

## 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

#### GOVERNMENT INFORMATION TECHNOLOGY AGENCY

1. **Title and its heading:** 2, Administration  
**Chapter and its heading:** 18, Government Information Technology Agency  
**Article and its heading:** Not yet defined  
**Section numbers:** Not yet defined
2. **The subject matter of the proposed rules:**  
In support of this new agency, the rules will address definitions; the submission of, content of, review of, and actions taken on information technology plans and projects by the Government Information Technology Agency and the Information Technology Authorization Committee; and grievance appeals and procedures.
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 rules:**  
Name: Frank Dukarm  
Address: Government Information Technology Agency  
1616 West Adams  
Phoenix, AZ 85007  
Telephone: (602) 542-7526  
Facsimile number: (602) 542-2145
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The Agency will accept written comments Monday through Friday, 8 a.m. - 5 p.m. at the above address until the rulemaking docket is closed.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Not known.

*Editor's Note: The following Notice of Rulemaking Docket Opening was submitted to the Secretary of State's Office on December 5, 1996. The Office inadvertently failed to publish the notice. This Notice was re-submitted to the Office by the State Retirement System Board and was published in the July 11, 1997, issue of the Register. However, the notice as published in that issue did not include a previous notice that was published concerning these rules. The notice is reprinted here with the correct information. The Office apologizes for the inconvenience.*

### NOTICE OF RULEMAKING DOCKET OPENING

#### STATE RETIREMENT SYSTEM BOARD

1. **Title and its heading:** 2, Administration  
**Chapter and its heading:** 8, State Retirement System Board  
**Article and its heading:** Article 2, Retirement System  
**Section numbers:** R2-8-123
2. **The subject matter of the proposed rules:**  
The Board is required by A.R.S. § 38-714(G)(3) to conduct an annual actuarial valuation of the ASRS assets and liabilities. In order for the Board and its actuaries to conduct an actuarial valuation, they must apply to the ASRS certain assumptions about characteristics of the future performance of the ASRS and its participating employers and employees. The Board's consulting actuaries have recommended to the Board, based upon a recently completed actuarial experience study, that the Board should change several of the actuarial assumptions that are applied to the ASRS. This rulemaking is required to change the actuarial assumptions that are applied to the ASRS when an actuarial valuation is conducted.
3. **A citation to all published notices relating to the proceeding:**  
3 A.A.R. 4, January 3, 1997 (Notice of Proposed Rulemaking)

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

Name: Fred Stork, Assistant Attorney General

Address: State Retirement System  
3300 N. Central Avenue  
P.O. Box 33910  
Phoenix, AZ 85067-3910

Telephone: (602) 240-2052

Facsimile number: (602) 264-6113

Name: Don Rohan, Assistant Director, EAD

Address: State Retirement System  
3300 N. Central Avenue  
P.O. Box 33910  
Phoenix, AZ 85067-3910

Telephone: (602) 240-2027

Facsimile number: (602) 240-2083

Name: Tom Finnerty, Legislative Liaison

Address: State Retirement System  
3300 N. Central Avenue  
P.O. Box 33910  
Phoenix, AZ 85067-3910

Telephone: (602) 240-2027

Facsimile number: (602) 240-2083

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

The Agency will receive written comments during normal business hours at the State Retirement System, 3300 N. Central Avenue, P.O. Box 33910, Phoenix, Arizona 85067-3910. No date has been set for the close of record and no oral proceedings have been scheduled.

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

None at this time.

**NOTICE OF RULEMAKING DOCKET OPENING**

**STATE BOARD OF NURSING**

1. **Title and its heading:** 4, Professions and Occupations

**Chapter and its heading:** 19, State Board of Nursing

**Article and its heading:** 3, Licensure

**Section numbers:** 4-19-308

2. **The subject matter of the proposed rules:**

The proposed rule change is necessary because the Department of Education ceased to certify school nurses in March 1997. As a result, the current rule is no longer appropriate, and a new rule for certification and re-certification is being proposed.

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: Patricia Harris, R.N., M.S., Nurse Practice Consultant

Address: State Board of Nursing  
1651 East Morten, Suite 150  
Phoenix, Arizona 85020

Telephone: (602) 255-5092, ext. 152

Facsimile number: (602) 255-5130

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

Submissions may be made to the nurse practice consultant listed above, at the designated address until the close of the record, which has not yet been determined. The specific date for the close of record will be set forth in the Notice of Proposed Rulemaking

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to be filed with the Secretary of State and published in the *Register*. At the present time, the Board does not intend to schedule a hearing.

6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Not yet determined.

