

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rule-making information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF AGRICULTURE

[M09-155]

The Arizona Department of Agriculture has purged its list of persons requesting notification of proposed rulemakings pursuant to A.R.S. § 41-1022(C) effective the date of publication of this Notice in the *Arizona Administrative Register*.

Any person who wishes to request notification of proposed rulemakings by the agency should send a request in writing to Casey Cullings by e-mail to casey.cullings@azag.gov or by regular mail to Casey Cullings, Arizona Department of Agriculture, 1688 W. Adams St., Phoenix, AZ 85007. Requests for notification submitted on or after April 22, 2009 will be honored as if submitted the date of publication of this Notice.

NOTICE OF PUBLIC INFORMATION

AGRICULTURAL EMPLOYMENT RELATIONS BOARD

[M09-160]

The Agricultural Employment Relations Board has purged its list of persons requesting notification of proposed rulemakings pursuant to A.R.S. § 41-1022(C) effective the date of publication of this Notice in the *Arizona Administrative Register*.

Any person who wishes to request notification of proposed rulemakings by the agency should send a request in writing to Casey Cullings by e-mail to casey.cullings@azag.gov or by regular mail to Casey Cullings, Agricultural Employment Relations Board, 1688 W. Adams St., Phoenix, AZ 85007. Requests for notification submitted on or after April 22, 2009 will be honored as if submitted the date of publication of this Notice.

NOTICE OF PUBLIC INFORMATION

ARIZONA CITRUS RESEARCH COUNCIL

[M09-156]

The Arizona Citrus Research Council has purged its list of persons requesting notification of proposed rulemakings pursuant to A.R.S. § 41-1022(C) effective the date of publication of this Notice in the *Arizona Administrative Register*.

Any person who wishes to request notification of proposed rulemakings by the agency should send a request in writing to Casey Cullings by e-mail to casey.cullings@azag.gov or by regular mail to Casey Cullings, Arizona Citrus Research Council, 1688 W. Adams St., Phoenix, AZ 85007. Requests for notification submitted on or after April 22, 2009 will be honored as if submitted the date of publication of this Notice.

NOTICE OF PUBLIC INFORMATION

ARIZONA GRAIN RESEARCH AND PROMOTION COUNCIL

[M09-158]

The Arizona Grain Research and Promotion Council has purged its list of persons requesting notification of proposed rulemakings pursuant to A.R.S. § 41-1022(C) effective the date of publication of this Notice in the *Arizona Administrative Register*.

Any person who wishes to request notification of proposed rulemakings by the agency should send a request in writing to Casey Cullings by e-mail to casey.cullings@azag.gov or by regular mail to Casey Cullings, Arizona Grain Research and Promotion Council, 1688 W. Adams St., Phoenix, AZ 85007. Requests for notification submitted on or after April 22, 2009 will be honored as if submitted the date of publication of this Notice.

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ARIZONA ICEBERG LETTUCE RESEARCH COUNCIL

[M09-157]

The Arizona Iceberg Lettuce Research Council has purged its list of persons requesting notification of proposed rulemakings pursuant to A.R.S. § 41-1022(C) effective the date of publication of this Notice in the *Arizona Administrative Register*:

Any person who wishes to request notification of proposed rulemakings by the agency should send a request in writing to Casey Cullings by e-mail to casey.cullings@azag.gov or by regular mail to Casey Cullings, Arizona Iceberg Lettuce Research Council, 1688 W. Adams St., Phoenix, AZ 85007. Requests for notification submitted on or after April 22, 2009 will be honored as if submitted the date of publication of this Notice.

NOTICE OF PUBLIC INFORMATION

ARIZONA LEAFY GREEN MARKETING COMMITTEE

[M09-159]

The Arizona Leafy Green Products Shipper Marketing Agreement Marketing Committee (Leafy Green Marketing Committee) has purged its list of persons requesting notification of proposed rulemakings pursuant to A.R.S. § 41-1022(C) effective the date of publication of this Notice in the *Arizona Administrative Register*:

Any person who wishes to request notification of proposed rulemakings by the agency should send a request in writing to Casey Cullings by e-mail to casey.cullings@azag.gov or by regular mail to Casey Cullings, Leafy Green Marketing Committee, 1688 W. Adams St., Phoenix, AZ 85007. Requests for notification submitted on or after April 22, 2009 will be honored as if submitted the date of publication of this Notice.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

