



NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

STATE RETIREMENT SYSTEM BOARD

[R16-134]

- 1. Title and its heading:** 2, Administration
- Chapter and its heading:** 8, State Retirement System Board
- Article and its heading:** 8, Recovery of Overpayments
- Section number:** R2-8-801 through R2-8-805 (*Sections may be added, deleted, or further modified as necessary.*)

2. The subject matter of the proposed rule:

The ASRS needs to adopt new rules to clarify various aspects of how the ASRS recovers overpayments made to or on behalf of members and beneficiaries. A.R.S. § 38-765 requires the ASRS to collect any overpayments made to a member or beneficiary. That statute states the ASRS shall collect any overpayments by reducing any benefit that is otherwise payable by the ASRS or the Long-Term Disability Program administered by the ASRS. These rules will better clarify how the ASRS shall reduce certain benefits in order to recover an overpayment amount. These rules will increase understandability of how the ASRS collects overpayments in certain situations, but the rules do not impose any additional requirements or burdens on members.

A.R.S. § 38-723 allows the ASRS to recover the cost of collecting overpayments by placing a levy on property, including wages and salary. Establishing rules related to overpayments will ensure the public is aware of the various mechanisms the ASRS may use in order to collect an overpayment. Such clarity will increase understanding of how ASRS collection processes may affect various aspects of income.

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 rulemaking:

Name: Jessica A. Ross, Rule Writer
 Address: Arizona State Retirement System
 3300 N. Central Ave., Suite 1400
 Phoenix, AZ 85012-0250
 Telephone: (602) 240-2039
 E-mail: JessicaR@azasrs.gov

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 comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included 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

[R16-135]

- 1. Title and its heading:** 6, Economic Security
- Chapter and its heading:** 1, Department of Economic Security
- Article and its heading:** 1, Public Participation in Rulemaking
2, Debt Setoff
- Section numbers:** R6-1-101 through R6-1-107, R6-1-201, R6-1-202 (*Sections may be added, deleted, or modified as necessary.*)
- 2. The subject matter of the proposed rule:**
 This rulemaking is in response to a Five-year Review Report approved by the Governor's Regulatory Review Council on February 4, 2014.
 The rules in Title 6, Chapter 1 are rules of general applicability to all Department of Economic Security (Department) programs. Article 1 describes procedures for public participation in the rulemaking process. Article 2 implements A.R.S. §§ 5-575 and 42-1122, which allow the Department to offset debts owed to the Department from a debtor's lottery winnings and state tax refund.
 The proposed rulemaking will make the Department's requirements for public participation in rulemaking and debt set-off more clear, concise, and understandable. Proposed amendments to Article 1 update the rules to conform to current statutory provisions and procedures. Proposed amendments to Article 2 update statutory citations, update the rules to conform to current statutory provisions and procedures, and streamline the debt set-off review process.
- 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: Robert Hobbs
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-6555
 Fax: (602) 542-6000
 E-mail: rhobbs@azdes.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 for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register. Written comments may be submitted to the individual named in item 4. The Department has not scheduled any oral proceedings at this time.
- 6. A timetable for agency decisions or action on the proceeding, if known:**
None



NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY
UNEMPLOYMENT INSURANCE

[R16-136]

- 1. Title and its heading: 6, Economic Security
Chapter and its heading: 3, Department of Economic Security – Unemployment Insurance
Article and its heading: 51, Discharge Benefit Policy
Section numbers: R6-3-51140, R6-3-5205, R6-3-5240, R6-3-52235, R6-3-55460
2. The subject matter of the proposed rule: The rules contain requirements relating to misappropriation of funds and falsification of employment records; ability to and availability for work; attendance at school or training course; health or physical condition; and type of compensation.
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: Rodney K. Huenemann
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-6159
Fax: (602) 542-6000
E-mail: rhuenemann@azdes.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 for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register.
6. A timetable for agency decisions or action on the proceedings, if known: None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES

[R16-137]

- 1. Title and its heading: 6, Economic Security
Chapter and its heading: 5, Department of Economic Security - Social Services
Article and its heading: 49, Child Care Assistance
Section numbers: R6-5-4901, R6-5-4904 through R6-5-4921, R6-5-4923 through R6-5-4925, Appendix A, Appendix B
2. The subject matter of the proposed rule: This rulemaking is in response to a Five-year Review Report approved by the Governor’s Regulatory Review Council on July 10, 2012.



