

## 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

#### DEPARTMENT OF ADMINISTRATION

1. **Title and its heading:** 2, Administration  
**Chapter and its heading:** 5, Department of Administration - Personnel Administration  
**Article and its heading:** 4, Benefits  
**Section numbers:** R2-5-412 and R2-5-413
2. **Subject matter of the proposed rules:**  
The proposed rulemaking is a housekeeping procedure that provides consistency with other rules. It deletes a reference to compensatory leave and clarifies what leave balances are to be considered for approval of medical and other leaves without pay.
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: Gordon Carrigan, Human Resources Generalist  
Address: ADOA Human Resources  
1831 West Jefferson, Room 107  
Phoenix, Arizona 85007  
Telephone: (602) 542-4784  
Fax: (602) 542-4507
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 a.m. and 4 p.m. Monday through Friday at the location listed above.
6. **A timetable for agency decisions or other action in the proceeding:**  
September 16, 1996.

### NOTICE OF RULEMAKING DOCKET OPENING

#### DEPARTMENT OF ECONOMIC SECURITY

1. **Title and its heading:** 6, Economic Security  
**Chapter and its heading:** 5, Department of Economic Security - Social Services  
**Article and its heading:** Article 73, Mobile Program Agency Licensing Standards  
**Section numbers:** R6-5-7301 through R6-5-7309
2. **The subject matter of the proposed rules:**  
A.R.S. § 8-505 gives the Department of Economic Security statutory authority to license child welfare agencies. Child welfare agencies are defined, in part, as "Any agency or institution maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for 24-hour social, emotional, or educational supervised care or who have been adjudicated as a delinquent or dependent child. "Most child welfare agencies are licensed and regulated pursuant to 6 A.A.C. 5, Article 74, which establishes licensing standards for group care agencies. Article 74 governs agencies housing children in buildings at fixed sites.  
  
The rules in Article 74 were adopted in 1977 and have not been revised since that time. The Article 74 rules are out of date and inconsistent with current practice. Consequently, the Department has been rewriting Article 74. (see 1 A.A.R. 1275, August 4, 1995) to create a new set of licensing standards and to better describe the administrative process for licensure and monitoring.  
  
Some child welfare agencies maintain children in outdoor or wilderness type programs, or in mobile programs such as wagon trains. These agencies are licensed and regulated in accordance with 6 A.A.C. 5, Article 73, entitled "Mobile Program Agency Licensing Standards," which was adopted in 1985. The Article 73 rules are more consistent with current practice, but are also in need of updating and rewriting. The Department planned to revise Article 73 after completing the revision of Article 74.

*Arizona Administrative Register*  
**Notices of Rulemaking Docket Openings**

In the rewrite of Article 74, the Department included a provision to address situations where Article 74 agencies take children in care on extended wilderness excursions of more than 30 days. In such situations, children in care are deprived of many of the physical site and environment safety provisions set forth in Article 74 for extended periods of time. In the new Article 74, the Department added a rule that would subject Article 74 agencies to the standards for mobile programs set forth in Article 73 when children in care go on an extended wilderness excursion.

The Department received informal comment that the Department was, through this provision, effectively amending the definition of mobile programs in Article 73. In the course of evaluating this comment, the Department analyzed Article 73 and determined that Article 73 contains many provisions that are similar to provisions in the new Article 74. Both Article 73 and new Article 74 describe the administrative process for licensure; both describe requirements for the care of children. The primary differences are in the rules governing physical site and environment. In some cases, Article 73 contains more rigorous requirements that are not included in new Article 74.

The Department determined that it could eliminate many provisions in Article 73, because those issues are better addressed in new Article 74. Accordingly, the Department plans to do the following:

- Create a new definition of "mobile program" that encompasses the kinds of programs currently regulated by Article 73, as well as extended excursions by agencies normally located at a fixed site;
- Repeal those provisions in Article 73 that are duplicative of provisions, or more onerous than provisions in the new Article 74 (R6-5-7301 through R6-5-7306 and R6-5-7309);
- Retain and renumber certain mobile program rules addressing physical environment and safety (R6-5-7307 and R6-5-7308); and
- Adopt a new rule that subjects mobile programs to those standards in new Article 74 governing the administrative process for licensure and substantive requirements for group home agency organizations, program, staffing, records-keeping, and care of children (new R6-5-7401 through R6-5-7457). The standards in new Article 74 are either duplicative of or less burdensome than comparable provisions in current Article 73.

The Department plans to incorporate these revisions into the new Article 74 which is scheduled to be filed with the Secretary of State's office as proposed rules in August 1996.

The Department also plans to convene a workgroup (which will include representatives from mobile program agencies) to revise the substantive standards for mobile programs that are being lifted out of current Article 73 and placed in new Article 74 (R6-5-7307 and R6-5-7308.)

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

See 1 A.A.R. 1275, August 4, 1995.

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

Name: Vista Thompson Brown, Legal Analyst  
Address: Department of Economic Security  
1789 West Jefferson, Site Code 837A  
Phoenix, Arizona 85007

or

P.O. Box 6123, Site Code 837A  
Phoenix, Arizona 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

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

A person may submit written comments from the present - until the close of record, which has not yet been scheduled. The agency has not yet scheduled oral proceedings, but does plan to do so at the time of filing proposed rules.

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

The Department has expects to file a proposed rulemaking package no later than late August 1996.

**NOTICE OF RULEMAKING DOCKET OPENING**

**ARIZONA STATE LOTTERY COMMISSION**

1. **Title and its heading:** 19, Alcohol, Horse and Dog Racing, Lottery, and Gaming  
**Chapter and its heading:** 3, Arizona State Lottery Commission  
**Article and its heading:** 3, Instant Lottery Games  
**Section numbers:** R19-3-326
2. **The subject matter of the proposed rules:**  
These rules identify new instant ticket games.
3. **A citation to all published notices related to the proceeding:**  
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rules:**  
Name: Sandy Williams, Executive Director  
Address: Arizona State Lottery Commission  
4740 East University Drive  
Phoenix, Arizona 85034  
Telephone: (602) 921-4400  
Fax: (602) 921-4512
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The Commission will accept written comments between 8 a.m. and 5 p.m. Monday through Friday (except state holidays).  
The Commission will accept oral comments between 8 a.m. and 4:30 p.m. Monday through Friday (except state holidays).
6. **A timetable for agency decisions or other action in the proceeding:**  
None at this time.