

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

DEPARTMENT OF ADMINISTRATION PERSONNEL ADMINISTRATION

[M08-267]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 5, Department of Administration – Personnel Administration
Articles and their headings: 1, General; 4, Benefits
Section numbers: R2-5-101, R2-5-415, R2-5-416, R2-5-417, R2-5-418, R2-5-419, R2-5-420, R2-5-421, R2-5-422, R2-5-423 (Sections may be added, modified or deleted as necessary.)
- 2. The subject matter of the proposed rules:**
This Notice of Rulemaking Docket Opening is being published to replace the notice that expired July 6, 2008. This rulemaking primarily results from the Department's five-year-review, approved by the Governor's Regulatory Review Council (G.R.R.C.) in September 2006. The Department proposes to remove the rules regarding insurance benefits for state officers and employees from this Chapter, as these rules will be relocated to a separate Chapter. R2-5-101, Definitions, will also be amended.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 13 A.A.R. 2447, July 6, 2007
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**
Name: Christine Bronson, Manager, Employee Relations
Address: ADOA Human Resources
100 N. 15th Ave., Suite 261
Phoenix, AZ 85007
Telephone: (602) 542-1423
Fax: (602) 542-1980
E-mail: Christine.Bronson@azdoa.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 contact information provided in item 4 during business hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, until the close of record. 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 determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ADMINISTRATION BENEFIT SERVICES DIVISION

[R08-269]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 6, Department of Administration – Benefit Services Division
Article and its heading: 1, General Provisions; 2, Insurance Plans; 3, Eligibility Criteria; and 4, Appeals and Grievances
Section numbers: R2-6-101 through R2-6-108, R2-6-201 through R2-6-205, R2-6-301, R2-6-302, R2-6-401, and R2-6-402 (Sections may be added, modified or deleted as necessary.)

Notices of Rulemaking Docket Opening

2. The subject matter of the proposed rule:

In response to a five-year-review report approved by Council in September 2006, the Department is relocating insurance plan rules from 2 A.A.C. 5 to a new Chapter. This change is necessary because the insurance plan rules are applicable to all state employees and officers rather than only to those who are covered under the state merit system. The Department is extending eligibility to participate in the insurance plans to disabled older children and amending the rules to make them more clear, concise, and understandable and consistent with statute and agency practice.

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: Jeanne Hann
Address: Department of Administration
100 N. 15th Ave., Ste. 363
Phoenix, AZ 85007
Telephone: (602) 542-2006
Fax: (602) 542-7544
E-mail: Jeanne.hann@azdoa.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:

Unknown

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF VETERANS' SERVICES
ADMINISTRATION**

[R08-271]

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

41, Department of Veterans' Services – Administration

Article and its heading:

1, Military Family Relief Fund

Section numbers:

Sections may be added, deleted or modified as necessary.

2. The subject matter of the proposed rule:

A.R.S. § 41-608.04 established the Military Family Relief Fund, to allow applicants to request funds from the Military Family Relief Fund Advisory Committee. The monies in the fund shall be used to provide financial assistance to family members of military personnel who were killed or wounded in the line of duty, and who were deployed from a military base in this state or who were members of the Arizona army or air national guard. The assistance to family members shall be based on financial need. The rule will provide the application process and process followed by the Military Family Relief Fund Advisory Committee and the Arizona Department of Veterans' Services.

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: Gabe Forsberg, Strategic Planner
Address: Arizona State Veteran Home
4141 N. Third St.
Phoenix, AZ 85339
Telephone: (602) 568-9661
Fax: (602) 297-6691

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

At the address and telephone provided above throughout the rule promulgation process.

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

September 2008 Announce the proposed changes at the following venues:

- Unified Arizona Veterans meeting

Arizona Administrative Register / Secretary of State
Notices of Rulemaking Docket Opening

2. The subject matter of the proposed rule:

Arizona has operated Project ChalleNGe since July 1993. During that time, it has provided a second chance for approximately 2,600 young people who did not complete high school. In this rulemaking, the Department will establish the criteria for qualifying for and participating in Project ChalleNGe.