The Rules in Title 6, Chapter 5, Article 49 specify the requirements for a statewide program to assist eligible families with child care costs, enabling parents to participate in employment and specific education and training activities related to employment, or in certain other circumstances when parents are unable to provide care. These rules specify the procedures for this program, including the application process guidelines, eligibility guidelines, and termination of assistance guidelines.

The proposed rulemaking will bring the rules into alignment with current laws including changes resulting from the 2014 reauthorization of the Child Care and Development Block Grant and ensuing federal regulations, as well as changes made in state statutes including provisions relative to child care assistance coverage for certain individuals engaged in educational activities. The proposed rulemaking will also strengthen criteria to prevent fraud, waste, and abuse and facilitate and establish a process for the Department to adjust eligibility consistent with available appropriations.

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: Rodney K. Huenemann
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-6159
 Fax: (602) 542-6000
 E-mail: rhuenemann@azdes.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 for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register. Written comments may be submitted to the individual named in question 4. The Department has not scheduled any oral proceedings at this time.

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

None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ECONOMIC SECURITY
 DEVELOPMENTAL DISABILITIES**

[R16-138]

1. Title and its heading:

6, Economic Security

Chapter and its heading:

6, Department of Economic Security - Developmental Disabilities

Article and its heading:

3, Eligibility for Developmental Disabilities Services
 5, Admission/Redetermination/Termination
 9, Managing Inappropriate Behaviors
 10, Child Developmental Foster Home License
 11, Adult Developmental Home License
 15, Standards for Certification of Home and Community-Based Service (HCBS) Providers
 18, Administrative Review
 21, Division Procurement and Rate Setting - Qualified Vendors

Section Numbers:

R6-6-301 through R6-6-303, R6-6-501 through R6-6-505, R6-6-901 through R6-6-909, R6-6-1001 through R6-6-1019, R6-6-1101 through R6-6-1119, R6-6-1501 through R6-6-1533, R6-6-1801 through R6-6-1805, R6-6-2101 through R6-6-2112, R6-6-2114 through R6-6-2119 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

This rulemaking is in response to a Five-year Review Report approved by the Governor’s Regulatory Review



Council on December 1, 2015.

The rules in Title 6, Chapter 6 cover programs administered by the Division of Developmental Disabilities. Article 3 provides eligibility criteria and contains guidelines for making developmental disabilities determinations. Article 5 describes the criteria for admission, re-determination, termination of services, and service continuation. Article 9 addresses the Department’s requirements for managing inappropriate behaviors. Article 10 describes the process for obtaining a child developmental foster home license. Article 11 describes the process for obtaining an adult developmental home license. Article 15 describes standards for certification of home and community-based service (HCBS) providers. Article 18 provides a method for review of Department decisions. Article 21 describes the procurement process and rate setting for Qualified Vendors.

The proposed rulemaking will eliminate archaic rules, add a definition section to clarify the terminologies, streamline and bring the rules into alignment with current laws and practice, improve the standard of care for vulnerable populations, enhance existing safeguards, and reduce the risk to the health and safety of individuals with developmental disabilities.

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: Robert Hobbs
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: rhobbs@azdes.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 for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register. Written comments may be submitted to the individual named in item 4. The Department has not scheduled any oral proceedings at this time.

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

None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ECONOMIC SECURITY
THE JOBS PROGRAM**

[R16-139]

1. Title and its heading:

6, Economic Security

Chapter and its heading:

10, Department of Economic Security - The JOBS Program

Article and its heading:

1, Jobs: General Provisions
3, Job Displacement Grievance Procedures

Section numbers:

R6-10-101 through R6-10-117, R6-10-119 through R6-10-124;
R6-10-301 through R6-10-303 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

This rulemaking is in response to a Five-year Review Report, approved by the Governor’s Regulatory Review Council on April 5, 2016.

