

NOTICES OF RULEMAKING DOCKET OPENING

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 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: 56, Confidentiality and Release of CPS Records
(Other Articles may be added or deleted as necessary.)
Section numbers: R6-5-5601, R6-5-5603, R6-5-5607, R6-5-5610, R6-5-5611 and R6-5-5612
(Other Sections may be added or deleted as necessary.)
- 2. The subject matter of the proposed rule:**
This rulemaking is required as a result of 1999 legislative changes to A.R.S. § 8-807.
- 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: Beth Broeker
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:**
Written comments should be directed to the person named in item #4, and will be accepted during business hours until further notice is provided. There is no oral proceeding scheduled at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

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: 67, Adoption Subsidy
(Other Articles may be added or deleted as necessary.)
Section numbers: R6-5-6701 through R6-5-6715
(Other Sections may be added or deleted as necessary.)

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2. The subject matter of the proposed rule:

This rulemaking will bring the adoption subsidy rules up to date so that they reflect current practices for the operation of the adoption subsidy program. The new rules will include definitions, a description of available assistance, eligibility criteria, the application process and procedures, the methodology for determining the amount and nature of the subsidy payment or form of assistance, and an appeal process.

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: Beth Broeker
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:

Written comments directed to the person in item #4 will be accepted during business hours. There is no oral proceeding scheduled at this time.

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

None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY

- 1. Title and its heading:** 6, Economic Security
Chapter and its heading: 7, Department of Economic Security - Child Support Enforcement
Article and its heading: 4, Passport Denial
Section numbers: R6-7-401 through R6-7-406
(Sections may be added or deleted as necessary.)

2. The subject matter of the proposed rule:

State Title IV-D agencies, which operate child support programs, are required by 42 U.S.C. 652(k)(1) to have a procedure to certify an obligor who has a child support arrearage exceeding \$5,000, to the United States Secretary of Health and Human Services for passport denial. This is an additional mechanism states can use to enforce collection of child support. This rule sets forth the procedures and criteria for passport denial.

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: Beth Broeker
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

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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:

A person may submit written comments to the person named in item #4 during business hours until further notice is provided. No oral proceeding is scheduled at this time.

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

Not yet known

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY

1. Title and its heading: 6, Economic Security

Chapter and its heading: 7, Department of Economic Security - Child Support Enforcement

Articles and their headings: 8, Appeals

Section numbers: R6-7-801 through R6-7-808, and other Sections to be determined
(Sections may be added or deleted as necessary.)

2. The subject matter of the proposed rule:

Section 16 of Arizona Senate Bill 1286, approved by the Governor on April 19, 2000, amended A.R.S. § 25-522 to provide that an administrative review determination of the Department regarding the distribution of child support payments is subject to appeal by the obligee. Such an appeal is to be made pursuant to Title 41, Chapter 14, Article 3 of the Arizona Revised Statutes. This rulemaking will implement this new administrative hearing and review process. It will establish the procedures by which an obligee may file an appeal, as well as the procedures that apply in the administrative hearing 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: Beth Broeker

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 during business hours to the person named in question #4 until further notice is provided.

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

Not yet known

NOTICE OF RULEMAKING DOCKET OPENING

WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 15, Department of Environmental Quality - Water Infrastructure Finance Authority of Arizona
Articles and their headings: 1, Management
2, Clean Water Revolving Fund
3, Drinking Water Revolving Fund
4, Other Financial Assistance
5, Technical Assistance
6, Hardship Grant Fund
7, Interest Rate Setting and Forgivable Principal
Section numbers: R18-15-101 through R18-15-701 and other Sections to be determined (Sections may be added or deleted as necessary.)
- 2. The subject matter of the proposed rule:**
The Water Infrastructure Finance Authority of Arizona (Authority) intends to revise existing rules for awarding financial assistance, revise existing rules for awarding project level technical assistance, promulgate new rules for awarding project level technical assistance, and revise other rules for conforming changes. The proposed rules will revise the methodology and criteria for reviewing and ranking applications for both financial and technical assistance.
- 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: Greg Swartz
Executive Director

Address: Water Infrastructure Finance Authority of Arizona
202 East Earll Drive, Suite 480
Phoenix, Arizona 85012

Telephone: (602) 230-9770
Fax: (602) 230-1480
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Authority will publish a Notice of Proposed Rulemaking in the *Arizona Administrative Register*, at which time it will accept comments until the close of record date referenced in the Notice. All comments should be in writing and submitted to the attention of the agency personnel identified in paragraph #4. The Notice will also contain information on the time and place of any proceedings scheduled by the Authority at which oral comments may be made.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
It is anticipated that a Notice of Proposed Rulemaking will be filed with the Office of the Secretary of State for publication in the *Arizona Administrative Register* by May 2001, and that a Notice of Final Rulemaking will be filed for publication by August 2001. Contact the person named in paragraph #4 for the current status of the rule-making, or to arrange for interested parties to inspect the proposed rule; any written submissions on the proposed rule; the economic, small business and consumer impact statement; or the minutes of any pertinent meeting.

