

NOTICES OF RULEMAKING DOCKET OPENINGS

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever 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

BOARD OF EXECUTIVE CLEMENCY

1. **Title and its heading:** 5, Corrections
Chapter and its heading: 4, Board of Executive Clemency
Articles and their headings: 1, Provisions
2, Executive Clemency Actions
3, Revocation
5, Parole Revocations
6, Executive Clemency Actions
7, Other Board Actions
Section numbers: R5-4-101 through R5-4-104, R5-4-201 through R5-4-204, R5-4-301, R5-4-502, R5-4-503, R5-4-601 through R5-4-603, and R5-4-705
2. **Subject matter of the proposed rules:**
The following Sections are being repealed: R5-4-102, R5-4-502, R5-4-503, R5-4-601, R5-4-602, R5-4-603, and R5-4-705. The following are new Sections: R5-4-101, R5-4-102, R5-4-103, R5-4-104, R5-4-201, R5-4-202, R5-4-203, and R5-4-301. The duties of the Board of Executive Clemency have changed and the rules in place do not govern the current operation of the Board of Executive Clemency.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Gail R. Kelsey
Address: Board of Executive Clemency
1645 West Jefferson, Room 326
Phoenix, Arizona 85007
Telephone: (602) 542-5656, ext. 237
Fax: (602) 542-5680
5. **The time during which written submissions may be made and the time and place where oral comments may be made:**
The Board will accept written comments between April 16, 1996, and May 29, 1996, at the address listed above.
The Board will accept oral comments as follows:
Dates: April 30 and May 29, 1996
Time: 9 a.m.
Location: Board of Executive Clemency
1645 West Jefferson, Room 326
Phoenix, Arizona 85007
6. **A timetable for agency decisions or other action in the proceeding:**
Timetable is currently unknown.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA RACING COMMISSION

1. **Title and its heading:** 19, Alcohol, Horse and Dog Racing, Lottery, and Gaming
Chapter and its heading: 2, Arizona Racing Commission
Articles and their headings: 1, Horse Racing
3, Greyhound Racing
Section numbers: R19-2-121 and R19-2-309
2. **Subject matter of the proposed rules:**
The amendment strikes the word "announcer" thereby removing that position from the status of "track official".

Arizona Administrative Register
Notices of Rulemaking Docket Openings

3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: William J. Walsh
Address: Department of Racing
15 South 15th Avenue, Suite 100
Phoenix, Arizona 85007
Telephone: (602) 542-5151
Fax: (602) 542-5177
5. **The time during which written submissions may be made and the time and place where oral comments may be made:**
The Commission will accept written comments for 30 days following publication of the proposed rulemaking.
The Commission has not scheduled oral proceedings at this time.
6. **A timetable for agency decisions or other action in the proceeding:**
None.

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION

1. **Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 5, Industrial Commission
Article and its heading: 4, Arizona Boiler and Lined Hot Water Heater Regulations
Section numbers: R20-5-401 through R20-5-428
2. **Subject matter of the proposed rules:**
The Industrial Commission is considering changes to its Arizona Boiler and Lined Hot Water Heater Regulations which include the incorporation by reference of the 1989 Edition of the ASME Boiler and Pressure Vessel Code with the December 31, 1990, addendum.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Cathy Neville, Assistant Director, Division of Safety and Health
Address: Industrial Commission
800 West Washington Street
Phoenix, Arizona 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
5. **The time during which written submissions may be made and the time and place where oral comments may be made:**
The Commission will accept written and oral comments at the location above between the hours of 8 a.m. and 5 p.m., Monday through Friday. The timetable is open at this time.
6. **A timetable for agency decisions or other action in the proceeding:**
To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF INSURANCE

1. **Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 6, Department of Insurance
Article and its heading: 2, Transaction of Insurance Business
Section numbers: R20-6-204, R20-6-207, and R20-6-208
2. **Subject matter of the proposed rules:**
The rule found at R20-6-204 establishes the requirements for filing reports by Surplus Lines Brokers, for creating and maintaining the Director's list of insurers qualified to transact surplus lines insurance in Arizona, and for disclosure statements within surplus lines policies. A task force appointed by the Director to review and recommend changes to the rule governing the activity of surplus lines insurers recommended that R20-6-204(F) be amended. The task force suggested that a statement be added to the disclosure form informing purchasers of coverage from unauthorized insurers that surplus lines insurance is not covered by the Property and Casualty Guaranty Fund.

Arizona Administrative Register
Notices of Rulemaking Docket Openings

R20-6-207 establishes the criteria and procedure necessary for determinations of exemption or qualification of industrial insureds and their premium tax liabilities. R20-6-207(G) is consistent with A.R.S. § 20-401.07(A) with respect to the due date of the payment of premium receipts tax. The rule identifies April 1 as the due date and the statute states the due date as March 1. A reference to R4-14-404 found in R20-6-207(E)(7) is inappropriate since R4-14-404 was replaced effective January 1, 1981. The Department recommends 2 amendments to this rule to resolve these inconsistencies.

R20-6-208 defines the parameters for certification of a "Home Office: for an insurer to qualify to receive a reduced rate of premium tax. Legislative action and court decisions have rendered R20-6-208(I) unenforceable, thus the Department seeks to repeal the rule.

The agency docket number, if applicable:

96A-022

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

None published.

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

Name: Gregory Harris
Address: Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018
Telephone: (602) 912-8451
Fax: (602) 912-8452

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

The Department will accept written comments between 8 a.m. and 5 p.m. Monday through Friday.

The Department will accept oral comments between 8:30 a.m. and 4:30 p.m. Monday through Friday, at the address listed above.

6. A timetable for agency decisions or other action in the proceeding:

To be announced.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF INSURANCE

1. **Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 6, Department of Insurance
Article and its heading: 3, Financial Provisions and Procedures
Section numbers: R20-6-303

2. **Subject matter of the proposed rules:**

This rule provides for an orderly procedure for insurers to withdraw from the insurance business in Arizona and secure the release of deposits made pursuant to A.R.S. § 20-581 without placing policyholders, former policyholders, and creditors in jeopardy. The Department recommends that references to Title 10 found within R20-6-303(E)(2)(a)(ii) be amended to reflect the legislature's renumbering of that title effective January 1, 1996.

The agency docket number, if applicable:

96A-023

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

None published.

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

Name: Gregory Harris
Address: Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018
Telephone: (602) 912-8451
Fax: (602) 912-8452

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

The Department will accept written comments between 8 a.m. and 5 p.m. Monday through Friday.

The Department will accept oral comments between 8:30 a.m. and 4:30 p.m. Monday through Friday, at the address listed above.

6. A timetable for agency decisions or other action in the proceeding:

To be announced.