

## NOTICES OF RULEMAKING DOCKET OPENING

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

#### STATE BOARD OF EDUCATION

1. **Title and heading:** 7, Education  
**Chapter and heading:** 2, State Board of Education  
**Article and heading:** 4, Special Education  
**Section numbers:** R7-2-405. As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.
2. **The subject matter of the proposed rule:**  
Special Education and Exceptional Student Services Administrative Hearing Reform
3. **A citation to all published notices relating to the proceedings:**  
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Christy Farley  
Address: 1535 W. Jefferson  
Phoenix, AZ 85007  
Telephone: (602) 542-5057  
Fax: (602) 542-3046  
E-mail: cfarley@ade.az.gov
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 to Christy Farley, Executive Director, State Board of Education, at the address above. Written comments will be accepted until November 9, 2004. A public hearing will be held on November 9, 2004, to receive public testimony. The public meeting will be posted at 1535 W. Jefferson, first floor.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Unknown

### NOTICE OF RULEMAKING DOCKET OPENING

#### STATE BOARD OF EDUCATION

1. **Title and heading:** 7, Education  
**Chapter and heading:** 2, State Board of Education  
**Article and heading:** 6, Certification  
**Section numbers:** R7-2-606 through R7-2-612, R7-2-614 and R7-2-617 through R7-2-619. As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.
2. **The subject matter of the proposed rule:**  
Teacher and Administrator Certifications
3. **A citation to all published notices relating to the proceedings:**  
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Christy Farley  
Address: 1535 W. Jefferson  
Phoenix, AZ 85007  
Telephone: (602) 542-5057  
Fax: (602) 542-3046  
E-mail: cfarley@ade.az.gov

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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:**

Written comments may be submitted to Christy Farley, Executive Director, State Board of Education, at the address above. A public hearing will be scheduled following Notice of Proposed Rulemaking to receive public testimony. The public meeting will be provided in the Notice of Proposed Rulemaking and posted at 1535 W. Jefferson, first floor.

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

Unknown

**NOTICE OF RULEMAKING DOCKET OPENING**

**STATE BOARD OF EDUCATION**

**1. Title and heading:**

7, Education

**Chapter and heading:**

2, State Board of Education

**Article and heading:**

10, School District Procurement

**Section numbers:**

R7-2-1001 and R7-2-1011. As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.

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

Online bidding procurement

**3. A citation to all published notices relating to the proceedings:**

Notice of Proposed Rulemaking: 10 A.A.R. 2930, July 23, 2004 (*in this issue*).

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

Name: Christy Farley  
Address: 1535 W. Jefferson  
Phoenix, AZ 85007  
Telephone: (602) 542-5057  
Fax: (602) 542-3046  
E-mail: cfarley@ade.az.gov

**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 to Christy Farley, Executive Director, State Board of Education, at the address above. Written comments will be accepted until November 9, 2004. A public hearing will be held on November 9, 2004, to receive public testimony. The public meeting will be posted at 1535 W. Jefferson, first floor.

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

Unknown

**NOTICE OF RULEMAKING DOCKET OPENING**

**BOARD OF EQUALIZATION**

**1. Title and its heading:**

16, Tax Appeals

**Chapter and its heading:**

4, Board of Equalization

**Article and its heading:**

1, General Provisions

2, Petitions and Hearing Procedures

As a part of this rulemaking, the Board may add, delete, or modify additional Articles as necessary.

**Section numbers:**

R16-4-101, R16-4-102, R16-4-201, R16-4-202, R16-4-203, R16-4-204, R16-4-205, R16-4-206, R16-4-207. As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.

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

Administrative rules and rules of procedure for hearings before the State Board of Equalization

**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: Harold Scott, Chairman  
Address: 100 N. 15th Ave.  
Suite 130  
Phoenix, AZ 85007  
Telephone: (602) 364-1601

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Fax: (602) 364-1616  
E-mail: hscott@sboe.state.az.us

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

Comments may be directed to the person named in item #4 above and will be accepted during regular business hours at the State Board of Equalization office. Formal comments may be submitted after publication of Notice of Proposed Rulemaking in the *Arizona Administrative Register*. If the Board schedules an oral proceeding, it will be published in the *Arizona Administrative Register* at least 30 days in advance of the proceeding.

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

None

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**AIR POLLUTION CONTROL**

- 1. Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 2, Department of Environmental Quality – Air Pollution Control  
**Articles and their headings:** Appendix 8, Procedures for Utilizing the Sulfur Balance Method for Determining Sulfur Emissions  
**Section numbers:** Appendix 8

- 2. The subject matter of the proposed rule:**  
ADEQ will propose amendments requested by EPA to specify certain test methods, and to provide for EPA review and approval of any alternative procedures used to meet the requirements of the rule. Additionally, the amendments will improve the rule's clarity, conciseness and understandability.