NOTICE OF RULEMAKING DOCKET OPENING

BANKING DEPARTMENT

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 4, Banking Department
Article and its heading: 1, General
9, Mortgage Brokers
18, Mortgage Bankers
19, Commercial Mortgage Bankers
Section numbers: R20-4-102, R20-4-106, R20-4-107, R20-4-901, R20-4-1805, R20-4-1813,
and R20-4-1912

2. The subject matter of the proposed rules:

The rules in Article 1 have general applicability to all of Title 20, Chapter 4 of the *Arizona Administrative Code*. This proceeding will deal with several housekeeping matters that have been brought to the Department's attention since the last revision of Article 1 became effective in June 1999. In addition, this rulemaking also adds new Sections in Articles 9, 18, and 19. Three are to clarify the intended effect of the changes to Article 1. One amendment, to R20-4-1805, corrects a drafting error that conflicts with the corresponding statute.

First, this rulemaking will revise the definition of "Active management" to clarify that the definition applies to all the term's uses in statutory law administered by the department, including those outside of A.R.S. Title 6, Chapter 9.

Second, this proceeding will revise the definition of "Directly or indirectly making, negotiating, or offering to make or negotiate" to delete qualifying language describing certain consulting or advisory services, and to remove inadvertent drafting errors from the definition.

Third, this rulemaking will amend R20-4-102 to add a definition of the term "Records."

Fourth, this proceeding will amend R20-4-102 to add a definition of the term "Electronic Records."

Fifth, this rulemaking will amend R20-4-102 to remove the numbering of the definitions in this Section, which are arranged alphabetically for ease of reference.

Sixth, this proceeding will amend R20-4-107 to add a Licensing Time Frame for Deferred Presentment Companies, a newly created category of license.

Seventh, this rulemaking will make stylistic and editorial revisions to R20-4-106, the only Section in Article 1 not yet revised since acceptance of that Article's most recent 5-Year-Rule-Review.

Eighth, this proceeding will add a new Section to each of Articles 9, 18, and 19 to clarify the effect of the revisions to the definition of the term "Directly or indirectly making, negotiating, or offering to make or negotiate."

Finally, this rulemaking will amend R20-4-1805 to reconcile it with statute. The present version of this Section requires the licensee to give the Superintendent notice of a change of business address within 5 days after the address changes. The statute, A.R.S. § 6- 944 (D), specifies that the licensee shall notify the Superintendent before the change.

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

An earlier Notice of Rulemaking Docket Opening was published at 6 A.A.R. 4451, November 24, 2000.

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

Name: John P. Hudock
Address: 2910 North 44th Street, Suite 310
Phoenix, Arizona 85018
Telephone: (602) 255-4421, Ext. 167
Fax: (602) 381-1225
E-mail: jhudock@azbanking.com

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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 accepts written comments during business hours at the address listed in paragraph #4. Comments are welcome at any time until the close of the record in this proceeding. The date for closure of the record depends on the publication date of the actual proposed rules, which has not yet occurred. Notice of any opportunity to make public oral comment will be published as required by law.

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

No timetable has been projected or established. By June 2001, the Department expects to submit the text of proposed rules for publication.

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 5, Industrial Commission of Arizona
Article and its heading: 6, Occupational Safety and Health
Section numbers: R20-5-629 through R20-5-646

2. Subject matter of the proposed rules:

The Division of Occupational Safety and Health intends to incorporate by reference the 29 CFR part 1904, occupational injury and illness recording and reporting requirements final rule. This incorporation by reference would also eliminate all of the current requirements now listed in rules R20-5-630 through R20-5-646. The goal for revising the occupational injury and illness recording and reporting requirements was to improve the quality of workplace injury and illness records. The records have several important purposes, and higher quality records will better serve those purposes. The Division of Occupational Safety and Health also believes that an improved recordkeeping system will raise employer awareness of workplace hazards and help employers and employees use and analyze these records more effectively. In revising its recordkeeping rule, the Division also hopes to reduce underreporting and to remove obstacles to complete and accurate reporting by employers and employees. Copies of the incorporated by reference material are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 West Washington Street, Room 203, Phoenix, Arizona 85007, and can be downloaded from the Federal OSHA web site www.osha.gov

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: Patrick Ryan
Assistant Director

Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 West Washington Street, Suite 203
Phoenix, Arizona 85007

Telephone: (602) 542-1695

Fax: (602) 542-1614

E-mail: pat.ryan@osha.gov

5. The time during which written submissions may be made 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 in the proceeding:

Not yet known