

*Arizona Administrative Register*  
Notices of Rulemaking Docket Openings

## NOTICES OF RULEMAKING DOCKET OPENINGS

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever 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 ECONOMIC SECURITY

1. **Title and its heading:** 6, Economic Security  
**Chapter and its heading:** 3, Department of Economic Security - Income Maintenance  
**Articles and its heading:** 23, Food Stamps - Hearings and Appeals  
**Section number:** R6-3-2305
2. **Subject matter of the proposed rule:**  
The Department will amend R6-3-2305 to specifically prohibit the Department's Appeals Board from exercising removal jurisdiction over food stamp cases. This amendment is required pursuant to the terms of a consent decree issued by the United States District Court in *Soto and Dorame v. Blessing*, CIV94-332 TUC-ACM, on April 27, 1995.  
**The agency docket number, if applicable:**  
Not applicable.
3. **A citation to all published notices relating to the proceeding:**  
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Vista Thompson Brown  
Address: Department of Economic Security  
1789 West Jefferson, Site Code 837A  
Phoenix, Arizona 85007  
or  
P.O. Box 6123, Site Code 837A  
Phoenix, Arizona 85005  
Telephone: (602) 542-6555  
Fax: (602) 542-6000
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 during regular business hours until the close of record, which has not yet been determined.  
No oral proceedings have yet been scheduled.
6. **A timetable for agency decisions or other action in the proceeding:**  
The Department is currently drafting the rule amendment. The Department hopes to file a proposed rule with the Secretary of State's Office by late summer of 1995. The Department does not intend to schedule a public hearing on the proposed rule amendment unless five or more persons request a hearing. The Department expects to have a final rule in place by late spring of 1996.

### NOTICE OF RULEMAKING DOCKET OPENING

#### DEPARTMENT OF ECONOMIC SECURITY

1. **Title and its heading:** 6, Economic Security  
**Chapter and its heading:** 5, Department of Economic Security - Social Services  
**Articles and their headings:** 1, Appeals and Hearing Procedures for Matters Involving the Provision of Social Services (new)  
2, Appeals and Hearing Procedures for Matters Involving Child Welfare Agency Licensing, Foster Home Licensing, Adoption Agency Licensing, and Child Care Provider Certification (new)  
24, Appeals and Hearings  
**Section numbers:** R6-5-2401 through R6-5-2405; Section numbers in Articles 1 and 2 to be determined.
2. **Subject matter of the proposed rule:**  
The Department plans to repeal 6 A.A.C. 5, Article 24, entitled "Appeals and Hearings." This Article is very out of date and contains matters not appropriate for rules, such as Sections for "objective" and "authority". This Article contains hearing procedures for adverse action taken against clients regarding the provision of benefits. It is not adequate to address disputes arising out of the Department's licensing and certification functions.  
The Department will adopt two new Articles.  
Article 1 will create a new set of hearing procedures to govern disputes over the provision of social services, such as child care. This Article will describe what action is appealable; the procedures for filing and pursuing an appeal and obtaining a fair hearing; a client's

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due process rights in connection with the hearing, including when and how to maintain benefits; the duties of the hearing officer; how a hearing is conducted; the requirements for written decisions; and the procedures for further appeal.

Article 2 will set forth the hearing procedures in licensing and certification matters. It will describe what actions are appealable; the procedures for filing and pursuing an appeal, and obtaining a hearing of adverse action taken against a licensee or certified provider; the licensee or provider's due process rights in connection with the appeal; the time periods for taking action and when action becomes effective; the duties of the hearing officer; how an appeal is conducted; the requirements for written decisions; and the procedures for further appeal.

The Department is also considering whether to add an internal grievance process whereby a licensee or provider could challenge Department action which is not appealable.

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

Not applicable.

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

None published.

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

Name: Vista Thompson Brown, Legal Analyst

Address: Department of Economic Security  
1789 West Jefferson, Site Code 837A  
Phoenix, Arizona 85007

or

P.O. Box 6123, Site Code 837A  
Phoenix, Arizona 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

**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 the close of record, which has not yet been scheduled.

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

The Department has just begun drafting Article 2, and has not yet begun to draft Article 1.

The Department hopes to have a draft of Article 2 available for informal review by late fall of 1995. After soliciting informal comment, the Department hopes to complete its proposed rulemaking package by January 1996. The Department would then file the proposed rules with the Secretary of State's Office and conduct public hearings in the spring of 1996.

The Department will wait to begin work on Article 1 until after Congress decides the outcome of proposals regarding the block grant process. Changes at the federal level could impact the method by which the Department delivers services, which would, in turn, impact the development of these rules.

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STATE BOARD OF EDUCATION

1. **Title and its heading:** 7, Education  
**Chapter and its heading:** 2, State Board of Education  
**Article and its heading:** 6, Certification  
**Section number:** R7-2-601

2. **Subject matter of the proposed rule:**

R7-2-601 sets forth the general provisions for issuance of a certificate. The proposed amendment will address the issue of criminal offenses and convictions that will be reviewed by the State Board of Education in the certification application process. The amendment will also address a provision in the rule which states that applicants will not be considered for certification if the offense has occurred less than six years prior to the date of the Board's review.

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

Not applicable.

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

None published.

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

Name: Corinne L. Velasquez, Administrator

Address: State Board of Education  
1535 West Jefferson, Room 418  
Phoenix, Arizona 85007

Telephone: (602) 542-5057

Fax: (602) 542-3046

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

The Board will accept written comments between 8 a.m. and 5 p.m., Monday through Friday, until November 10, 1995.

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The Board will accept oral comments as follows:

Date: November 27, 1995  
Time: 1 p.m.  
Location: State Board of Education  
1535 West Jefferson, Room 417  
Phoenix, Arizona 85007

6. A timetable for agency decisions or other action in the proceeding:  
Public hearing: October 23, 1995  
Consideration for adoption: October 23, 1995

NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

1. Title and its heading: 12, Natural Resources  
Chapter and its heading: 4, Game and Fish Commission  
Articles and their headings: 3, Taking and Handling of Wildlife  
4, Live Wildlife Rules  
Section numbers: R12-4-309  
R12-4-422
2. Subject matter of the proposed rule:  
R12-4-309 closes certain big game hunt areas to any but those holding the required big game permits. The Commission has accepted a petition to amend the rule to allow the reinstatement of multiple species archery seasons and expand exempted hunt permit-tags to include buffalo and bighorn sheep.  
R12-4-422 allows the traditional practice of falconry within federal standards regulating the take, possession, and transportation of raptors for the purpose of falconry. The Commission has accepted a petition to amend this rule to address incidental kill of wildlife by a raptor.  
The agency docket number, if applicable:  
Not applicable.
3. A citation to all published notices relating to the proceeding:  
None published.
4. Name and address of agency personnel with whom persons may communicate regarding the rule:  
Name: Susan L. Alandar, Administrative Services Manager  
Address: Game and Fish Department  
2221 West Greenway Road DO HQ  
Phoenix, Arizona 85023  
Fax: (602) 789-3299
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 first notice will be accepted at the above address until October 3, 1995.
6. A timetable for agency decisions or other action in the proceeding:  
On October 21, 1995, the Commission may determine whether to approve a Notice of Proposed Rulemaking on these rules. Further timetables including a schedule of public hearings would be established at that time.