

## 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

- 1. Title and its heading:** 2, Administration  
**Chapter and its heading:** 12, Office of the Secretary of State  
**Article and its heading:** 12, Electronic Notary  
**Section numbers:** R2-12-1201 through R2-12-1209 (Additional Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**  
To establish policies, procedures, fees, and any other duties or services required to permit the commission of electronic notary public.
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 9 A.A.R. 298, February 7, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Russ Savage, Electronic Transactions Liaison  
Address: Secretary of State  
1700 W. Washington, 7th Floor  
Phoenix, AZ 85007-2888  
Telephone: (602) 542-2022  
Fax: (602) 542-1575
- 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 ECONOMIC SECURITY CHILD SUPPORT ENFORCEMENT

- 1. Title and its heading:** 6, Economic Security  
**Chapter and its heading:** 7, Department of Economic Security  
Child Support Enforcement  
**Article and its heading:** 1, General Provisions  
6, Title IV-D Distribution  
7, Title IV-D Disbursement  
**Section numbers:** R6-7-101, R6-7-601 through R6-7-609, and R6-7-701 through R6-7-716 (Sections may be added or deleted.)
- 2. The subject matter of the proposed rule:**  
In 1996 a new federal law, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), became effective. This legislation amended Title IV-D of the Social Security Act by making significant changes to the distribution and disbursement of child support in Title IV-D cases. One of the objectives of this legislation was to increase the amount of child support distributed to families and reduce the number of families who receive public assistance.  
  
This rule contains the process and procedures for the distribution and disbursement of child support, which conforms to federal and state statutes. These changes became effective on October 1, 1997, and have been applied to payments

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with receipt dates of October 1, 1997 and later. The federal legislation required states to start tracking temporarily assigned arrearages on October 1, 1997, after a three-year phase-in period from October 1, 1997 to September 2000. Payment of temporarily assigned arrearages to the family was delayed until October 1, 2000.

R6-7-101 defines terms used in the distribution rule, as well as other child support rules. Distribution is the application of support and related collections to obligations or debts. Disbursement is the payment of monies to an obligee or other appropriate recipient. Article 6 lists the order in which support is distributed to the different types of obligations in a Title IV-D case. These obligations include current support, current spousal maintenance, arrearages, judgments, fees, and IRS tax reversals. The rule explains how arrearage payments are distributed and how support payments are credited.

The rule also indicates how monies received from a federal income tax refund offset are allotted when the amount offset is not enough to pay the arrearages owed to multiple obligees. Other provisions of the rule deal with the distribution of futures and prepaid support, and distribution of support in a foster care case. R6-7-608 explains the distribution of support for children subject to the Family Benefit Cap.

Article 7 deals with the disbursement of support. The rule also explains how the Department handles returned support payments if the obligee cannot be located and the payments are returned as undeliverable. It also specifies the disbursement procedures for monies received by income withholding orders and other sources. The Title IV-D agency is required to disburse support on a current cash assistance case within two business days of the last day of the month in which the Clearinghouse receives the payment. The Title IV-D agency will not pay interest on these monies. Another provision is the disbursement of monies received from federal income tax refund offset, a joint state income tax return from the Department of Revenue, and the state lottery prize offset.

Article 7 also explains how the Department of Economic Security disburses support in never assistance, current assistance, and former assistance cases. Due to different federal requirements, disbursement in former assistance, current assistance, and never assistance cases is described for different time periods. The rule also deals with the allocation of interest on arrearages and the Title IV-D agency's procedures for unassignment of arrearages when a family stops receiving cash assistance.