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**STATE BOARD OF NURSING**

1. **Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 19, State Board of Nursing  
**Article and its heading:** 2, Arizona Nursing Programs  
**Section numbers:** 4-19-207 and R4-19-208
2. **The subject matter of the proposed rules:**  
The proposed rules are necessary to be in compliance with A.R.S. § 41-1073 which requires an agency that issues licenses to have final rules in place establishing an overall time-frame during which the agency will either grant or deny each type of license that it issues.
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: Patricia Harris, R.N., M.S., Nurse Practice Consultant  
Address: State Board of Nursing  
1651 East Morten, Suite 150  
Phoenix, Arizona 85020  
Telephone: (602) 255-5092, ext. 152  
Facsimile number: (602) 255-5130
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Submissions may be made to the nurse practice consultant listed above, at the designated address until the close of the record, which has not yet been determined. The specific date for the close of record will be set forth in the Notice of Proposed Rulemaking to be filed with the Secretary of State and published in the *Register*. At the present time, the Board does not intend to schedule a hearing.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Not yet determined.

**NOTICE OF RULEMAKING DOCKET OPENING**

**BOARD OF PHARMACY**

1. **Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 23, Board of Pharmacy  
**Article and its heading:** 1, Administration  
**Section numbers:** 4-23-110
2. **The subject matter of the proposed rules:**  
This rulemaking amends Section R4-23-110 (Definitions) by adding and changing some definition. These necessary changes were identified during work on the compressed medical gases rule that was noticed in docket # R9606 published at 3 A.A.R. 248, January 24, 1997. This rule change will be processed as part of the compressed medical gases rule.  
  
Agency docket number: R9701
3. **A citation to all published notices relating to the proceeding:**  
1 A.A.R. 891, June 30, 1995 (Notice of Rulemaking Docket Opening)  
3 A.A.R. 248, January 24, 1997 (Notice of Rulemaking Docket Opening)
4. **The name and address of agency personnel with whom persons may communicate regarding the rules:**  
Name: Dean Wright, Compliance Officer  
Address: Arizona Board of Pharmacy  
5060 North 19th Avenue, Suite 101  
Phoenix, Arizona 85015

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Telephone: (602) 255-5125, ext. 131

Facsimile number: (602) 255-5740

- 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 written comments Monday through Friday, 8 a.m. to 5 p.m.  
The Board will accept oral comments Monday through Friday, 8 a.m. to 4:30 p.m. at the address and phone number listed above.  
Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.
- 6. **A timetable for agency decisions or other action on the proceeding, if known:**  
None.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF BUILDING AND FIRE SAFETY

- 1. **Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 34, Department of Building and Fire Safety  
**Article and its heading:** 1, Manufacturing and Construction Standards and Codes  
2, Installation Standards and Codes  
3, Plan Approvals  
4, Inspection and Technical Service  
5, License Scopes  
6, Fees  
7, Licensing  
8, Bond Requirements  
9, Administrative Procedures  
**Section numbers:** R4-23-101 through R4-34-107, R4-34-201 through R4-34-205, R4-34-301 through R4-34-309, R4-34-401 through R4-34-404, R4-34-501 through R4-34-503, R4-34-601 through R4-34-610, R4-34-701 through R4-34-704, R4-34-801, R4-34-802, and R4-34-901.
- 2. **The subject matter of the proposed rules:**  
To amend the majority of rules to improve clarity, conciseness, understandability, and a more acceptable format.
- 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: Cheryl Groeper  
Address: Department of Building and Fire Safety  
99 East Virginia, Suite #100  
Phoenix, Arizona 85004  
Telephone: (602) 255-4072, ext. 244  
Facsimile number: (602) 255-4962
- 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 written and oral comments during a public comment period following the publication of the Notice of Proposed Rulemaking.
- 6. **A timetable for agency decisions or other action on the proceeding, if known:**  
To be announced.

NOTICE OF RULEMAKING DOCKET OPENING

STATE BOARD FOR PRIVATE POSTSECONDARY EDUCATION

- 1. **Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 39, State Board for Private Postsecondary Education  
**Article and its heading:** 1, Definitions, Licensure, and Reporting  
**Section numbers:** 4-39-102
- 2. **The subject matter of the proposed rules:**  
A.R.S. § 41-1073 requires that each agency adopt time-frame rules for licenses it issues. A.A.C. R4-39-102 is being amended to add time-frame rules for licenses issued by this agency.  
Agency docket number: 1997-1-PVA

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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: Teri Candelaria, Executive Director  
Address: State Board for Private Postsecondary Education  
1400 West Washington #260  
Phoenix, Arizona 85007  
Telephone: (602) 542-5709
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments will be accepted until, and oral comments will be accepted on, the date of oral proceeding (hearing), a date which will be set forth in the Notice of Proposed Rulemaking to be filed with the Secretary of State for publication.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
The Notice of Proposed Rulemaking will be finalized and filed with the Secretary of State for publication within the next 30 days. Following publication, the record will be open for written comment for a period of at least 30 days, after which the oral proceeding (hearing) will be held. Oral comments will be accepted at the oral proceeding (hearing). Within 120 days after the close of comment, the Board will adopt the final rules and submit a final rule package to the Governor's Regulatory Review Council for approval.