The Rules in Title 6, Chapter 10 govern the Jobs Program, which is the employment and training component of the Temporary Assistance for Needy Families (TANF) program. The rules will be updated to reflect federal and state statutory changes that have occurred since the rules were adopted. The changes will ensure alignment with corresponding statutes; reduce potential incidences of program fraud and abuse; and enhance clarity, thereby benefiting program participants and program administrators.



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

None

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

Name: Rodney K. Huenemann
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-6159
 Fax: (602) 542-6000
 E-mail: rhuenemann@azdes.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 for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register. Written comments may be submitted to the individual named in question 4. The Department has not scheduled any oral proceedings at this time.

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

None

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF ECONOMIC SECURITY
CASH ASSISTANCE PROGRAM

[R16-140]

1. Title and its heading:

6, Economic Security

Chapter and its heading:

12, Department of Economic Security - Cash Assistance Program

Article and its heading:

- 1, General Provisions
- 2, Application Process and Procedures
- 3, Non-financial Eligibility Criteria
- 4, Financial Eligibility; Resources
- 5, Financial Eligibility; Income
- 6, Special CA Circumstances
- 7, Determining Eligibility and Benefit Payment Amount
- 8, Payments
- 9, Changes; Adverse Action
- 10, Appeals
- 11, Overpayments
- 12, Intentional Program Violation
- 13, Jobstart
- 14, Grant Diversion

Section numbers:

R6-12-101 through R6-12-104, R6-12-201 through R6-12-211, R6-12-301 through R6-12-321, R6-12-401 through R6-12-406, R6-12-501 through R6-12-509, R6-12-601 through R6-12-607, R6-12-701 through R6-12-706, R6-12-801, R6-12-803, R6-12-806 through R6-12-808, R6-12-901 through R6-12-908, R6-12-1001 through R6-12-1015, R6-12-1101 through R6-12-1103, R6-12-1201 through R6-12-1206, R6-12-1301 through R6-12-1306, R6-12-1401 through R6-12-1404 (*Sections may be added, deleted, or modified as necessary.*)

2. The subject matter of the proposed rule:

This rulemaking is in response to a Five-year Review Report, approved by the Governor’s Regulatory Review Council on June 5, 2012.

The rules in Title 6, Chapter 12 govern the Temporary Assistance for Needy Families (TANF) Cash Assistance (CA) program. The CA program provides temporary cash benefits and supportive services to the neediest of Arizona’s children and their families. The program helps these families meet their basic needs for well-being and safety



and serves as their bridge back to self-sufficiency.

The proposed rulemaking will make numerous changes to Title 6, Chapter 12. The changes are necessitated either by recent changes in federal law or to conform to the provisions in state statute or in the current Arizona TANF State Plan as required by federal regulation. The changes will bring consistency with current and proposed policies and procedures in the Cash Assistance program and enhance clarity to the benefit of the public.

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: Rodney K. Huenemann
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-6159
Fax: (602) 542-6000
E-mail: rhuenemann@azdes.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 for at least 30 days following the publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register*. Written comments may be submitted to the individual named in question 4. The Department has not scheduled any oral proceedings at this time.

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

None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES**

[R16-142]

1. Title and its heading:

17, Transportation

Chapter and its heading:

4, Department of Transportation – Title, Registration, and Driver Licenses

Article and its heading:

5, Safety
7, Hazardous Materials Endorsement

Section numbers:

R17-4-501, R17-4-507, R17-4-508, R17-4-701, R17-4-702, R17-4-705 through R17-4-707, R17-4-709, R17-4-710, and R17-7-712 (*Sections may be added, deleted, or modified as necessary.*)

2. The subject matter of the proposed rules:

The Department, in partnership with the Arizona Department of Public Safety, is engaged in rulemaking to incorporate parts of the 2015 edition of the *Code of Federal Regulations* relating to the Federal Motor Carrier Safety Regulations. These regulations include the physical qualifications of commercial driver license holders and the issuance of the hazardous materials endorsement. This rulemaking will update the federal references; ensure information is consistent; repeal R17-4-507, Driver License Identification Number, since it is an unnecessary rule; and make additional grammatical and technical changes as needed.

