

Notices of Adopted Summary Rulemaking

NOTICES OF ADOPTED SUMMARY RULEMAKING

The Administrative Procedure Act allows an agency to use the summary rulemaking procedure instead of the regular rulemaking procedure for repeals of rules made obsolete by repeal or supersession of an agency's statutory authority or the adoption, amendment, or repeal of rules that repeat verbatim existing statutory authority granted to the agency. An agency initiating summary rulemaking shall file the proposed summary rulemaking with the Governor's Regulatory Review Council and the Secretary of State's Office for publication in the next available issue of the Register. The proposed summary rule takes interim effect on the date of publication in the Register.

NOTICE OF ADOPTED SUMMARY RULEMAKING

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

PREAMBLE

- 1. Sections Affected: Article 3, R10-4-301, R10-4-302, R10-4-303, R10-4-304, R10-4-305; Rulemaking Action: Repeal.
2. 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. § 41-2405; Implementing statute: A.R.S. § 41-2401.
3. The effective date of the summary rules: November 28, 1997.
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking: Name: Roy A. Holt, Assistant Director; Address: Arizona Criminal Justice Commission, 1501 West Washington, Suite 207, Phoenix, Arizona 85007; Telephone: (602) 542-1928; Fax: (602) 542-4852.
5. The concise explanatory statement, including an explanation of the rule and the agency's reasons for initiating it: Prior to the 2nd session of the 41st legislature in 1994, A.R.S. § 41-2405(A)(8) gave the Arizona Criminal Justice Commission the authority to adopt rules for the purpose of allocating funds in A.R.S. § 41-2401, the Criminal Justice Enhancement Fund. During this session A.R.S. § 41-2405 was changed and the authorization to adopt rules for A.R.S. § 41-2401 was eliminated and consequently the Arizona Criminal Justice Commission no longer has the statutory authority for adopting or enforcing any rules concerning A.R.S. § 41-2401.
6. 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: Not applicable.
7. The economic, small business, and consumer impact: The rule is being repealed pursuant to A.R.S. § 41-1027(A)(1), and this rulemaking procedure is exempt by A.R.S. § 41-1055(D)(2) from providing an economic impact statement.
8. 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: Roy A. Holt, Assistant Director; Address: Arizona Criminal Justice Commission, 1501 West Washington, Suite 207.

Arizona Administrative Register
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9. **The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule:**
The Commission did not hold oral proceedings on this rulemaking action because oral proceedings were not requested by any member of the public.
10. **An explanation of why summary proceedings are justified:**
A.R.S. § 41-1027(A)(1) provides the repeal of rules made obsolete by the repeal or suppression of an agency's statutory authority as described in paragraph 5.
11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
Not applicable.
12. **Incorporations by reference and their location in the rules:**
Not applicable.
13. **The full text of the rules follows:**

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

ARTICLE 3. ENHANCEMENT FUND ADMINISTRATION PROGRAM

Section

- R10-4-301. Short Title
- R10-4-302. Purpose
- R10-4-303. Definitions
- R10-4-304. Allocating agency rules
- R10-4-305. Annual reports

ARTICLE 3. ENHANCEMENT FUND ADMINISTRATION PROGRAM

R10-4-301. Short Title

The provisions of these Rules shall be known and cited as the "Arizona Criminal Justice Enhancement Fund Administration Program."

R10-4-302. Purpose

The Commission shall supervise the Arizona Criminal Justice Enhancement Fund which is designed to support criminal justice and related agencies within the State, according to the provisions of A.R.S. § 41-2401.

R10-4-303. Definitions

In these rules:

1. "Allocating agency" means the department of public safety, the department of Corrections, the department of law or the supreme court in the performance of its duties under A.R.S. § 41-2401, subsection C, D, E or F.
2. "Commission" means the Arizona Criminal Justice Commission, as established by A.R.S. § 41-1308.
3. "Fund" means the Criminal Justice Enhancement Fund.

R10-4-304. Allocating agency rules

An allocating agency shall distribute fund monies in a manner consistent with these Rules and A.R.S. § 41-2401. The allocating

agency shall require a written submittal from each applicant for fund monies showing:

1. That the request for funding is consistent with the purpose for which the appropriation of fund monies was made to allocating agency.
2. The objectives sought to be achieved by the use of fund monies and a method for accurately measuring the degree of success in fulfilling these objectives.
3. The amount of fund monies requested.
4. A detailed account of how the monies are going to be spent.

R10-4-305. Annual reports

Within 90 days after the end of each fiscal year, each allocating agency shall submit a written report to the Commission containing all of the following information:

1. The amount of fund monies held by the allocating agency at the beginning of the fiscal year.
2. The amount of fund monies distributed to the allocating agency by the State Treasurer during the fiscal year.
3. The number and type of applications for fund monies received by the allocating agency and the amount of each request.
4. How fund monies were distributed, including:
 - a. The name of each recipient of fund monies.
 - b. The amount of fund monies distributed to each recipient.
 - c. The amount of funds which were expended in relation to the specific objectives sought to be achieved by each recipient.
5. An analysis of the effectiveness and efficiency with which each recipient used fund monies to meet its stated objectives during the fiscal year, including a specific measurement of the degree to which crime reduction or the criminal justice process has been enhanced.