

## **NOTICES OF RULEMAKING DOCKET OPENING**

The Administrative Procedure Act 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**

#### **REAL ESTATE DEPARTMENT**

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 28, Real Estate Department  
**Article and its heading:** 1, General Provisions  
4, Education  
**Section numbers:** R4-28-101, R4-28-402, R4-28-402.1, R4-28-404, R4-28-404.1, R4-28-404.2, R4-28-405, R4-28-406, and R4-28-502

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

The Department proposes to amend R4-28-402 to clarify filing requirements for approval of distance learning courses, and to clarify that the Department has access to approved distance learning course for audit purposes; to formalize the procedure for requesting credit for attendance at a course that was not previously approved; to specify the information to be included on a Certificate of Attendance issued for an approved course; and to clarify the distinction between salesperson and broker pre-license courses.

The proposed revision to R4-28-404 will exempt from licensure as a school a governmental agency that will offer a course and clarifies that, although exempt from licensure, an entity must be in compliance with other statutory and rule requirements before advertising or issuing real estate education credit.

The proposed revisions to R4-28-404, R4-28-404.1 and R4-28-404.2 will set forth the duration of school, course and instructor approvals, renewal procedures, and fees; establish qualifications for primary administrator; procedures for appointment and removal of assistant administrators. Other rules propose to amend qualifications to teach pre-license courses; clarify that a school is required to provide students with an appropriate facility for instruction, and establish a procedure for closing a school in an orderly fashion. Retention of a school's student records within Arizona is proposed.

A new R4-28-405 clarifies the Department's investigation of complaints concerning real estate education; and R4-28-406 establishes a procedure for communicating areas of non-compliance to school administrators, clarifies grounds for withdrawal or denial of approval, and establishes a procedure for correcting the identified problems or appealing the findings, as well as clarifying a party's right to a hearing upon denial or withdrawal of approval.

The Department is also defining and describing the request procedure, the schools' role, and what types of accommodations are typically made under its "disability program" (in R4-28-101 and R4-28-402.1) whereby exceptions to "classroom" attendance are made as an accommodation for a temporary or permanent disability.

R4-28-502, concerning advertising by a school or a "team," is being clarified.

**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: Cindy Wilkinson, Policy Officer

Address: Real Estate Department  
2910 N. 44th Street, Suite 100  
Phoenix, AZ 85018

Telephone: (602) 468-1414, ext. 340

Fax: (602) 955-6284

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

Written comments: 8:00 a.m. - 5:00 p.m., Monday through Friday

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Oral comments: During the public hearing, not yet scheduled

Real Estate Department  
2910 N. 44th Street, Suite 100  
Phoenix, AZ 85018

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

None

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**REAL ESTATE DEPARTMENT**

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 28, Real Estate Department  
**Article and its heading:** 1, General Provisions; Article 8. Documents; Article 11. Professional Conduct  
**Section numbers:** R4-28-101, R4-28-802, R4-28-1101, R4-28-1102, R4-28-1103

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

The Department proposes to define "immediate family" used in the proposed revision to R4-28-1101(E); Proposed changes to R4-28-802 will clarify when a licensee acting as an agent may discuss the terms of other offers. Changes to R4-28-1101 are made to clarify when and how disclosure of an interest or conflict of interest is required; to describe the standard of professional knowledge and expertise to which a licensee is held; to clarify a licensee's responsibilities regarding pre- or post-possession of property, and obtaining permission before delivering possession of a property. A new Section, R4-28-1103, will describe circumstances under which a broker will not be held responsible by the Department for certain acts of an employee, and the standard of care by a licensee in discovering material information about a property.

**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: Cindy Wilkinson, Policy Officer

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

None

**NOTICE OF RULEMAKING DOCKET OPENING**

**LAW ENFORCEMENT MERIT SYSTEM COUNCIL**

- 1. Title and its heading:** 13, Public Safety  
**Chapter and its heading:** 5, Law Enforcement Merit System Council  
**Article and its heading:** 1, Definitions  
3, Employment

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5, Employee Leave

8, Separation from Employment

**Section numbers:**

R13-5-101, R13-5-302, R13-5-304, R13-5-305, R13-5-312, R13-5-314,  
R13-5-316, R13-5-506, R13-5-804

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

The Law Enforcement Merit System Rules contained in Chapter 5 were amended on May 10, 2000. This amendment was a complete rewrite of the rules. The Law Enforcement Merit System Council amended the rules on November 7, 2000 in an effort to fine-tune the rules after the major rewrite that had been done earlier. The Law Enforcement Merit System Council proposes to amend the above mentioned Sections in order to further clarify these rules and to comply with recent legislative changes in the statute.

**3. A citation of 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: Commander Coy Johnston  
Address: Law Enforcement Merit System Council  
P.O. Box 6638  
Phoenix, AZ 85005-6638  
Telephone: (602) 223-2286  
Fax: (602) 223-2096  
E-mail: Cjohnston@dps.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:**

The Law Enforcement Merit System Council will accept written comments during business hours at the above address until close of the record. Oral comments will be accepted at public hearings to be announced in the Notice of Proposed Rulemaking.