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

Notice of Rulemaking Docket Opening: 4 A.A.R. 3818, November 13, 1998

Notice of Proposed Rulemaking: 5 A.A.R. 786, March 19, 1999

Notice of Termination of Rulemaking: 5 A.A.R. 2733, August 13, 1999

Notice of Rulemaking Docket Opening: 5 A.A.R. 2741, August 13, 1999

Notice of Rulemaking Docket Opening: 6 A.A.R. 4044, October 20, 2000

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

Name: Beth Broeker  
Address: 1789 W. Jefferson, Site Code 837A  
Phoenix, AZ 85007  
Telephone: (602) 542-6555  
Fax: (602) 542-6000  
E-mail: bbroeker@mail.de.state.az.us

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

A person may submit written comments from the present until the close of the record, which has not yet been scheduled. The Department will schedule oral proceedings on this rule at the time of filing the Notice of Proposed Rulemaking if one individual requests an oral proceeding.

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

Not yet known

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF ECONOMIC SECURITY  
CHILD SUPPORT ENFORCEMENT**

- 1. Title and its heading:** 6, Economic Security  
**Chapter and its heading:** 7, Department of Economic Security  
Child Support Enforcement  
**Article and its heading:** 4, Passport Denial  
**Section numbers:** R6-7-401 through R6-7-407 (Sections may be added or deleted.)
- 2. The subject matter of the proposed rule:**  
Title IV-D child support agencies are required under federal law to have a procedure to certify an obligor with a child support arrearage exceeding \$5,000 to the United States Secretary of Health and Human Services. The Secretary will send the certification to the United States Secretary of State, who has authority to revoke, restrict, or limit a passport that was previously issued. These rules establish the criteria and procedures for certifying an obligor for passport denial, notifying the obligor, requesting an administrative review, withdrawing an obligor from passport denial, and requesting an appeal. Passport denial is another tool that state Title IV-D agencies are required to use to enforce child support obligations.
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Rulemaking Docket Opening: 7 A.A.R. 1560, April 13, 2001
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Beth Broeker  
Address: 1789 W. Jefferson, Site Code 837A  
Phoenix, AZ 85007  
Telephone: (602) 542-6555  
Fax: (602) 542-6000  
E-mail: bbroeker@mail.de.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
A person may submit written comments from the present until the close of the record, which has not yet been scheduled. The Department will schedule oral proceedings on this rule at the time of filing the Notice of Proposed Rulemaking if one individual requests an oral proceeding.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
Not yet known

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF ECONOMIC SECURITY  
CHILD SUPPORT ENFORCEMENT**

- 1. Title and its heading:** 6, Economic Security  
**Chapter and its heading:** 7, Department of Economic Security  
Child Support Enforcement  
**Article and its heading:** 8, Obligee Request for Administrative Review of Distribution  
or Disbursement  
**Section numbers:** R6-7-801 (Sections may be added or deleted.)
- 2. The subject matter of the proposed rule:**  
Provisions contained in H.B. 2095, enacted as Laws 2002, Ch. 227, Second Regular Session, allow an obligee in a Title IV-D child support case to file a request for an administrative review to contest the distribution and disbursement of child support. A.R.S. § 25-522 details how an obligee may initiate the process to request an administrative review, the requirements for requesting the review, and the steps the Title IV-D agency must take. This rule states how an obligee may request an administrative review, the requirements for a review, the information an obligee must provide, and the process for an obligee to appeal the Title IV-D agency's decision regarding the distribution or disbursement of support.

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

Notice of Rulemaking Docket Opening: 4 A.A.R 3818, November 13, 1998  
Notice of Proposed Rulemaking: 5 A.A.R. 786, March 19, 1999  
Notice of Termination of Rulemaking: 5 A.A.R. 2733, August 13, 1999  
Notice of Rulemaking Docket Opening: 5 A.A.R. 2741, November 13, 1999  
Notice of Rulemaking Docket Opening: 6 A.A.R. 4044, October 20, 2000

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

Name: Beth Broeker  
Address: 1789 W. Jefferson, Site Code 837A  
Phoenix, AZ 85007  
Telephone: (602) 542-6555  
Fax: (602) 542-6000  
E-mail: bbroeker@mail.de.state.az.us

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

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

Not yet known

**NOTICE OF RULEMAKING DOCKET OPENING  
DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS  
DIVISION OF EMERGENCY MANAGEMENT**

**1. Title and its heading:**

8, Emergency and Military Affairs

**Chapter and its heading:**

2, Department of Emergency and Military Affairs  
Division of Emergency Management

**Article and its heading:**

1, Search Or Rescue

**Section numbers:**

R8-2-101, R8-2-102, R8-2-103, R8-2-104, and R8-2-105  
(The Department may delete or amend additional Sections as necessary.)