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

Notice of Proposed Rulemaking: 14 A.A.R. 3400, August 29, 2008 (*in this issue*)

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

Name: David Ervine
Address: Department of Emergency and Military Affairs
5636 E. McDowell Road, Building 101
Phoenix, AZ 85008-3495
Telephone: (602) 231-6334
Fax: (602) 231-6271
E-mail: David.ervine@azdema.gov

or

Name: Clark S. Coldiron
Address: Arizona Project ChalleNGe
20395 E. Rittenhouse Road
Queen Creek, AZ 85242-9715
Telephone: (480) 988-4100, ext. 202
Fax: (480) 988-4121
E-mail: coldironc@azpc.org

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:

See Notice of Proposed Rulemaking at 14 A.A.R. 3400, August 29, 2008 (*in this issue*)

**NOTICE OF RULEMAKING DOCKET OPENING
COMMISSION FOR THE DEAF AND THE HARD OF HEARING**

[R08-265]

1. Title and its heading:

9, Health Services

Chapter and its heading:

26, Commission for the Deaf and the Hard of Hearing

Article and its heading:

5, Interpreter Licensure and Regulation

Section numbers:

R9-26-502, R9-26-504, R9-26-505, R9-26-507, R9-26-510, R9-26-513, and R9-26-514 (Sections may be added, amended, or deleted as necessary.)

2. The subject matter of the proposed rule:

The Commission is adding Sections regarding a complaint procedure and the interpreter advisory committee. Other changes address issues that came to the attention of the Commission after the rules became effective in 2007.

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: Carmen Green, Deputy Director
Address: Commission for the Deaf and the Hard of Hearing
1400 W. Washington St., Suite 126
Phoenix, AZ 85007
Telephone: (602) 542-3362
Fax: (602) 542-3380
E-mail: C.green@acdhh.az.gov

Notices of Rulemaking Docket Opening

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
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
CHILDREN'S HEALTH INSURANCE PROGRAM**

[R08-258]

1. Title and its heading:

9, Health Services

Chapter and its heading:

31, Arizona Health Care – Children's Health Insurance Program

Article and its heading:

3, Eligibility and Enrollment

Section numbers:

R9-31-303 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

As a result of Legislation 2007, A.R.S. 36-2982(I) permits the Administration to implement the Employer Sponsored Insurance Program. The Administration is proposing rule language describing the requirements for this program. As a result of these changes the eligibility requirements for the Kids Care program requires an amendment pertaining to the ESI program.

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: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson St., Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
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:

Notice of Proposed Rulemaking is intended to be filed by August 2008.

**NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF PUBLIC SAFETY
CRIMINAL IDENTIFICATION SECTION**

[R08-264]

1. Title and its heading:

13, Public Safety

Chapter and its heading:

1, Department of Public Safety – Criminal Identification Section

Article and its heading:

1, Criminal History Records

Section numbers:

R13-1-101, R13-1-102, R13-1-106, R13-1-108, R13-1-109, and R13-1-110 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The Department is required to conduct hearings to determine the accuracy of criminal history record information when the individual who is the subject of the information submits a petition for review. In this rulemaking, the Department is clarifying that the hearings will be conducted according to the procedures in A.R.S. Title 41, Chapter 6, Article 10 and the rules issued by the Office of Administrative Hearings. The Department is also making other minor clarifying changes.