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

The Business Manager of the Council will publish a Notice of Proposed Rulemaking in the *Register* within the next month. It is anticipated that this process will be completed by January 2002.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF FINGERPRINTING

**1. Title and its heading:**

13, Public Safety

**Chapter and its heading:**

11, Board of Fingerprinting

**Articles and their heading:**

1, Board of Fingerprinting

**Section numbers:**

R13-11-101 through R13-11-105 (The Board may add, delete, or modify additional Sections or Exhibits as necessary.)

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

The Board of Fingerprinting was established in 1999 to conduct good cause exception hearings for the issuance of class one and class two fingerprint clearance cards.

The proposed rulemaking will delete all of the Sections within the Article and replace them with new Sections that will update the program, reorganize the rules, clarify the rules, conform to rulemaking format and style requirements, and conform to statutory authority and the Administrative Procedure Act. The rules will identify standards for issuing interim approvals; clarify the process for approving good cause exception appeals without formal hearings; and establish standards and procedures for hearing good cause exceptions from eligible applicants who require a fingerprint clearance card or who wish to work in residential care institutions, home health agencies and nursing care facilities.

The Board may add, delete, or modify additional Sections or Exhibits as necessary.

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

Notice of Exempt Rulemaking: 13 A.A.C. 11, September 10, 1999

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

Name: Sally A. Loveland  
Address: Board of Fingerprinting  
Mail Code 2500  
P.O. Box 6638  
Phoenix, AZ 85005-6638  
Telephone: (602) 223-2800  
Fax: (602) 223-2947  
E-mail: sloveland@dps.az.state.us

**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 until the close of record, which has not yet been determined. The Board has not scheduled any oral proceedings 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 REVENUE**

- 1. Title and its heading:** 15, Revenue  
**Chapter and its heading:** 2, Department of Revenue - Income and Withholding Tax Section  
**Subchapter and its heading:** D, Corporations  
**Article and its heading:** 1, General  
**Section number:** R15-2D-102

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

The rule relates to the allocation of deductions to foreign dividends of corporate taxpayers.

**The agency docket number, if applicable:**

Not applicable

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

Not applicable

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

Name: Jim Bilski, Tax Analyst  
Address: Tax Research & Analysis Section  
Department of Revenue  
1600 West Monroe  
Phoenix, AZ 85007  
Telephone: (602) 542-4672  
Fax: (602) 542-4680  
E-mail: BilskiJ@revenue.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:**

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 REVENUE**

- 1. Title and its heading:** 15, Revenue  
**Chapter and its heading:** 10, Department of Revenue - General Administration  
**Article and its heading:** 5, Electronic Filing Program  
**Section numbers:** R15-10-501, R15-10-502  
(Other Sections may be added as needed.)
- 2. The subject matter of the proposed rule:**  
R15-10-501 contains definitions for the electronic filing program. R15-10-502 describes the recordkeeping requirements for electronic return preparers of individual income tax.  
**The agency docket number, if applicable:**  
Not applicable
- 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 rule:**  
Name: Robyn Cotrona, Chief Income Tax Counsel  
Address: Department of Revenue  
1600 West Monroe  
Phoenix, AZ 85007  
Telephone: (602) 542-4542  
Fax: (602) 542-3258
- 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:** 4, Department of Environmental Quality – Safe Drinking Water  
**Articles and their headings:** 1, General Requirements;  
2, Maximum Contaminant Levels and Monitoring Requirements; Monitoring Assistance Program;  
3, Treatment Techniques;  
4, Special Monitoring Requirements;  
5, Minimum Design Criteria;  
7, Consumer Confidence Reports  
**Section numbers:** R18-4-101, R18-4-103 through R18-4-105, R18-4-205, R18-4-208 through R18-4-210, R18-4-214, R18-4-301 through R18-4-303, R18-4-401, Appendix A of Article 5, R18-4-703 through R18-4-707, R18-4-709, Appendices A and B of Article 7, and other possible Articles and Sections yet to be determined.
- 2. The subject matter of the proposed rule:**  
The purpose of this rulemaking is to promulgate new rules for public notice, filtration, disinfectants, and disinfection by-products. The rules will prescribe new time-frames and delivery methods for public notice, additional monitoring for disinfection by-products and filtration, and establish new maximum contaminant levels and maximum

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disinfectant residual concentrations. These new rules are being added to retain primary enforcement authority for the national primary drinking water rules in Arizona.

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

None at this time

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

Name: Nina Miller  
Telephone: (602) 207-4641 (Metro Phoenix area) or  
1-800-234-5677, ext. 4641 (other parts of Arizona)  
Fax: (602) 207-4634  
E-mail: miller.nina@ev.state.az.us  
Address: Department of Environmental Quality  
3033 N. Central Ave. (M0248A)  
Phoenix, AZ 85012

**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 publish a Notice of Proposed Rulemaking in the *Register*, after which it will accept written comments until the close of public record date specified in the Notice of Proposed Rulemaking. Written comments should be submitted to the attention of the agency personnel referenced in the Notice of Proposed Rulemaking. If the Department holds public hearings at which oral comments may be made, the dates and times of the hearings will be published in the *Register*.

**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 *Register* by August 2001, and that a Notice of Final Rulemaking will be filed by November 2001. Contact the agency personnel named above for the current status of the rulemaking; the personnel can also arrange for interested parties to inspect the proposed rule; written submissions on the proposed rule; the economic, small business and consumer impact statement; or the minutes of any pertinent council meeting.