**NOTICE OF RULEMAKING DOCKET OPENING**

**CORPORATION COMMISSION**

1. **Title and its heading:** 14, Public Service Corporations; Corporations and Associations; Securities Regulation  
**Chapter and its heading:** 5, Corporation Commission - Transportation  
**Article and its heading:** 2, Pipeline Safety  
**Section numbers:** R14-5-202, R14-5-203, and R14-5-205
2. **The subject matter of the proposed rules:**  
These amendments will amend already existing rules. The proposed amendments to the existing rules are designed to simplify and update the Arizona Corporation Commission Pipeline Safety rules and to recognize the amendments to 49 CFR 40, 191, 192, 193, 195, and 199 as of February 25, 1997.  
  
The Commission has been granted agent status allowing it to enforce the Federal Pipeline Safety Standards. To maintain that status, the Commission must adopt and keep current with the Federal Pipeline Safety Standards, pursuant to the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act. The Commission believes that, through the adoption and incorporating by reference of 49 CFR updates, the rules will be consistent with the federal regulations and will enhance public safety which will be in the best interest of all citizens in the state of Arizona.  
  
Agency docket number: R-0000-97-292
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: Peter Breen, Commission Counsel, Legal Division or Terry L. Fronterhouse, Chief, Pipeline Safety  
Address: Arizona Corporation Commission  
1200 West Washington Street,  
Phoenix, Arizona 85007  
Telephone: (602) 542-3402 or (602) 542-3316  
Facsimile number: (602) 542-4870 or (602) 542-3071
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The time when and the place where oral and written comments may be made will be established by the Arizona Corporation Commission in its Decision authorizing the filing of the Notice of Proposed Rulemaking with the Secretary of State or by Procedural Order following the Commission's Decision. The date, time, and place for public comment will be in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
The amendments will be adopted by the Arizona Corporation Commission at a regularly scheduled or a special Open Meeting. The notice and agenda will be posted in accordance with state law and will be mailed to those entities/individuals on the service list accompanying the Commission Decision authorizing the filing of the Notice of Proposed Rulemaking with the Secretary of State.

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**DEPARTMENT OF REVENUE**

1. **Title and its heading:** 15, Revenue  
**Chapter and its heading:** 5, Department of Revenue - Transaction Privilege and Use Tax Section  
**Article and its heading:** 6, Sales Tax -- Contracting Classification  
**Section numbers:** R15-5-606
2. **The subject matter of the proposed rules:**  
The rule provides guidance in the application of transaction privilege tax to persons engaged in the businesses of land clearing and well drilling.  
Agency docket number: 97-5-03
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: Christie Comanita  
Address: Tax Research & Analysis Section  
Arizona Department of Revenue  
1600 West Monroe  
Phoenix, Arizona 85007  
Telephone: (602) 542-4672  
Facsimile number: (602) 542-4680
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.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Unknown.

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

1. **Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 7, Department of Environmental Quality - Remedial Action  
**Article and its heading:** 4, Voluntary Remediation Program  
**Section numbers:** R18-7-401 (This is a new Section. Section number may be added, deleted, or modified during this rulemaking to address the subject matter in question 2 below)
2. **The subject matter of the proposed rules:**  
The Department proposes to add this rule to comply with the requirements of Laws 1997, Ch. 296, § 11 (Senate Bill 1304). That provision requires the Department to file an expedited fee rule for the Greenfields Pilot Program pending formal adoption of the rule. The expedited fee rulemaking is exempt from the requirements of A.R.S. Title 41, Ch. 6; however, Laws 1997, Ch. 296 requires the expedited rulemaking to include a preamble with a preliminary summary of economic, small business, and consumer impacts, and one public hearing on the proposed expedited rulemaking preceded by two weeks' advance notice.
3. **A citation to all published notices relating to the proceeding:**  
3 A.A.R. 1912, July 18, 1997 (Notice of Proposed Rulemaking in this issue)
4. **The name and address of agency personnel with whom persons may communicate regarding the rules:**  
Name: George Tsiolis or Martha Seaman  
Address: Department of Environmental Quality  
3033 North Central Avenue  
Phoenix, AZ 85012  
Telephone: (602) 207-2222  
Facsimile number: (602) 207-2251

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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 written comments from 5 p.m. Friday July 18, 1997, to 5 p.m. Tuesday August 5, 1997. Oral comments may be made as follows:
- Date: Friday August 1, 1997  
Time: 1 p.m.  
Location: ADEQ Public Meeting Room  
3033 North Central Avenue  
Phoenix, Arizona
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Laws 1997, Ch. 296, § 11 (Senate Bill 1304) requires the Department to file the final expedited fee rule within four weeks of the public hearing. To meet the anticipated demand for departmental review of Greenfields no further action submittals, the Department plans to make the required filing by August 15, 1997.