

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

[R08-246]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 5, Department of Administration – Personnel Administration
Article and its headings: 4, Benefits
Section numbers: R2-5-401, R2-5-403, R2-5-404, R2-5-405, R2-5-410, R2-5-411, R2-5-413, R2-5-414 (Sections may be added, modified or deleted as necessary.)
- 2. The subject matter of the proposed rules:**
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 amend the rules in Article 4 by adding clarifying language regarding Family and Medical Leave Act (FMLA) leave, eligibility for continued participation in the employee insurance plans while on leave, and leave accruals and accumulation limits.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 13 A.A.R. 2447, July 6, 2007
Notice of Proposed Rulemaking: 14 A.A.R. 3154, August 8, 2008 (*in this issue*)
- 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:**
The Department will accept public comments during business hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, until close of record, at contact information provided in item 4. An oral proceeding regarding the proposed rules will be held as follows:
Date: Tuesday, September 9, 2008
Time: 2:00 p.m.
Location: Department of Administration
100 N. 15th Ave., Room 204
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

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DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS DIVISION OF EMERGENCY MANAGEMENT

[R08-238]

- 1. Title and its heading:** 8, Emergency and Military Affairs
Chapter and its heading: 2, Department of Emergency and Military Affairs – Division of

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Article and its heading: Emergency Management
Section numbers: 7, Emergency Volunteer Worker Program
R8-2-701, R8-2-702, R8-2-703, R8-2-704 (Sections may be added,
deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

This docket opening is being filed to create new rules. The subject matter of the proposed rule is to address terminology and procedures relating to the registration of emergency volunteer workers.

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

Notice of Rulemaking Docket Opening: 14 A.A.R. 752, March 7, 2008

Notice of Rulemaking Docket Opening: 14 A.A.R. 2242, June 6, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 3163, August 8, 2008 (*in this issue*)

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

Name: David Ervine, Information Technology Specialist III

Address: Department of Emergency and Military Affairs
Division of Emergency Management
5636 E. McDowell Road, Building 103
Phoenix, AZ 85008

Telephone: (602) 231-6334

Fax: (602) 231-6271

E-mail: david.ervine@azdema.gov

or

Name: Louis B. Trammell, Director

Address: Department of Emergency and Military Affairs
Division of Emergency Management
5636 E. McDowell Road, Building 103
Phoenix, AZ 85008

Telephone: (602) 231-6245

Fax: (602) 231-6356

E-mail: Lou.trammell@azdema.gov

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

Arizona Division of Emergency Management 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 may be scheduled later to provide a forum for interactive discussion with interested parties.

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

To be determined

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DEPARTMENT OF HEALTH SERVICES

CHILD CARE FACILITIES

[R08-234]

1. Title and its heading:

9, Health Services

Chapter and its heading:

5, Department of Health Services – Child Care Facilities

Articles and headings:

1, General; 2, Facility Licensure; 3, Facility Administration; 4, Facility Staff; 5, Facility Program and Equipment; 6, Physical Plant of a Facility
R9-5-101, R9-5-102, R9-5-201, R9-5-202, Table 1, R9-5-203 through
R9-5-209, R9-5-301 through R9-5-310, R9-5-401 through R9-5-404,
R9-5-501 through R9-5-518, Table 1, and R9-5-601 through R9-5-607
(Sections may be added, deleted, or modified as necessary.)

Section numbers:

2. The subject matter of the proposed rules:

The purpose of this rulemaking is to update and amend the licensing requirements for Child Care Facilities licensed under A.R.S. Title 36, Chapter 7.1, Article 1. A.R.S. § 36-883 requires the Arizona Department of Health Services (Department) to adopt reasonable rules necessary to ensure the health, safety, and well-being of children being cared

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for in a child care facility. *Arizona Administrative Code* Title 9, Chapter 5, Articles 1 through 6 implement A.R.S. § 36-883 for Child Care Facilities by providing definitions and licensing requirements.