**3. A citation to all published notices relating to the proceedings:**

None

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

Name: Kevin Force  
Address: ADEQ  
1110 W. Washington St., 3415A-3  
Phoenix, AZ 85007  
Telephone: (602) 771-4480  
Fax: (602) 771-2366

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

To be announced in the Notice of Proposed Rulemaking

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

To be announced in the Notice of Proposed Rulemaking

**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  
**Articles and their headings:** 2, Transaction of Insurance  
**Section numbers:** R20-6-201 through R20-6-203, R20-6-209, R20-6-210 R20-6-212, R20-6-213, R20-6-215, R20-6-216, R20-6-217, and other Sections to be determined

- 2. Subject matter of the proposed rule:**  
The director will proposed rulemaking action on Article 2 in response to a five-year review submitted to the Governor's Regulatory Review Council in 2002. This rulemaking package will repeal obsolete rules; improve the clarity, conciseness and understandability of all rules that are not being repealed; and add a new rule requiring insurers to provide an English translation of documents filed in a foreign language. The changes to the advertising rules are due to Laws 2000, Ch. 37, which eliminated the Department's prior review and approval of insurers' advertising materials. The Department is creating a new rule to specify the procedures for filing advertising materials and to facilitate the Department's timely review of filed materials. The new rule requiring translations will permit the Department to conduct required reviews of rules and forms.

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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 rule:**

Name: Margaret L. McClelland  
Address: Arizona Department of Insurance  
2910 N. 44th St., Suite 210  
Phoenix, AZ 85018  
Telephone: (602) 912-8456  
Fax: (602) 912-8452

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

The Department will accept written comments during a public comment period that will be noticed in the publication of the proposed rulemaking. The Department will schedule oral proceedings, within the statutorily mandated time-frame, to be noticed in the *Arizona Administrative Register*.

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

The Department expects to file a Notice of Proposed Rulemaking by the third quarter of 2004.

**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  
**Articles and their headings:** 3, Financial Provisions and Procedures  
**Section numbers:** To be determined

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

The director will propose rulemaking action on Article 3 in response to a five-year review submitted to the Governor's Regulatory Review Council in 2002. This rulemaking will improve the clarity, conciseness and understandability of these Sections. The rules may also be revised to implement substantive changes that the Department determines necessary.

**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: Margaret L. McClelland  
Address: Arizona Department of Insurance  
2910 N. 44th St., Suite 210  
Phoenix, AZ 85018  
Telephone: (602) 912-8456  
Fax: (602) 912-8452

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

The Department will accept written comments during a public comment period that will be noticed in the publication of the proposed rulemaking. The Department will schedule oral proceedings, within the statutorily mandated time-frame, to be noticed in the *Arizona Administrative Register*.

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

The Department expects to file a Notice of Proposed Rulemaking by the third quarter of 2003.

**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  
**Articles and their headings:** 19, Health Care Services Organizations Oversight  
**Section numbers:** To be determined

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

In 2000, the Arizona legislature passed S.B.1330. Under SB 1330, effective July 1, 2001, regulatory authority over health care service organizations (HCSOs), previously bifurcated between the Arizona Department of Health Services and the Arizona Department of Insurance (ADOI), became consolidated under ADOI.

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Under Laws 2000, Chapter 356 § 26, ADOI filed exempt temporary rules for oversight of HCSOs with the Secretary of State on June 7, 2001. These temporary exempt rules became effective July 1, 2001. At the same time that the Department filed that exempt rulemaking, it also filed a Notice of Rulemaking Docket Opening (Notice) for a permanent rulemaking regulating HCSOs to comply with Title 41, Chapter 6, Arizona Revised Statutes. That Notice of Rulemaking Docket Opening was renewed in June 2002. This renews the 2002 Notice of Rulemaking Docket Opening.

The principal effect of the consolidated regulatory structure is to bring new responsibilities to ADOI. ADOI will define basic health services and maintain, make determinations under and enforce rules that establish whether an HCSO provides for basic health care services and whether it constitutes an effective mechanism to achieve an effective health care plan. ADOI retains authority to review, approve, suspend or revoke certificates of authority for HCSOs.

ADOI has convened a formal advisory committee to advise ADOI regarding this rulemaking.

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

- Notice of Rulemaking Docket Opening: 7 A.A.R. 2778, June 29, 2001
- Notice of Exempt Rulemaking: 7 A.A.R. 2769, June 29, 2001
- Notice of Formal Rulemaking Advisory Committee: 8 A.A.R. 2116, May 10, 2002
- Notice of Rulemaking Docket Opening: 8 A.A.R. 2760, June 2, 2002
- Notice of Rulemaking Docket Opening: 9 A.A.R. 2122, June 27, 2003

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

- Name: Margaret L. McClelland
- Address: Arizona Department of Insurance  
2910 N. 44th St., Suite 210  
Phoenix, AZ 85018
- Telephone: (602) 912-8456
- Fax: (602) 912-8452

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

The Department will accept written comments during a public comment period that will be noticed in the publication of the proposed rulemaking. The Department will schedule oral proceedings, within the statutorily mandated time-frame, to be noticed in the *Arizona Administrative Register*.

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

The Department expects to file a Notice of Proposed Rulemaking June 2004.

**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:**

20, Captive Insurers

**Section number:**

R20-6-2002

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

The Arizona Department of Insurance (DOI) intends to initiate a rulemaking to amend R20-6-2002 to specify fees for protected cell captive insurers, a subset of captive insurers.

**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: Margaret L. McClelland
- Address: Arizona Department of Insurance  
2910 N. 44th St., Suite 210  
Phoenix, AZ 85018
- Telephone: (602) 912-8456
- Fax: (602) 912-8452

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

The Department will accept written comments during a public comment period that will be noticed in the publication of the proposed rulemaking. The Department will schedule an oral proceeding, within the statutorily mandated time-frame, to be noticed in the *Arizona Administrative Register*.

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

The Department expects to file a Notice of Proposed Rulemaking in 2004.