food and Drug Administration* with modifications. The amended rules will conform to current statutory authority, rulemaking format and style requirements, industry practice, and departmental policy. The Department may add, delete, or modify Sections as necessary.

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

RE-006-07

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

None

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

Name: Ben C. Stepleton, Food Safety Manager  
Office of Environmental Health Services

Address: Department of Health Services  
150 N. 18th Ave., Ste. 430  
Phoenix, AZ 85007

Telephone: (602) 364-3140

Fax: (602) 364-3146

E-mail: [stepleb@azdhs.gov](mailto:stepleb@azdhs.gov)

or

Name: Kathleen Phillips  
Rules Administrator and Administrative Counsel

Address: Arizona Department of Health Services  
Office of Administrative Rules  
1740 W. Adams, Ste. 200  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: [phillik@azdhs.gov](mailto: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:**

The Department will accept written comments until close of the 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 on the proceeding, if known:**

None

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NOTICE OF RULEMAKING DOCKET OPENING  
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ADMINISTRATION

[R07-63]

1. **Title and its heading:** 9, Health Services  
**Chapter and its heading:** 22, Arizona Health Care Cost Containment System – Administration  
**Article and its heading:** 14, AHCCCS Medical Coverage for Families and Individuals  
**Section numbers:** R9-22-1431 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**  
The Administration is proposing amendments to revise and clarify the Family Planning rule language according to the Section 1115 waiver.
3. **A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 13 A.A.R. 951, March 23, 2007 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Gina Relkin  
Address: AHCCCS  
Office of Legal Assistance  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4232  
Fax: (602) 253-9115  
E-mail: AHCCCSRules@azahcccs.gov
5. **The time 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, 8:00 a.m. to 5:00 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 March 2007.

NOTICE OF RULEMAKING DOCKET OPENING  
DEPARTMENT OF TRANSPORTATION  
TITLE, REGISTRATION, AND DRIVER LICENSES

[R07-60]

1. **Title and its heading:** 17, Transportation  
**Chapter and its heading:** 4, Department of Transportation – Title, Registration, and Driver Licenses  
**Article and its heading:** 5, Safety  
**Section numbers:** R17-4-510 and R17-4-512 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**  
This rulemaking action arises from a Five-Year Review Report approved by the Governor’s Regulatory Review Council on December 10, 1999. The Arizona Department of Transportation, Motor Vehicle Division (Division), proposes to amend the existing motorcycle noise level limits rule to conform to current Environmental Protections Agency emissions noise level standards. Changes are also made to ensure conformity to Arizona Administrative Procedures Act, Secretary of State, and Governor’s Regulatory Review Council rulemaking format and style requirements. In addition, the Division proposes to repeal the existing child restraint systems rule as the existing rule is simply repeating the current statute, which references the governing federal statute.  
**The agency docket number, if applicable:**  
Not applicable
3. **A citation to all published notices relating to the proceeding:**  
Not applicable
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Notices of Rulemaking Docket Opening

Name: Celeste M. Cook, Administrative Rules Analyst  
Address: Administrative Rule Unit  
Department of Transportation, Motor Vehicle Division  
1801 W. Jefferson St., Mail Drop 530M  
Phoenix, AZ 85007  
Telephone: (602) 712-7624  
Fax: (602) 712-3081  
E-mail: ccook@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at [www.mvd.azdot.gov/mvd/MVDRules/rules.asp](http://www.mvd.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:**

Written and oral comments will be accepted at the address provided in item #4 between 8:00 a.m. and 5:00 p.m., Monday through Friday, with the exception of 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  
HAZARDOUS WASTE MANAGEMENT**

[R07-66]

- 1. Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 8, Department of Environmental Quality – Hazardous Waste Management  
**Article and its heading:** 2, Hazardous Wastes  
**Section numbers:** R18-2-260 through R18-280 (Sections may be added, deleted, or modified as necessary.)

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

The Department of Environmental Quality is considering amendments to the state’s hazardous waste rules that incorporate the text of federal regulations for the purpose of obtaining re-authorization of the state’s hazardous waste management program by the United States Environmental Protection Agency. These latest amendments are expected to cover changes in the federal regulations beginning July 1, 2005 through at least June 30, 2006. ADEQ is planning to incorporate the Performance Track changes in EPA’s RCRA Burden Reduction Initiative for Arizona Performance Track Members.

**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: Mark Lewandowski  
Address: 1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771- 2230  
Fax: (602) 771- 4138  
E-mail: Lewandowski.Mark@azdeq.gov

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

To be published 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 ENVIRONMENTAL QUALITY  
WATER QUALITY ASSURANCE REVOLVING FUND PROGRAM

[R07-67]

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

**Chapter and its heading:** 16, Department of Environmental Quality – Water Quality Assurance Revolving Fund Program

**Article and its heading:** 2, Preliminary Investigations and Site Scoring

**Section numbers:** R18-16-202 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**  
This rule will amend the existing rule regarding the scoring of sites for placement on the Water Quality Assurance Revolving Fund (WQARF) Registry. The current site scoring rule incorporates by reference an eligibility and evaluation site scoring model that was established in October 1996. ADEQ plans to update the current rule (R18-16-202) with a new eligibility and evaluation site scoring model.
- 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:      | Peggy J. Guichard-Watters                   |
| Address:   | 1110 W. Washington St.<br>Phoenix, AZ 85007 |
| Telephone: | (602) 771- 4117                             |
| Fax:       | (602) 771- 4138                             |
| E-mail:    | pgw@azdeq.gov                               |
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be published in the Notice of Proposed Rulemaking
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be published in the Notice of Proposed Rulemaking