This rulemaking is being initiated as a result of a five-year-review report approved by the Governor's Regulatory Review Council on July 1, 2008.

The Department is deleting unnecessary and obsolete provisions and reorganizing the Child Care Facilities licensing rules to make the rules more clear, concise, and understandable.

Changes will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

The agency docket number:

RE-016-08

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

Notice of Rulemaking Docket Opening: 13 A.A.R. 2449, July 6, 2007

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

Name: Lourdes B. Ochoa, State Licensing Manager

Address: Department of Health Services
Division of Licensing Services
Office of Child Care Licensing
150 N. 18th Ave., Suite 400
Phoenix, AZ 85007

Telephone: (602) 364-2539

Fax: (602) 364-4768

E-mail: ochoal@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel

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

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.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 addresses listed in item 4 until the close of record, 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:

None

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DEPARTMENT OF HEALTH SERVICES

FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R08-236]

1. Title and its heading:

9, Health Services

Chapter and its heading:

8, Department of Health Services – Food, Recreational, and Institutional Sanitation

Article and its heading:

7, Public Schools

Section numbers:

R9-8-701 and R9-8-710 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The purpose of this rulemaking is to amend the rules for public schools in 9 A.A.C. 8, Article 7. The Department is amending the rules to require that indoor and exterior areas of public schools are kept free of roosting bats. The Department is also amending the rules to require that, if bats are found roosting on school premises, they are removed

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by an Arizona Game & Fish Department Wildlife Services licensee. The Department is amending the definitions in this Article to be consistent with the amended rules.

The agency docket number:

RE-014-08

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: Elisabeth Lawaczeck, DVM, State Public Health Veterinarian

Address: Department of Health Services
Office of Infectious Disease Services
150 N. 18th Ave., Suite 140
Phoenix, AZ 85007

Telephone: (602) 364-4562

Fax: (602) 364-3198

E-mail: lawacze@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel

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

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.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 addresses listed in item 4 until the close of record, 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:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
MOTOR CARRIER AND TAX SERVICES PROGRAM**

[R08-241]

1. Title and its heading:

17, Transportation

Chapter and its heading:

8, Department of Transportation – Motor Carrier and Tax Services Program

Article and its heading:

4, Electronic Funds Transfers

Section numbers:

R17-8-401 through R17-8-405 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The Arizona Department of Transportation, Motor Vehicle Division proposes to promulgate rules to prescribe who must file payments electronically and to establish the process by which an electronic funds transfer is accomplished.

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

Notice of Rulemaking Docket Opening: 14 A.A.R. 3131, August 1, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 3175, August 8, 2008 (*in this issue*)

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

Name: Celeste M. Cook, Administrative Rules Analyst

Address: Administrative Rule Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M

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Phoenix, AZ 85007

Telephone: (602) 712-7624

Fax: (602) 712-3081

E-mail: ccook@azdot.gov

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

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

Oral, written, or faxed comments may be made to the agency official listed in item 4 above, Monday through Friday, 8:00 a.m. to 4:30 p.m. except state holidays.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION

FUEL TAXES

[R08-241]

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 8, Department of Transportation – Fuel Taxes
Article and its heading: 5, Electronic Fuel Tax Reporting
Section numbers: R17-8-501 through R17-8-506 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The Arizona Department of Transportation, Motor Vehicle Division proposes to promulgate rules requiring licensees, authorized by the Department, to file fuel tax reports electronically and to submit all associated payments by way of an electronic funds transfer.

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

Notice of Rulemaking Docket Opening: 14 A.A.R. 3132, August 1, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 3178, August 8, 2008 (*in this issue*)

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

Name: Celeste M. Cook, Administrative Rules Analyst

Address: Administrative Rule Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M
Phoenix, AZ 85007

Telephone: (602) 712-7624

Fax: (602) 712-3081

E-mail: ccook@azdot.gov

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

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

Oral, written, or faxed comments may be made to the agency official listed in item 4 above, Monday through Friday, 8:00 a.m. to 4:30 p.m. except state holidays.

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

To be determined