[M09-193]

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| <p>1. <u>The Title and its heading:</u></p> <p><u>Chapter and its heading:</u></p> <p><u>Article and its heading:</u></p> <p><u>Section numbers:</u></p> | <p>9, Health Services</p> <p>10, Department of Health Services – Health Care Institutions: Licensing</p> <p>15, Abortion Clinics</p> <p>R9-10-1501, R9-10-1503, R9-10-1505, R9-10-1506, R9-10-1507, R9-10-1508, and R9-10-1511</p> |
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- 2. The public notice relating to the listed Sections:**
- A Notice of Proposed Rulemaking was published for this rulemaking on April 10, 2009. There was a publishing error in the Notice of Proposed Rulemaking and a revised Notice of Proposed Rulemaking with a rescheduled date for the Oral Proceeding is being published in this issue (see page 786). The oral proceeding scheduled in the previous Notice of Proposed Rulemaking for May 18, 2009 is cancelled.

The Oral Proceeding is rescheduled as follows:

Date: June 18, 2009

Time: 1:00 p.m.

Location: 1740 W. Adams St., Conf. Room 411A
Phoenix, AZ 85007

Close of Record: June 18, 2009 at 5:00 p.m.

- 3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- Name: Jessica Johnson, Assistant Administrative Counsel
- Address: Department of Health Services
1740 W. Adams St., Suite 200
Phoenix, AZ 85007
- Telephone: (602) 542-1513
- Fax: (602) 364-1150
- E-mail: johnsojm@azdhs.gov

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ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION

[M09-187]

1. Name of the agency: Arizona Health Care Cost Containment System – Administration

2. The public information notice relating to funds:

In accordance with A.A.C. R9-22-712.05(F), the AHCCCS Administration proposes to distribute up to \$36,000,000 in state fiscal year 2009 for the purpose of reimbursing indirect medical education costs, of which \$18,000,000 will be distributed to Maricopa Medical Center and \$18,000,000 to hospitals designated by Pima County (specifically, University Medical Center and University Physicians Healthcare Hospital at Kino Campus). The proposed distribution is an increase of \$7,161,945 over the amount distributed in state fiscal year 2008.

3. The name, address, and telephone number of agency personnel to whom questions and comment on the public notification may be addressed:

Name: Michael Veit
Address: AHCCCS
Division of Business and Finance
701 E. Jefferson St., Mail Drop 5700
Phoenix, AZ 85034
Telephone: (602) 417-4762
E-mail: Michael.Veit@azahcccs.gov

NOTICE OF PUBLIC INFORMATION

OFFICE OF THE GOVERNOR

[M09-179]

TO: State Agency Directors and Acting Directors
FROM: Janice K. Brewer
Governor
SUBJECT: Continuation of Regulatory Review Plan (Moratorium)
DATE: April 30, 2009

My staff is in the process of evaluating information received from the agencies, boards, and commissions regarding new and pending rulemakings during the rulemaking moratorium. In order to complete this process, I am extending the rulemaking moratorium issued January 22, 2009 from April 30, 2009 to June 30, 2009. During the moratorium, my staff identified some administrative rules that should have been repealed some time ago. Examples of administrative rules identified so far include:

Department of Economic Security, 6 A.A.C. 13, Articles 2,3,6,8,9, and 12; A.A.C.R6-1-501;
Arizona Department of Administration, 2 A.A.C.R2-1-604 and R2-1-605;
Department of Racing, A.A.C.R19-2-115.10;
Arizona State Retirement System, A.A.C.R2-8-104, R2-8-116, and R2-8-119; and
Department of Health Services, A.A.C.R9-19-115, R9-19-404, and R9-19-406.

During the continuation of the moratorium, I am requiring agencies to identify administrative rules that (1) are no longer necessary due to changes in state or federal law or case law, (2) are not effective, (3) are inconsistent with current agency practice, or (4) are not enforced. Agencies shall identify obsolete rules and submit the report to Jeri Kishiyama Auther, Policy Advisor, Rules and Regulations, no later than the close of business on May 25, 2009.

