

GOVERNOR'S REGULATORY REVIEW COUNCIL

This section of the *Register* contains information submitted for publication by the Governor's Regulatory Review Council, including the tentative agendas for the monthly Council meetings and summaries of action taken by the Council at the meetings.

NOTICE OF ACTION TAKEN AT THE JANUARY 6, 2009 MEETING

[M09-06]

CONSIDERATION AND APPROVAL OF FIVE-YEAR-REVIEW REPORTS:

- 1. RADIATION REGULATORY AGENCY (F-08-1203)**
Title 12, Chapter 1, Article 5, Sealed Source Industrial Radiography; Article 11, Industrial Uses of X-Rays, Not including Analytical X-Ray Systems
COUNCIL ACTION: APPROVED

- 2. DEPARTMENT OF AGRICULTURE (F-09-0101)**
Title 3, Chapter 3, Article 1, General Provisions; Article 2, Permits, Licenses, and Certification; Article 3, Pesticide Use, Sales, and Equipment; Article 4, Recordkeeping and Reporting; Article 5, Nonexclusive List of Serious, Non-serious, and De Minimis Violations
COUNCIL ACTION: APPROVED

CONSIDERATION AND APPROVAL OF RULES:

- 1. DEPARTMENT OF ECONOMIC SECURITY (R-08-1202)**
Title 6, Chapter 3, Article 18, Benefits
Amend: R6-3-1810
COUNCIL ACTION: APPROVED

- 2. DEPARTMENT OF TRANSPORTATION (R-08-1208)**
Title 17, Chapter 8, Article 5, Electronic Fuel Tax Reporting
New Article: Article 5
New Section: R17-8-501, R17-8-502, R17-8-503, R17-8-504, R17-8-505 and R17-8-506
COUNCIL ACTION: APPROVED

- 3. DEPARTMENT OF TRANSPORTATION (R-08-1209)**
Title 17, Chapter 8, Article 4, Electronic Funds Transfers
New Article: Article 4
New Section: R17-8-401, R17-8-402, R17-8-403, R17-8-404 and R17-8-405
COUNCIL ACTION: APPROVED

- 4. DEPARTMENT OF TRANSPORTATION (R-08-1210)**
Title 17, Chapter 1, Article 4, Electronic Funds Transfer
Repeal: Article 4, R17-1-401, R17-1-402, R17-1-403, R17-1-404, R17-1-405, R17-1-406 and R17-1-407
COUNCIL ACTION: APPROVED

- 5. DEPARTMENT OF ENVIRONMENTAL QUALITY (R-08-1214)**
Title 18, Chapter 2, Article 6, Emissions From Existing and New Nonpoint Sources
Amend: R18-2-608
COUNCIL ACTION: APPROVED

- 6. DEPARTMENT OF ENVIRONMENTAL QUALITY (R-09-1218)**
Title 18, Chapter 2, Article 2, Ambient Air Quality Standards; Area Designations; Classifications; Article 7, Existing Stationary Source Performance Standards
Repeal: Appendix 10 and Appendix 11
Amend: R18-2-216, R18-2-703, R18-2-708, R18-2-711, R18-2-712, R18-2-713, R18-2-715, R18-2-716, R18-2-717, R18-2-719, R18-2-720, R18-2-721, R18-2-722, R18-2-724 and R18-2-730

