

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rule-making information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION

OFFICE OF THE GOVERNOR

[M09-179]

TO: State Agency Directors and Acting Directors
FROM: Janice K. Brewer
Governor
SUBJECT: Continuation of Regulatory Review Plan (Moratorium)
DATE: April 30, 2009

My staff is in the process of evaluating information received from the agencies, boards, and commissions regarding new and pending rulemakings during the rulemaking moratorium. In order to complete this process, I am extending the rulemaking moratorium issued January 22, 2009 from April 30, 2009 to June 30, 2009. During the moratorium, my staff identified some administrative rules that should have been repealed some time ago. Examples of administrative rules identified so far include:

Department of Economic Security, 6 A.A.C. 13, Articles 2,3,6,8,9, and 12; A.A.C.R6-1-501;
Arizona Department of Administration, 2 A.A.C.R2-1-604 and R2-1-605;
Department of Racing, A.A.C.R19-2-115.10;
Arizona State Retirement System, A.A.C.R2-8-104, R2-8-116, and R2-8-119; and
Department of Health Services, A.A.C.R9-19-115, R9-19-404, and R9-19-406.

During the continuation of the moratorium, I am requiring agencies to identify administrative rules that (1) are no longer necessary due to changes in state or federal law or case law, (2) are not effective, (3) are inconsistent with current agency practice, or (4) are not enforced. Agencies shall identify obsolete rules and submit the report to Jeri Kishiyama Auther, Policy Advisor, Rules and Regulations, no later than the close of business on May 25, 2009.

Regulatory Moratorium

In addition to the memorandum issued January 22, 2009, the following applies:

1. Agencies shall continue to comply with the Five-year Review requirements of A.R.S. § 41-1056 *et seq.* and the reporting requirements of A.R.S. § 41-1091; and
2. Agencies shall comply with the intent of the moratorium and ensure that substantive policy statements as defined in A.R.S. § 41-1001(20) do not violate A.R.S. § 41-1033.

Regulatory Moratorium – Clarifications

Additionally, the following clarifications to the moratorium issued January 22, 2009 apply:

1. Docket Openings and proposed rules filed with and published by the Secretary of State before January 22, 2009 need not be withdrawn. Docket openings and proposed rules are viable for a year after publication under A.R.S. § 41-1021. Agencies may, however, voluntarily file a Notice of Termination of Rulemaking with the Secretary of State. Agencies shall not conduct oral proceedings on the rulemakings subject to the moratorium and may file a Notice of Public Information with the Secretary of State to cancel any scheduled oral proceedings;
2. Agencies shall withdraw docket openings or proposed rulemakings filed with, but not yet published by, the Secretary of State; and
3. Agencies shall submit any requests for exceptions to the rulemaking moratorium in writing for rulemakings that impact critical public peace, health and safety functions of the agency, that address the state budget deficit, implement the ARRA, or that are deregulatory. The Governor's Office will review any such notification and determine whether exception is appropriate under the circumstances.

As stated in the previous moratorium of January 22, 2009, independent agencies are encouraged to participate voluntarily within the context of their own rulemaking processes.

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Communications regarding exceptions to the moratorium, or questions regarding the moratorium generally, should be addressed to Jeri Kishiyama Auther, Policy Advisor, Rules and Regulations at jauther@az.gov.

This memorandum shall be published in the Arizona Administrative Register.

NOTICE OF PUBLIC INFORMATION
OFFICE OF THE GOVERNOR

[M09-19]

TO: State Agency Directors and Acting Directors
FROM: Janice K. Brewer
Governor
SUBJECT: Regulatory Review Plan
DATE: January 22, 2009

In order to ensure that my appointees have the opportunity to review any new or pending rules, I am asking that you immediately take the following steps, subject to the exception process as described in paragraph 9:

1. Send no proposed or final rule to the Secretary of State for the publication in the Arizona Administrative Register.
2. File no notice of proposed rule making with the Secretary of State or begin or continue any activities in preparation for the rule making, including informal rule making activities.
3. With respect to proposed rules that have been sent to the Secretary of State but not published in the Arizona Administrative Register, withdraw them from the Secretary of State.
4. With respect to proposed rules that are final but have not been submitted to the Governor's Regulatory Review Council (GRRC) for approval, postpone filing the rules with GRRC.
5. With respect to proposed rules that have been submitted to the GRRC for approval, postpone filing rules approved by GRRC with the Secretary of State.
6. With respect to proposed rules that are final but have not been submitted to the Attorney General for approval, postpone filing the rules with the Attorney General.
7. With respect to proposed rules that have been submitted to the Attorney General for approval, withdraw the rules from consideration by the Attorney General.
8. Provide the Governor's Office a list and brief summary of each rule making activity within your agency no later than February 16, 2009.
9. Notify the Governor's Office promptly in writing of any rule making activity that, in your view, impacts critical public peace, health and safety functions of the agency or that are needed to address the state budget deficit and therefore should be also excluded from the directives in paragraphs 1-7. The Governor's Office will review any such notifications and determine whether exception is appropriate under the circumstances.

The directives in paragraphs 1-7 shall remain in effect until April 30, 2009.

As used in this memorandum, "rule" has the meaning as defined in A.R.S. § 41-1001(17).

Finally, in the interest of sound regulatory practice and the avoidance of costly, burdensome, or unnecessary rules, independent agencies are encouraged to participate voluntarily within the context of their own rulemaking processes.

This regulatory review will be implemented by the Governor's Office. Communications regarding exceptions to the review, or questions regarding the review generally, should be addressed to Richard Bark, Deputy Chief of Staff for Policy at rbark@az.gov.

This memorandum shall be published in the Arizona Administrative Register.