Arizona Administrative Register / Secretary of State
Notices of Rulemaking Docket Opening

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: Sandy Patterson
Address: P. O. Box 6638
Mail drop 1120
Phoenix, AZ 85005-6638
Telephone: (602) 223-2674
Fax: (602) 223-2983
E-mail: spatterson@azdps.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 decided

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF PUBLIC SAFETY
CONCEALED-WEAPONS PERMITS

[R08-270]

1. Title and its heading:

13, Public Safety

Chapter and its heading:

9, Department of Public Safety – Concealed-weapons Permits

Article and its heading:

1, General Provisions; 2, Concealed-weapons Permit: Application; Renewal; Responsibilities; 3, Firearms-safety Training: Organizations and Instructors; 4, Certificate of Firearms Proficiency; 5, LEOSA-recognized Instructors; and 6, Hearings and Disciplinary Proceedings
R13-9-101 through R13-9-104, Table 1, Article 2, R13-9-201 through R13-9-204, R13-9-206, R13-9-208, R13-9-302, R13-9-305, R13-9-307 through R13-9-310, R13-9-402 through R13-9-404, R13-9-501, R13-9-502, and R13-9-601 (Sections may be added, deleted, or modified as necessary.)

Section numbers:

2. The subject matter of the proposed rule:

The Department is amending the rules to incorporate statutory changes made during the 2008 legislative session. It is also making minor, clarifying changes.

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: Lieutenant Laurence Burns, Licensing and Regulatory Bureau Commander
Address: P. O. Box 6638
Mail drop 1170
Phoenix, AZ 85005-6638
Telephone: (602) 223-2404
Fax: (602) 223-2928
E-mail: lburns@azdps.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:

Unknown

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL

[R08-273]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 9, Department of Environmental Quality – Water Pollution Control
Articles and their headings: 10, Arizona Pollutant Discharge Elimination System – Disposal, Use, and Transportation of Biosolids
Section numbers: R18-9-1001, R18-9-1002, R18-9-1003, R18-9-1004, R18-9-1005, R18-9-1006, R18-9-1007, R18-9-1008, R18-9-1009, R18-9-1010, R18-9-1011, R18-9-1012, R18-9-1013, R18-9-1014, R18-9-1015 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
Pursuant to 18 A.A.C. 9, Article 10, the Department prescribes rules to promote the safe and beneficial use of biosolids also known as sewage sludge, and its secure disposal. This rulemaking proposes to clarify and update those rules to ensure consistency with U.S. Environmental Protection Agency regulations under 40 CFR 503 for which the Department assumed primacy in 2001 during its establishment of the initial the Arizona Pollutant Discharge Elimination System (AZPDES) program. In addition, this rulemaking will make necessary grammatical and technical modifications, amendments and corrections.
- 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: Anna M. Ochoa, J.D.
Address: Department of Environmental Quality
1110 W. Washington St. (5130C-2)
Phoenix, AZ 85007
Telephone: (602) 771-4589, or toll-free in Arizona: 800-234-5677, ext. 4589
E-mail: ochoa.anna@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 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, 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:**
Unknown at this time

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS

[R08-274]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 11, Department of Environmental Quality – Water Quality Standards
Article and its heading: 4, Aquifer Water Quality Standards
Section numbers: R18-11-401, R18-11-403, R18-11-404, R18-11-405, R18-11-406, R18-11-407, R18-11-408 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rules:**
This Article establishes aquifer water quality standards. These standards apply to facilities licensed under the Aquifer Protection Permit (APP) program, which discharge pollutants to groundwater and guide remedial and corrective actions by various Department programs, such as Water Quality Assurance Revolving Fund (WQARF), Underground Storage Tank (UST), and Comprehensive Environmental Response Compensation and Liability Act (CERCLA).
- 3. A citation to all published notices relating to the proceeding:**
None

Notices of Rulemaking Docket Opening

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

Name: Anna M. Ochoa, J.D.
Address: Department of Environmental Quality
1110 W. Washington St. (5130C-2)
Phoenix, AZ 85007
Telephone: (602) 771-4589, or toll-free in Arizona: 800-234-5677, ext. 4589
E-mail: ochoa.anna@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 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, 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:

Unknown