

## **NOTICES OF RULEMAKING DOCKET OPENING**

The Administrative Procedure Act 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 HEALTH SERVICES - LABORATORIES**

- 1. Title and its heading:** 9, Health Services

**Chapter and its heading:** 14, Department of Health Services - Laboratories

**Articles and their headings:** 4, Determination of Alcohol Concentration in Blood or Other Bodily Substances  
8, Determination of Alcohol Concentration in Breath

**Section numbers:** R9-14-401, R9-14-403 through R9-14-407, R9-14-409, Exhibits B through Z,  
R9-14-801 through R9-14-813, and Exhibits A through L  
(The Department may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**

The current rules for breath testing are included in 9 A.A.C. 14, Article 4, along with the rules for blood testing. This rulemaking will separate the rules for breath testing from those for blood testing by creating a new Article 8 for the breath-testing rules, renumbering and amending R9-14-403 and R9-14-404, eliminating the remaining language in Article 4 related to breath testing, adopting new Sections in Article 8 related to breath testing, and renaming Article 4 to make it specific to blood testing. This rulemaking also will update, reorganize, and clarify the rules for breath testing and will make the rules conform to rulemaking format and style requirements, statutory authority, and the Administrative Procedure Act.

**The agency docket number:**  
RE-021-01
- 3. A citation to all published notices relating to the proceedings:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Gary Shipley, Program Manager

Address: Department of Health Services  
Office of Laboratory Licensure and Certification  
1740 W. Adams Street, Room 203  
Phoenix, AZ 85007

Telephone: (602) 364-0749

Fax: (602) 364-0759

E-mail: gshiple@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator

Address: Department of Health Services  
Office of Administrative Rules  
1740 W. Adams, Room 102  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: kphilli@hs.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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The Department will accept written comments until the close of record, which has not yet been determined. Written comments may be submitted to either individual listed in item #4. If the Department schedules an oral proceeding for these rules, oral public comments may be presented at that 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 REVENUE  
GENERAL ADMINISTRATION**

- 1. Title and its heading:** 15, Revenue  
**Chapter and its heading:** 10, Department of Revenue - General Administration  
**Article and its heading:** 5, Electronic Filing Program  
**Section numbers:** R15-10-503
- 2. The subject matter of the proposed rule:**  
R15-10-503 lists the methods by which an electronically filed return of individual income tax may be signed by a taxpayer.
- 3. A citation to all published notices relating to the proceeding:**  
None published
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Robyn Cotrona, Chief Income Tax Counsel  
Address: Arizona Department of Revenue  
1600 W. Monroe  
Phoenix, AZ 85007  
Telephone: (602) 542-4542  
Fax: (602) 542-3258
- 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 (see page 3527 of this *Register*)
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
Unknown

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF TRANSPORTATION  
COMMERCIAL PROGRAMS**

- 1. Title and its heading:** 17, Transportation  
**Chapter and its heading:** 5, Department of Transportation – Commercial Programs  
**Article and its heading:** 4, Dealers  
**Section numbers:** R17-5-403, R17-5-408
- 2. Subject matter of the proposed rule:**  
R17-5-403, Bond Amount for Title Service Motor Vehicle Business License, is a rule proposed by the Division to improve clarity and understandability for bond requirements of motor vehicle businesses. The new rule separates the bond requirement for a title services business license from the bond requirements for the business licenses of a motor vehicle dealer, auction dealer, broker, and recycler prescribed in R17-5-402. Laws 2001 prescribe changes in bond amounts listed in A.R.S. § 28-4362 and R17-5-402. The Division will include R17-5-403 in the proposed rulemaking for R17-5-402 that incorporates the statutory changes and the requirements of both the Secretary of State and the Governor's Regulatory Review Council for clear, concise, and understandable language.

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R17-5-408 is a new rule proposed by the Division. It prescribes the Division's responsibilities for two types of suspensions. The Division shall suspend dealer and manufacturer license plates for three months under conditions prescribed in A.R.S. § 28-4538 by Laws 2001. The Division shall suspend issuance of temporary registration plates when there are violations of conditions prescribed in A.R.S. § 28-4554, by Laws 2001. This rule also describes the appeal process for these suspensions. The rule will conform to the requirements of both the Secretary of State and the Governor's Regulatory Review Council for clear, concise, and understandable language.

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

Notice of Rulemaking Docket Opening: 6 A.A.R. 3571, September 15, 2000

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

Name: Ellen Damron, Rules Analyst  
Address: Arizona Department of Transportation  
Administrative Rules Unit, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5017  
Telephone: (602) 712-6722  
Fax: (602) 241-1624  
E-Mail: edamron@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters:  
[www.dot.state.az.us/about/rules](http://www.dot.state.az.us/about/rules).

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

Oral and written comments will be accepted at the location listed in item #4, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

**NOTE: Since the initiation of rulemaking on the first Section, the agency has recodified Title 17. R17-5-402 was recodified from R17-4-240. The two proposed new rules are numbered under the recodification.**

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

To be determined

**NOTICE OF RULEMAKING DOCKET OPENING**

**INDUSTRIAL COMMISSION OF ARIZONA**

**1. Title and its heading:** 20, Commerce, Banking, and Insurance

**Chapter and its heading:** 5, Industrial Commission of Arizona

**Article and its heading:** 6, Occupational Safety and Health

**Section numbers:** R20-5-601

**Subject matter of the proposed rules:**

In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requiring state administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor, the Industrial Commission is amending R20-5-601 by adopting amendments for Subpart R, Safety Standards for Steel Erection, as published in 66 FR 5196-5280, January 18, 2001. Copies of the incorporated by reference material are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 W. Washington Street, Room 203, Phoenix, AZ 85007, and can be downloaded from the Federal OSHA web site: [www.osha.gov](http://www.osha.gov).

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

None published

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

Name: Patrick Ryan, Assistant Director  
Address: Division of Occupational Safety and Health  
Industrial Commission of Arizona  
800 W. Washington, Suite 203  
Phoenix, AZ 85007  
Telephone: (602) 542-1695  
Fax: (602) 542-1614  
E-mail: pat.ryan@osha.gov

**5. The time during which written submissions may be made 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 in the proceeding:**

Not yet known