Regulatory Moratorium

In addition to the memorandum issued January 22, 2009, the following applies:

1. Agencies shall continue to comply with the Five-year Review requirements of A.R.S. § 41-1056 *et seq.* and the reporting requirements of A.R.S. § 41-1091; and
2. Agencies shall comply with the intent of the moratorium and ensure that substantive policy statements as defined in A.R.S. § 41-1001(20) do not violate A.R.S. § 41-1033.

Regulatory Moratorium – Clarifications

Additionally, the following clarifications to the moratorium issued January 22, 2009 apply:

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1. Docket Openings and proposed rules filed with and published by the Secretary of State before January 22, 2009 need not be withdrawn. Docket openings and proposed rules are viable for a year after publication under A.R.S. § 41-1021. Agencies may, however, voluntarily file a Notice of Termination of Rulemaking with the Secretary of State. Agencies shall not conduct oral proceedings on the rulemakings subject to the moratorium and may file a Notice of Public Information with the Secretary of State to cancel any scheduled oral proceedings;
2. Agencies shall withdraw docket openings or proposed rulemakings filed with, but not yet published by, the Secretary of State; and
3. Agencies shall submit any requests for exceptions to the rulemaking moratorium in writing for rulemakings that impact critical public peace, health and safety functions of the agency, that address the state budget deficit, implement the ARRA, or that are deregulatory. The Governor's Office will review any such notification and determine whether exception is appropriate under the circumstances.

As stated in the previous moratorium of January 22, 2009, independent agencies are encouraged to participate voluntarily within the context of their own rulemaking processes.

Communications regarding exceptions to the moratorium, or questions regarding the moratorium generally, should be addressed to Jeri Kishiyama Auther, Policy Advisor, Rules and Regulations at jauther@az.gov.

This memorandum shall be published in the Arizona Administrative Register.

**NOTICE OF PUBLIC INFORMATION
OFFICE OF THE GOVERNOR**

[M09-19]

TO: State Agency Directors and Acting Directors
FROM: Janice K. Brewer
Governor
SUBJECT: Regulatory Review Plan
DATE: January 22, 2009

In order to ensure that my appointees have the opportunity to review any new or pending rules, I am asking that you immediately take the following steps, subject to the exception process as described in paragraph 9:

1. Send no proposed or final rule to the Secretary of State for the publication in the Arizona Administrative Register.
2. File no notice of proposed rule making with the Secretary of State or begin or continue any activities in preparation for the rule making, including informal rule making activities.
3. With respect to proposed rules that have been sent to the Secretary of State but not published in the Arizona Administrative Register, withdraw them from the Secretary of State.
4. With respect to proposed rules that are final but have not been submitted to the Governor's Regulatory Review Council (GRRC) for approval, postpone filing the rules with GRRC.
5. With respect to proposed rules that have been submitted to the GRRC for approval, postpone filing rules approved by GRRC with the Secretary of State.
6. With respect to proposed rules that are final but have not been submitted to the Attorney General for approval, postpone filing the rules with the Attorney General.
7. With respect to proposed rules that have been submitted to the Attorney General for approval, withdraw the rules from consideration by the Attorney General.
8. Provide the Governor's Office a list and brief summary of each rule making activity within your agency no later than February 16, 2009.
9. Notify the Governor's Office promptly in writing of any rule making activity that, in your view, impacts critical public peace, health and safety functions of the agency or that are needed to address the state budget deficit and therefore should be also excluded from the directives in paragraphs 1-7. The Governor's Office will review any such notifications and determine whether exception is appropriate under the circumstances.

The directives in paragraphs 1-7 shall remain in effect until April 30, 2009.

As used in this memorandum, "rule" has the meaning as defined in A.R.S. § 41-1001(17).

Finally, in the interest of sound regulatory practice and the avoidance of costly, burdensome, or unnecessary rules, independent agencies are encouraged to participate voluntarily within the context of their own rulemaking processes.

This regulatory review will be implemented by the Governor's Office. Communications regarding exceptions to the review, or

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questions regarding the review generally, should be addressed to Richard Bark, Deputy Chief of Staff for Policy at rbark@az.gov.

This memorandum shall be published in the Arizona Administrative Register.