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² A child who begins the Hib series at 7 months of age or older shall receive Hib according to the following schedule:

<u>Current Age (months)</u>	<u>Prior Immunization History</u>	<u>Recommended Regimen</u>
7-11	1 dose	1 dose at 7-11 months of age and a booster at least 2 months later at 12-15 months of age
7-11	2 doses	1 dose at 7-11 months of age and a booster at least 2 months later at 12-15 months of age
12-14	1 dose before 12 months	2 doses administered at least 2 months apart
12-14	2 doses before 12 months	1 dose
15-59	Any incomplete schedule	1 dose

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³ According to R9-6-702(B) A child in kindergarten, 1st, 2nd, or 7th grade shall receive the 2nd MMR before entering school or no later than 15 days following child care entry. A child in any other grade shall receive the 2nd MMR in accordance with the timeline specified in R9-6-701(C).

⁴ According to R9-6-702(B) A child in kindergarten, 1st, 2nd, or 7th grade shall receive the hepatitis B series before entering, or no later than 15 days following child care entry. A child in any other grade shall receive the hepatitis B series in accordance with the timeline specified in R9-6-701(C).

NOTICE OF PROPOSED RULEMAKING

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;
 SECURITIES REGULATION**

CHAPTER 4. CORPORATION COMMISSION - SECURITIES

PREAMBLE

- Sections Affected**
R14-4-132
- The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
 Authorizing statute: A.R.S. § 44-1821
 Implementing statutes: A.R.S. §§ 44-1822, 44-1824, 44-1961
 Constitutional authority: Arizona Constitution, Article XV, § 4
- A list of all previous notices appearing in the Register addressing the proposed rule:**
 Notice of Rulemaking Docket Opening: 8 A.A.R. 494, February 1, 2002
- The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
 Name: Cheryl T. Farson
 Address: Arizona Corporation Commission, Securities Division
 1300 W. Washington, 3rd Floor
 Phoenix, AZ 85007-2996
 Telephone: (602) 542-4242

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5. An explanation of the rule, including the agency's reasons for initiating the rule:

A.A.C. R14-4-132 ("rule 132") requires that registered dealers make, maintain, and preserve books and records in compliance with certain specified U.S. Securities and Exchange Commission ("SEC") rules, including 17 CFR 240.17a-3 and 17 CFR 240.17a-4. The SEC has amended 17 CFR 240.17a-3 and 17 CFR 240.17a-4. The amendments will be effective May 2, 2003.

The SEC's books and records rules, promulgated under the Securities Exchange Act of 1934, specify minimum requirements with respect to the records that dealers must make, and how long those records and other documents relating to a dealer's business must be kept. The SEC has required that dealers create and maintain certain records so that, among other things, the SEC, self-regulatory organizations, and state securities regulators may conduct effective examinations of dealers.

The National Securities Market Improvement Act of 1996 prohibits states from establishing books and records rules that differ from, or are in addition to, the SEC's books and records rules.

The Division proposes amending rule 132 to reflect the federal law mandate that state books and records requirements do not differ from the SEC books and records rules and to reflect the SEC's amendments effective May 2, 2003.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

An amendment to rule 132 will not diminish a previous grant of authority.

8. The preliminary summary of the economic, small business, and consumer impact:

The economic, small business, and consumer impact statement for rule 132 incorporates by reference SEC Release No. 34-44992; File No. S7-26-98, which analyzes the costs, savings, and benefits of amendments to the federal books and records requirements. This analysis is relevant to the Commission's amendment of rule 132 because, by federal mandate, rule 132 is uniform with federal law.

Section 15(h)(1) of the federal Securities Exchange Act of 1934 (15 U.S.C. 78o(h)(1)), adopted in 1996, provides that

No law, rule, regulation, or order, or other administrative action of any State or political subdivision thereof shall establish . . . making and keeping records . . . requirements for . . . dealers . . . that differ from, or are in addition to, the requirements in those areas established under this title.

The SEC has amended two of the rules incorporated in rule 132; the amendments will be effective May 2, 2003. The Commission amends rule 132 to reflect the federal law mandate that state books and records requirements do not differ from the SEC books and records rules and to reflect the SEC's amendments effective May 2, 2003.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Cheryl T. Farson
Address: Arizona Corporation Commission, Securities Division
1300 W. Washington, 3rd Floor
Phoenix, AZ 85007-2996
Telephone: (602) 542-4242
Fax: (602) 594-7470
E-mail: cf@ccsd.cc.state.az.us

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10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No proceeding is scheduled. Pursuant to A.R.S. § 41-1023(C), the agency will schedule an oral proceeding if, within thirty days after the published Notice of Proposed Rulemaking, a written request for an oral proceeding is submitted to the individual named in item #4. The Arizona Corporation Commission will take final action at an open meeting with respect to the making of the proposed rule.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

The following materials are incorporated by reference in rule 132(A):

- 17 CFR 240.17a-3 (2002)
- 17 CFR 240.17a-4 (2002) as amended by 66 FR 55817 (2001)
- 17 CFR 240.15g (2002)
- 17 CFR 240.15c2-11(2002)

13. The full text of the rule follows:

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;
SECURITIES REGULATION**

CHAPTER 4. CORPORATION COMMISSION - SECURITIES

ARTICLE 1. IN GENERAL RELATING TO THE ARIZONA SECURITIES ACT

Section

R14-4-132. Books and Records of Dealers

ARTICLE 1. IN GENERAL RELATING TO THE ARIZONA SECURITIES ACT

R14-4-132. Books and Records of Dealers

- A. Unless otherwise provided by order of the Commission, each registered dealer shall make, maintain, and preserve books and records in compliance with U.S. Securities and Exchange Commission rules 17a-3 (17 CFR 240.17a-3 (1991-2002)); and 17-a4 (17 CFR 240.17a-4 (1991-2002)) as amended in Release No. 34-4992, 66 Fed. Reg. 55817 (2001); 15c2-6 15g (17 CFR 240.15c2-6 (1991-2002)); and 15c2-11 (17 CFR 240.15c2-11 (1991-2002)), as amended in Release No. 34-29094, 56 Fed. Reg. 19148 (1991) all of which are incorporated herein by reference. Copies of the materials are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, from the Commission, and are on file with the Office of the Secretary of State.
- B. To the extent that the U.S. Securities and Exchange Commission promulgates changes to the above-referenced rules, dealers in compliance with such rules as amended shall not be subject to enforcement action by the Commission for violation of this rule to the extent that the violation results solely from the dealer's compliance with the amended rule.