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: Candace Olson, Rules Analyst
Address: Government Relations and Policy Development Office
Department of Transportation
206 S. 17th Ave., Mail Drop 140A



Phoenix, AZ 85007
 Telephone: (602) 712-4534
 E-mail: COlson2@azdot.gov
 Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/about/GovernmentRelations>

- 5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 Written comments may be submitted at any time. All comments should be directed to the person listed under item 4. The date, time, and location of any oral proceeding scheduled for this rulemaking will be included 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 TRANSPORTATION
COMMERCIAL PROGRAMS

[R16-143]

- 1. **Title and its heading:** 17, Transportation
Chapter and its heading: 5, Department of Transportation – Commercial Programs
Article and its heading: 2, Motor Carriers
Section numbers: R17-5-202, R17-5-203, R17-5-205, R17-5-206, R17-5-208, R17-5-209, and R17-5-212 (*Sections may be added, deleted, or modified as necessary.*)

2. **The subject matter of the proposed rules:**
 The Arizona Department of Transportation (ADOT), in partnership with the Arizona Department of Public Safety (DPS), engages in this rulemaking to incorporate parts of the 2015 edition of the *Code of Federal Regulations*. The Federal Motor Carrier Safety Administration of the U.S. Department of Transportation requires that each state adopt certain Federal Motor Carrier Safety Regulations to ensure eligibility for federal enforcement grants. Both ADOT and DPS rely on these federal monies to fund numerous enforcement positions especially at Arizona’s southern ports of entry.

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: Candace Olson, Rules Analyst
 Address: Government Relations and Policy Development Office
 Department of Transportation
 206 S. 17th Ave., Mail Drop 140A
 Phoenix, AZ 85007
 Telephone: (602) 712-4534
 E-mail: COlson2@azdot.gov
 Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/about/GovernmentRelations>

- 5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 Written comments may be submitted at any time. All comments should be directed to the person listed under item 4. The date, time, and location of any oral proceeding scheduled for this rulemaking will be included 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 TRANSPORTATION
COMMERCIAL PROGRAMS

[R16-144]

- 1. Title and its heading:** 17, Transportation
- Chapter and its heading:** 5, Department of Transportation - Commercial Programs
- Article and its heading:** 9, Transportation Network Companies
10, Vehicle For Hire
- Section numbers:** R17-5-901 through R17-5-906 and R17-5-1001 through R17-5-1009
(Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The proposed rules contain the requirements for a transportation network company to obtain a transportation network company permit from the Arizona Department of Transportation (ADOT) to operate in this state. This rulemaking implements state legislation approved in 2015 on transportation network companies. The Department filed exempt rules on transportation network companies in a rulemaking that became effective on August 21, 2015. Approval of this rulemaking will ensure that ADOT will continue to have authority to collect the transportation network company application fee.

The proposed rules also include the requirements for a taxi, limousine, or livery vehicle company to obtain a permit from ADOT to operate in Arizona. Legislation approved in 2015 transferred regulatory oversight of taxis, limousines, and livery vehicles from the Department of Weights and Measures to ADOT beginning July 1, 2016. Additional legislative changes regarding taxis, limousines, and livery vehicles were made in 2016. These rules implement the 2015 and 2016 legislative changes and establish new rules for ADOT's oversight of taxis, limousines, and livery vehicle companies.

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

Notice of Final Exempt Rulemaking: 21 A.A.R. 1825, September 11, 2015

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

Name: Jane McVay
 Address: Arizona Department of Transportation
 206 S. 17th Ave., MD 140A
 Phoenix, AZ 85007
 Telephone: (602) 712-4279
 E-mail: jmcvay@azdot.gov

Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/docs/default-source/libraries/current-rulemaking-activity.pdf?sfvrsn=10>.

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

Written comments may be submitted at any time prior to the close of the public record. Oral comments may be made during regular business hours. All comments should be directed to the agency representative listed in item 4. The date, time, and location of any oral proceeding on the rulemaking will be included in the Notice of Proposed Rulemaking.

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

To be determined