

## NOTICES OF PROPOSED DELEGATION AGREEMENT

The Administrative Procedure Act requires the publication of notices of proposed delegation agreements in the *Register*. A delegation agreement is an agreement between an agency and a political subdivision that authorizes the political subdivision to exercise functions, powers, or duties conferred on the delegating agency by a provision of law. Delegation agreements are not intergovernmental agreements pursuant to A.R.S. Title 11, Chapter 7, Article 3. For at least 30 days after publication of the Notice of Proposed Delegation Agreement in the *Register*, the agency shall provide persons the opportunity to submit in writing statements, arguments, data, and views on the proposed delegation agreement and shall provide an opportunity for a public hearing if there is sufficient interest. The delegating agency shall follow the procedures for delegation agreements specified in A.R.S. Title 41, Chapter 6, Article 8.

### NOTICE OF PROPOSED DELEGATION AGREEMENT

[M08-530]

**1. Name of agency proposing the delegation agreement:**

Department of Health Services

**2. The name of the political subdivision to which functions, powers, or duties of the agency are proposed to be delegated:**

Maricopa County

**3. The name and address of agency personnel to whom persons may direct questions or comments:**

Name: Diane Eckles, Office Chief  
Address: Department of Health Services  
Office of Environmental Health  
150 N. 18th Ave., Suite 430  
Phoenix, AZ 85007

Telephone: (602) 364-3142

Fax: (602) 364-3146

E-mail: ecklesd@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel  
Address: Department of Health Services  
Office of Administrative Rules and Counsel  
1740 W. Adams St., Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

**4. A summary of the delegation agreement and the subjects and issues involved:**

On November 7, 2006, Arizona voters approved Proposition 201, the Smoke-Free Arizona Act (Act), including new A.R.S. § 36-601.01. A.R.S. § 36-601.01(G)(10) authorizes the Arizona Department of Health Services (ADHS) to delegate to a state agency or political subdivision “any functions, powers or duties under this law.” ADHS is amending its delegation agreement with Maricopa County to both reflect that A.R.S. § 36-601.01(G)(10) authorizes the Department to delegate “functions, powers or duties” under the Act to a “state agency or political subdivision” and establish that Maricopa County’s Smoke-free inspection responsibility is being divided between its Environmental Services Department and Department of Public Health. This Notice of Proposed Delegation Agreement is meant to supersede the Notice of Proposed Delegation Agreement that was published in the *Arizona Administrative Register* on August 22, 2008.

**5. Copies of the proposed delegation agreement may be obtained from the agency as follows:**

Copies of the proposed delegation agreement may be requested, in writing, from the Arizona Department of Health Services, Office of Environmental Health, 150 N. 18th Ave., Suite 430, Phoenix, AZ 85007, or by telephone at (602) 364-3142.

**6. The schedule of public hearing on the proposed delegation agreement:**

A person may submit written comments on the proposed delegation agreement to an individual listed in item 3 until the close of record on January 26, 2009 at 4:00 p.m.

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The Department will not be holding a public hearing on the proposed delegation agreement unless there is sufficient public interest. A person may request a public hearing by contacting Robert Lane at (602) 364-0792 or [laner@azdhs.gov](mailto:laner@azdhs.gov).