

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 SECRETARY OF STATE RULES AND RULEMAKING

Editor's Note: The following Notice of Rulemaking Docket Opening is exempt from Laws 2010, Ch. 287, § 18. (See the text of § 18 on page 1918.)

[R10-149]

- 1. Title and its heading:** 1, Rules and the Rulemaking Process
Chapter and its heading: 1, Secretary of State – Rules and Rulemaking
Articles and their heading: 1, General Provisions; 2, The *Administrative Register*; 5, Proposed Rulemaking; 6, Final Rulemaking; 7, Emergency Rulemaking; 8, Summary Rulemaking; 9, Exempt Rulemaking
Section numbers: R1-1-102, R1-1-210, R1-1-212, R1-1-502, R1-1-507, R1-1-602, R1-1-701, R1-1-801, R1-1-902 (Sections may be added, deleted or modified as necessary.)

- 2. The subject matter of the proposed rule:**
This docket has been opened to implement 2010 legislative requirements under Laws 2010, Ch. 287 (H.B. 2260) that went into effect on July 29, 2010. As part of this update the Office plans to amend the Secretary of State's rules on the rulemaking process to make citation references consistent with current statute, improve clarity of existing rules, and comply with the mandated statutory updates.

The amendments will focus particularly on rules pertaining to office forms to assist with rule review under H.B. 2260. These mandated additions for rule review include: whether the rules requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used; whether federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, the citation to the statutory authority to exceed the requirements of federal law; and whether a person submitted an analysis to the agency that compares the rules' impact of the competitiveness of business in this state to the impact on businesses in other states. If yes, an analysis will be filed with the rulemaking.

Other mandated amendments include updates under Laws 2010, Ch. 88 (H.B. 2209, § 3) which pertain to Notices of Agency Ombudsman filed with the Office.

- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 16 A.A.R. 1892, September 24, 2010
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Scott Cancelosi
Director, Public Services Division
Address: Office of the Secretary of State
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007
Telephone: (602) 542-0223
Fax: (602) 542-4366
E-mail: scancelosi@azsos.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 Monday through Friday from 8:00 a.m. until 5:00 p.m. A hearing date will be scheduled in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Notice of Proposed Rulemaking: 16 A.A.R. 1892, September 24, 2010

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA CRIMINAL JUSTICE COMMISSION

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 at 15 A.A.R. 1942, November 20, 2009.) The Governor's Office authorized the notice to proceed through the rulemaking process on December 2, 2009.

[R10-133]

1. **Title and its heading:** 10, Law
Chapter and its heading: 4, Arizona Criminal Justice Commission
Article and its heading: 3, Criminal Justice Enhancement Fund
Section numbers: R10-4-301 through R10-4-305 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**
During the third special legislative session of 2009, the legislature amended A.R.S. § 41-2401(D)(9) to require that monies in the Criminal Justice Enhancement Fund be distributed directly to county sheriffs rather than to the Arizona Department of Corrections for allocation to the county sheriffs. This change resulted in confusion regarding the agency responsible for making rules regarding the allocation of the monies. During its most recent session, the legislature eliminated this confusion by amending A.R.S. § 41-2405(A)(8). The law now clearly indicates that the Arizona Criminal Justice Commission is to make rules regarding allocation of monies in the Criminal Justice Enhancement Fund. This rulemaking makes the required rules.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 16 A.A.R. 1909, September 24, 2010 (*in this issue*)
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: John A. Blackburn, Jr.
Address: Arizona Criminal Justice Commission
1110 W. Washington St., Suite 230
Phoenix, AZ 85007
Telephone: (602) 364-1171
Fax: (602) 364-1175
E-mail: jrblackburn@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:**
Notice of Proposed Rulemaking: 16 A.A.R. 1909, September 24, 2010 (*in this issue*)

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION
OVERDIMENSIONAL PERMITS

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Laws 2010, Ch. 287, § 18. (See the text of § 18 on page 1918.) The Governor's Office authorized the notice to proceed through the rulemaking process on August 11, 2010.

[R10-136]

1. **Title and its heading:** 17, Transportation
Chapter and its heading: 6, Department of Transportation – Overdimensional Permits
Article and its heading: 1, General Provisions; 2, Permit Classes; 3, Safety Requirements; 4, Transport Restrictions; 5, Envelope Permit Special Provisions
Section numbers: R17-6-101, R17-6-102, Table 1, R17-6-103 through R17-6-113, R17-6-201 through R17-6-206, Table 2, R17-6-207 through R17-6-211, R17-6-301, R17-6-302, Ill. 1, R17-6-303, Ill. 2, R17-6-304, Ill. 4, R17-6-305 through R17-6-308, R17-6-401 through R17-6-411, Tables 3.01 through 3.09, Ill. 3, R17-6-412, Table 4, R17-6-413, Table 5, R17-6-414, and R17-6-501 through R17-6-505 (Sections may be added, deleted, or modified as necessary.)

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2. The subject matter of the proposed rules:

The Arizona Department of Transportation in cooperation with the Overdimensional Permit Council and other representatives of the regulated community is updating its overdimensional permit rules to ensure effectiveness in achieving statutory objectives under A.R.S. Title 28, Chapter 3, Articles 18 and 19. Rule amendments are intended to correct outdated information and statutory references, to provide further clarification on existing processes as necessary to promote the public safety, and to ensure the rules are clear, concise, and understandable. The Department and the Overdimensional Permit Council will be publishing additional notices to ensure that all interested parties are provided sufficient opportunity to participate in this rulemaking effort.

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 rules:

Name: John Lindley, Administrative Rules Analyst
Address: Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 517M
Phoenix, AZ 85007
Telephone: (602) 712-8804
Fax: (602) 712-3373
E-mail: jlindley@azdot.gov

Please visit the ADOT web site to track the progress of these rules and any other agency rulemaking matters at www.azdot.gov/mvd/mvdrules/index.asp.

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

Written comments may be submitted at any time. Oral comments may be made during regular business hours. All comments should be directed to the person listed under item 4. The date, time, and location of an oral proceeding on the rulemaking will be included in the Notice of Proposed Rulemaking.

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

The Department anticipates completing this rulemaking in 2011.