
NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING**STATE RETIREMENT SYSTEM BOARD**

[R16-172]

1. **Title and its heading:** 2, Administration
Chapter and its heading: 8, State Retirement System Board
Article and its heading: 4, Practice and Procedure before the Board
Section number: R2-8-401, R2-8-403, R2-8-405 (*Sections may be added, deleted, or further modified as necessary.*)
2. **The subject matter of the proposed rule:**

R2-8-401 contains definitions that apply to the appeals process. Pursuant to Laws 2016, Ch. 304 § 1, this rule needs to be updated to include additional terms clarifying that the Board may now establish a Committee to process appeals.

R2-8-403 allows a person who is dissatisfied with a decision by the Director to file an appeal with the ASRS by submitting a Request for Hearing of an appealable agency action. The ASRS will amend the rule to distinguish between an appeal related to a long-term disability determination and an appeal related to a member benefits determination.

R2-8-405 allows a person who is dissatisfied with the final decision of the appeal to file a motion for rehearing or review. The ASRS will amend this rule to distinguish between a motion for reconsideration and a motion for rehearing.

The amended rules will better describe the ASRS appeals process and will make the appeal rules more consistent, clear, and understandable; this rulemaking will ensure members have notice about how the ASRS processes different types of appeals.
3. **A citation to all published notices relating to the proceeding:**

Notice of Proposed Rulemaking: 22 A.A.R. 2555, September 16, 2016 (*in this issue*).
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Jessica A.R. Thomas, Rule Writer
Address: Arizona State Retirement System
3300 N. Central Ave., Ste. 1400
Phoenix, AZ 85012-0250
Telephone: (602) 240-2039
E-mail: JessicaT@azasrs.gov
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 comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**

To be determined.



NOTICE OF RULEMAKING DOCKET OPENING

CHAPTER 4. GAME AND FISH COMMISSION

[R16-173]

1. **Title and its heading:** 12, Natural Resources
Chapter and its heading: 4, Game and Fish Commission
Article and its heading: 4, Live Wildlife
Section numbers: R12-4-402 (*As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary*)
2. **The subject matter of the proposed rule:**
An exemption from Executive Order 2015-01 was provided for this rulemaking by Hunter Moore, Natural Resource Policy Advisor, Governor's Office, in an email dated August 15, 2016.
The Game and Fish Commission (Commission) proposes to amend its rules that authorize the release of wildlife in Arizona without a state permit, provided the release is accompanied by a federal permit. The Commission is concerned the current rule language could be construed as authorizing a federal agency to release or reintroduce threatened or endangered species in Arizona without first obtaining a state permit. The Commission intends to clarify this rule to make it inapplicable to federal agencies.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 22 A.A.R. 2558, September 16, 2016 (*in this issue*).
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Celeste Cook, Rules and Policy Manager
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (623) 236-7390
Fax: (623) 236-7110
E-mail: CCook@azgfd.gov
Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at <https://www.azgfd.com/agency/rulemaking/>.
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Commission will accept comments Monday through Friday from 8:00 a.m. until 5:00 p.m. at the address listed under item #4. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

[R16-174]

1. **Title and its heading:** 17, Transportation
Chapter and its heading: 5, Department of Transportation – Commercial Programs
Article and its heading: 3, Professional Driver Services
Section numbers: R17-5-301, R17-5-303, R17-5-306 through R17-5-309, R17-5-311, R17-5-313, R17-5-315, R17-5-318, and R17-5-323 (*Sections may be added, deleted, or modified as necessary.*)
2. **The subject matter of the proposed rules:**
The Department engages in this rulemaking to implement Laws 2016, Chapter 371, which eliminated the requirement for professional driver training school (PDTs) instructors to be licensed and requires the Department to adopt rules to establish requirements and minimum standards for commercial motor vehicle instructors. Amendments made include removing PDTs instructor license verbiage, temporary PDTs instructor license verbiage, and the PDTs instructor license application process; establishing PDTs instructor requirements; and making minor streamlining and technical changes.

**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: Candace Olson, Rules Analyst

Address: Government Relations and Policy Development Office
Department of Transportation
206 S. 17th Ave., Mail Drop 140A
Phoenix, AZ 85007

Telephone: (602) 712-4534

E-mail: COlson2@azdot.gov

Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/about/GovernmentRelations>**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 at any time. All comments should be directed to the person listed under item 4. The date, time, and location of any oral proceeding scheduled for this rulemaking will be included in the Notice of Proposed Rulemaking.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING**INDUSTRIAL COMMISSION OF ARIZONA**

[R16-175]

1. Title and its heading:

20, Commerce, Financial Institutions, and Insurance

Chapter and its heading:

5, Industrial Commission of Arizona

Article and its heading:

6, Occupational Safety and Health

Section numbers:

R20-5-601 and R20-5-602

2. The subject matter of the proposed rule:

Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requires state-administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the United States Department of Labor, Occupational Safety and Health Administration ("OSHA"). *See also* 29 CFR 1953.5; A.R.S. § 23-405(3). The Industrial Commission of Arizona is proposing to amend R20-5-601 ("The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926") and R20-5-602 ("The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910") to incorporate by reference recent OSHA rule updates to 29 CFR 1926 ("Safety and Health Regulations for Construction") and 29 CFR 1910 ("Occupational Safety and Health Standards") as published on March 25, 2016 in OSHA's Final Rules titled "Updating OSHA Standards Based on National Consensus Standards; Eye and Face Protection" and "Occupational Exposure to Respirable Crystalline Silica." The Final Rules were published in the *Federal Register* at 81 FR 16085 and 81 FR 16285, respectively.

3. A citation to all published notices relating to the proceeding:Notice of Proposed Rulemaking: 22 A.A.R. 2561 September 16, 2016 (*in this issue*)**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Larry Gast, Assistant Director

Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007

Telephone: (602) 542-1695

Fax: (602) 542-1614

E-mail: larry.gast@azdosoh.gov**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Industrial Commission will accept written comments during a public comment period that will be noticed in the Notice of Proposed Rulemaking. Information regarding an oral proceeding will be included in the Notice of



Proposed Rulemaking.

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

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

[R16-176]

1. **Title and its heading:** 20, Commerce, Financial Institutions, 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
2. **The subject matter of the proposed rule:**
Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requires state-administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the United States Department of Labor, Occupational Safety and Health Administration ("OSHA"). *See also* 29 CFR § 1904.37. The Industrial Commission of Arizona is proposing to amend R20-5-629 ("The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904") to incorporate by reference recent OSHA rule updates to 29 CFR 1904 ("Recording and Reporting Occupational Injuries and Illnesses") as published in OSHA's Final Rule titled "Improve Tracking of Workplace Injuries and Illnesses." The Final Rule was published in the *Federal Register* at 81 FR 29623-29694 on May 12, 2016.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 22 A.A.R. 2564, September 16, 2016 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Larry Gast, Assistant Director
Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
E-mail: larry.gast@azdosh.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Industrial Commission will accept written comments during a public comment period that will be noticed in the Notice of Proposed Rulemaking. Information regarding an oral proceeding will also be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be determined.