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

The subject matter of the proposed rulemaking is search or rescue.

**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: James Langston, Search and Rescue Coordinator  
Address: Arizona Department of Emergency and Military Affairs  
Division of Emergency Management  
5636 E. McDowell Road, Building 103  
Phoenix, AZ 85007  
Telephone: (602) 231-6220  
Fax: (602) 231-6226  
E-mail: langstonj@.state.az.us

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

To be determined

**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**  
**AIR POLLUTION CONTROL**

- 1. Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 2, Department of Environmental Quality  
Air Pollution Control  
**Article and its heading:** 1, General  
16, Visibility; Regional Haze  
**Section numbers:** R18-2-101 and R18-2-1601 through R18-2-1606
- 2. The subject matter of the proposed rule:**  
The Arizona Department of Environmental Quality (ADEQ) will be proposing new rules to set forth the process ADEQ will use to determine whether Best Available Retrofit Technology (BART) will be required for certain major stationary sources determined to be contributing to visibility impairment in a mandatory Federal Class I area.
- 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: Deborah "Corky" Martinkovic  
Address: ADEQ  
1110 W. Washington  
Phoenix, AZ 85007  
Telephone: (602) 771-2372  
Fax: (602) 771-2366
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be announced in the Notice of Proposed Rulemaking
- 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**  
**BANKING DEPARTMENT**

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance  
**Chapter and its heading:** 4, Banking Department  
**Article and its heading:** 17, Arizona Interstate Bank and Savings and Loan Association Act  
**Section numbers:** R20-4-1701, R20-4-1702, R20-4-1703, R20-4-1704, R20-4-1705, and R20-4-1706
- 2. The subject matter of the proposed rule:**  
These Sections, in the Department's original 1986 rulemaking, implemented the Arizona Interstate Bank and Savings and Loan Association Act, A.R.S. § 6-321 *et seq.*, ("the Act"). Since 1986, the federal Congress has enacted the Riegle-Neal Interstate Banking and Branching Efficiency Act ("Riegle-Neal Act," 12 U.S.C. § 1831 *et seq.*). Riegle-Neal changed the legal framework and procedure regulating banks' and bank holding companies' interstate branching transactions. The Riegle-Neal Act also preempted much of Arizona's Act. As a result, parts of Article 17 are now dated and in need of revision.  
  
On November 7, 2000, the Council approved the Department's five-year rule review report. In that report, the Department promised to amend or repeal several Sections of Article 17 in response to the new federal statutes and the Arizona legislature's acknowledgement that the federal banking authorities have modernized and streamlined interstate branching. This rulemaking is to fulfill the Department's promise to harmonize these Sections of the *Administrative Code* with the modern federal trend to ease interstate branching.
- 3. A citation to all published notices relating to the proceeding:**  
There are no previous published notices relating to this proceeding.
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: John P. Hudock

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Address: Banking Department  
2910 N. 44th Street, Suite 310  
Phoenix, AZ 85018-7270

Telephone: (602) 255-4421, ext. 167

Fax: (602) 381-1225

E-mail: jhudock@azbanking.com

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

The Department accepts written comments during business hours at the address stated in item #4 of this Notice. Comments are welcome at any time until the close of the record in this proceeding. The date for closure of the record depends on the publication date of the actual proposed rules, which has not yet occurred. Notice of any opportunity to make public oral comment will be published as required by law.

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

No timetable has been projected or established. In June 2003 the Department expects to submit the text of proposed rules for publication.