

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

DEPARTMENT OF ADMINISTRATION

[R08-133]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 1, Department of Administration
Article and its heading: 6, Adjusted Work Hours
Section numbers: R2-1-601 through R2-1-605 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The purpose of this rulemaking is to address the issues identified in the previous five-year review report approved by the Governor's Regulatory Review Council. The proposed rulemaking will allow the compliance data to be collected through the annual travel reduction survey. In addition, the definitions will be amended and updated.
- 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: Kayelen Rolfe, Manager
Travel Reduction Programs
Address: Department of Administration
Management Services Division
100 N. 15th Ave., Suite 431
Phoenix, AZ 85007
Telephone: (602) 542-3638
Fax: (602) 542-3636
or
Name: Rob Smook, Rules Administrator
Address: Department of Administration
Management Services Division
1501 W. Madison
Phoenix, AZ 85007
Telephone: (602) 542-6161
Fax: (602) 542-3125
- 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 Monday through Friday from 8:00 a.m. and 5:00 p.m. at the location listed in item 4. The schedule for oral proceedings is to be determined and will be published in a future issue of the *Register*.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ADMINISTRATION RISK MANAGEMENT SECTION

[R08-136]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 10, Department of Administration – Risk Management Section
Article and its heading: 1, Coverage and Claims Procedure

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Section numbers: R2-10-101, R2-10-102, R2-10-103, R2-10-104, R2-10-106, and R2-10-108 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The purpose of this rulemaking is to address the issues identified in the previous five-year review report approved by the Governor's Regulatory Review Council. R2-10-101 defines terms and phrases used in this chapter. The proposed rulemaking shall amend language to clarify definitions and align rules to be consistent with environmental terminology. R2-10-102 summarizes the procedures for agencies to follow when reporting a claim made against the state. The proposed changes will add language and a process to follow involving environmental claims. R2-10-103 establishes the responsibility of Risk Management for the investigation of claims and the determination of whether it is self-insured or should be reported to one of the state's excess insurance carriers. The change will now include the environmental portion of Risk Management statute. R2-10-104 establishes a time limitation on the reporting of property losses which will now include environmental losses to Risk Management and requires that competitive bids be obtained for replacement or repair of state property subject to Risk Management approval. The subject matter of R2-10-106 establishes the valuation basis for personal and real property coverage and the procedure for determining the method of repair or replacement of covered property and lists the types of property that are excluded from coverage provided by the state's self insurance including environmental claims. R2-10-108 establishes the conditions under which a deductible of not more than \$10,000 may be assessed to an agency and what actions the agency may take to have its deductible waived. The revision is to make a minor technical correction to make the rule clear, concise and understandable.

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: Julie Cruse, Administrative Manager

Address: Department of Administration
Risk Management Section
100 N. 15th Ave., Suite 301
Phoenix, AZ 85007

Telephone: (602) 542-1492

Fax: (602) 542-1473

or

Name: Rob Smook, Rules Administrator

Address: Department of Administration
Management Services Division
1501 W. Madison
Phoenix, AZ 85007

Telephone: (602) 542-6161

Fax: (602) 542-3125

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 Monday through Friday from 8:00 a.m. and 5:00 p.m. at the location listed in item 4. The schedule for oral proceedings is to be determined and will be published in a future issue of the *Register*.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ADMINISTRATION
RISK MANAGEMENT SECTION**

[R08-135]

1. Title and its heading: 2, Administration
Chapter and its heading: 10, Department of Administration – Risk Management Section
Article and its heading: 2, Loss Prevention
Section numbers: R2-10-207 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The purpose of this rulemaking is to address the issues identified in the previous five-year review report approved by the Governor's Regulatory Review Council. The subject matter of R2-10-207 establishes the basis for the develop-

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ment of effective loss prevention programs at each state agency. The rule requires each agency to inform the Risk Manager in writing of any environmental violation or consent order.

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: Julie Cruse, Administrative Manager

Address: Department of Administration
Risk Management Section
100 N. 15th Ave., Suite 301
Phoenix, AZ 85007

Telephone: (602) 542-1492

Fax: (602) 542-1473

or

Name: Rob Smook, Rules Administrator

Address: Department of Administration
Management Services Division
1501 W. Madison
Phoenix, AZ 85007

Telephone: (602) 542-6161

Fax: (602) 542-3125

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 Monday through Friday from 8:00 a.m. and 5:00 p.m. at the location listed in item 4. The schedule for oral proceedings is to be determined and will be published in a future issue of the *Register*.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ADMINISTRATION
RISK MANAGEMENT SECTION**

[R08-134]

1. Title and its heading:

2, Administration

Chapter and its heading:

10, Department of Administration – Risk Management Section

Article and its heading:

5, Environmental Losses

Section numbers:

R2-10-501 through R2-10-504 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The purpose of this rulemaking is to address the issues identified in the previous five-year review report approved by the Governor's Regulatory Review Council. The subject matter of R2-10-501 establishes the conditions under which Risk Management will open a claim and provide funding to state agencies for the investigation and remediation of environmental damage to property under the ownership or control of the state. The subject matter of R2-10-502 establishes the selection procedure for the contracting of environmental investigation and remediation. The rule will add language regarding remediation. The subject matter of R2-10-503 provides state agencies with the option of requesting funding from Risk Management for site maintenance of closed hazardous substance/waste sites and makes it clear and concise it relates to environmental claims. The subject matter of R2-10-504 provides agencies with the option of requesting training funded by Risk Management on environmental hazard identification and prevention topics to their personnel. The proposed rules shall amend language to clarify definitions and align rules to be consistent with environmental terminology. The rule also clarifies that Risk Management may provide funding to investigate and mitigate potential environmental 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 rule:

Name: Julie Cruse, Administrative Manager

Address: Department of Administration

Notices of Rulemaking Docket Opening

Risk Management Section
100 N. 15th Ave., Suite 301
Phoenix, AZ 85007

Telephone: (602) 542-1492

Fax: (602) 542-1473

or

Name: Rob Smook, Rules Administrator

Address: Department of Administration
Management Services Division
1501 W. Madison
Phoenix, AZ 85007

Telephone: (602) 542-6161

Fax: (602) 542-3125

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 Monday through Friday from 8:00 a.m. and 5:00 p.m. at the location listed in item 4. The schedule for oral proceedings is to be determined and will be published in a future issue of the *Register*.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

WATER QUALITY APPEALS BOARD

[R08-132]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 17, Water Quality Appeals Board
Article and its heading: 1, Appeals
Section numbers: R2-17-101 through R2-17-129 (Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rule:**
The purpose of this rulemaking is to address the issues identified in the previous Five-year review report approved by the Governor's Regulatory Review Council. The Water Quality Appeals Board rules have not been amended for some time and have become outdated. In addition, the rules need to be updated to current rule format and wording.

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: Toni Towne, Clerk of the Water Quality Appeals Board

Address: Department of Administration
Management Services Division
100 N. 15th Ave., Suite 402
Phoenix, AZ 85007

Telephone: (602) 364-2877

Fax: (602) 542-4082

or

Name: Rob Smook, Rules Administrator

Address: Department of Administration
Management Services Division
1501 W. Madison
Phoenix, AZ 85007

Telephone: (602) 542-6161

Fax: (602) 542-3125

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

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be made:

Written and oral comments will be accepted Monday through Friday from 8:00 a.m. and 5:00 p.m. at the location listed in item 4 for 30 days after a notice of proposed rulemaking is published in the *Arizona Administrative Register*. Oral comments may also be made to the Governing Committee at its monthly meetings during this time period. Should a request for an oral proceeding be received, notice of that oral proceeding will be published in a future issue of the *Register*.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ECONOMIC SECURITY
THE JOBS PROGRAM**

[R08-129]

1. Title and its heading:

6, Economic Security

Chapter and its heading:

10, Department of Economic Security – The JOBS Program

Article and its heading:

1, Jobs: General Provisions; 3, Grievance Procedures

Section number:

R6-10-101 through R6-10-126, R6-10-301 through R6-10-304

(Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The Department is amending these rules to improve clarity, update policy, and implement changes to the Jobs program sanction 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: 1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

Telephone: (602) 542-6555

Fax: (602) 542-6000

E-mail: bbroeker@azdes.gov

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 the record, which has not yet been scheduled. The Department has not scheduled an oral proceeding on this rulemaking.

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

Not yet known

NOTICE OF RULEMAKING DOCKET OPENING

SCHOOL FACILITIES BOARD

[R08-138]

1. Title and its heading:

7, Education

Chapter and its heading:

6, School Facilities Board

Article and its heading:

2, Minimum School Facility Guidelines; 3, Square Footage Calculations; 5, New School and Land Funding; 6, Contingency Funds; 7, Minimum School Facility Guidelines for the Arizona State Schools for the Deaf and Blind

Section numbers:

R7-6-258, R7-6-301, R7-6-502, R7-6-504, R7-6-601, R7-6-758

2. Subject matter of the proposed rule:

The proposed rules shall amend language to clarify meanings and correct grammar and align certain rules to be consistent with existing operating practices of the School Facilities Board. These amendments, renumber and repeal actions are consistent with the School Facilities Board Five-year Review Report, submitted to the Governor's Regulatory Review Council (G.R.R.C.), June 9, 2005, and subsequent G.R.R.C. Report.

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

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Notice of Rulemaking Docket Opening: 12 A.A.R. 1710, May 19, 2006

Notice of Rulemaking Docket Opening: 13 A.A.R. 1987, June 8, 2007

Notice of Proposed Rulemaking: 13 A.A.R. 1959, June 8, 2007

Notice of Termination of Rulemaking: 14 A.A.R. 1746, May 9, 2008 (*in this issue*)

Notice of Proposed Rulemaking: 14 A.A.R. 1738, May 9, 2008 (*in this issue*)

4. Agency contact personnel with whom persons may communicate regarding the rule:

Name: Monica L. Petersen, Deputy Director of Finance

Address: 1700 W. Washington St., Suite 230
Phoenix, AZ 85007

Telephone: (602) 364-0283

Fax: (602) 542-6529

E-mail: mpetersen@azsfb.gov

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

None scheduled

6. Timetable for agency decisions or other action on the proceeding:

Unknown

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
GRIEVANCE SYSTEM**

[R08-131]

1. Title and its heading:

9, Health Services

Chapter and its heading:

34, Arizona Health Care Cost Containment System – Grievance System

Article and its heading:

1, Request for Eligibility Hearing; 2, Appeal, Grievance, and Hearing for an Enrolled Person; 3, Appeal and Hearing for an FFS Member; 4, Claim Dispute

Section numbers:

R9-34-101 through R9-34-114, R9-34-201 through R9-34-225, R9-34-301 through R9-34-322, R9-34-401 through R9-34-409 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The Administration intends to update rules with current practices, expand various dispute procedures and update how the Administration will reimburse members under certain circumstances.

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: Mariaelena Ugarte

Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson St., Mail Drop 6200
Phoenix, AZ 85034

Telephone: (602) 417-4693

Fax: (602) 253-9115

E-mail: AHCCCSrules@azahcccs.gov

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

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item 4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

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

Notice of Proposed Rulemaking is estimated to be completed and published by July 2008.