- 7. DEPARTMENT OF ENVIRONMENTAL QUALITY (R-09-0101)**
Title 18, Article 7, Chapter 4, Greenfields Pilot Program
Repeal: Article 4 and R18-7-401
COUNCIL ACTION: APPROVED
- 8. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) (R-09-0103)**
Title 9, Chapter 22, Article 1001, Definitions; Article 1002, General Provisions; Article 1003, Cost Avoidance; Article 1004, Member Participation; Article 1007, Notification for Perfection, Recording, and Assignment of AHCCCS Liens; Article 1008, Notification Information for Liens.
Amend: R9-22-1001, R9-22-1002, R9-22-1003, R9-22-1004, R9-22-1007, R9-22-1008
COUNCIL ACTION: APPROVED
- 9. BOARD OF PHARMACY (R-09-0104)**
Title 4, Chapter 23, Article 2, Pharmacist Licensure
Amend: R4-23-205
COUNCIL ACTION: APPROVED
- 10. DEPARTMENT OF ADMINISTRATION (R-09-0105)**
Title 2, Chapter 6, Article 1, General Provisions; Article 2, Insurance Plans; Article 3, Eligibility Criteria; Article 4, Appeals and Grievances
New Article: Article 1, Article 2, Article 3 and Article 4
New Section: R2-6-101, R2-6-102, R2-6-103, R2-6-104, R2-6-105, R2-6-106, R2-6-107, R2-6-108, R2-6-201, R2-6-202, R2-6-203, R2-6-204, R2-6-205, R2-6-301, R2-6-302, R2-6-303, R2-6-402 and R2-6-402
COUNCIL ACTION: APPROVED
- 11. DEPARTMENT OF PUBLIC SAFETY (R-09-0106)**
Title 13, Chapter 1, Article 1, Criminal History Records
Amend: R13-1-101, R13-1-102, R13-1-106, R13-1-108 and R13-1-111
Renumber: R13-1-109 and R13-1-111
New Section: R13-1-109 and R13-1-110
COUNCIL ACTION: APPROVED
- 12. DEPARTMENT OF HEALTH SERVICES (R-09-0107)**
Title 9, Chapter 6, Article 1, General
Repeal: Exhibit I-A
Amend: R9-6-101
COUNCIL ACTION: APPROVED
- 13. DEPARTMENT OF ADMINISTRATION (R-09-0108)**
Title 2, Chapter 5, Article 1, General; Article 4, Benefits
Repeal: R2-5-415, R2-5-416, R2-5-417, R2-5-418, R2-5-419, R2-5-420, R2-5-421 and R2-5-422
Amend: Article 1, R2-5-101 and Article 4
Renumber: R2-5-415 and R2-5-423
COUNCIL ACTION: APPROVED
- 14. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) (R-09-0109)**
Title 9, Chapter 22, Article 19, Freedom to Work
Repeal: R9-22-1909, R9-22-1910, R9-22-1911, R9-22-1912, R9-22-1914, R9-22-1916, R9-22-1917 and R9-22-1920
Amend: R9-22-1902, R9-22-1903, R9-22-1904, R9-22-1905, R9-22-1907, R9-22-1908, R9-22-1913, R9-22-1915 and R9-22-1919
New Section: R9-22-1909
COUNCIL ACTION: APPROVED
- 15. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) (R-09-0110)**
Title 9, Chapter 28, Article 13, Freedom to Work

Repeal: R9-28-1309, R9-28-1310, R9-28-1311, R9-28-1312, R9-28-1314, R9-28-1315, R9-28-1317, R9-28-1318, R9-28-1319 and R9-28-1322
Amend: R9-28-1301, R9-28-1302, R9-28-1303, R9-28-1304, R9-28-1305, R9-28-1307, R9-28-1308, R9-28-1313, R9-28-1316, R9-28-1320
New Section: R9-28-1309
COUNCIL ACTION: APPROVED

**NOTICE OF PUBLIC MEETING AND AGENDA
FOR FEBRUARY 3, 2009**

[M09-16]

Pursuant to A.R.S. § 38-431.02, notice is hereby given to members of the Governor's Regulatory Review Council and to the general public that the Governor's Regulatory Review Council will hold a regular meeting, open to the public on **Tuesday, February 3, 2009 at 9:00 a.m.** in the board room of the Arizona Peace Officer Standards & Training Board, 2643 E. University Drive, Phoenix, AZ. For additional information, call the Governor's Regulatory Review Council office at (602) 542-1967.

At its discretion, the Council may consider and act upon any agenda item out of order. Members of the Council may appear by telephone.

Under A.R.S. § 38-431.03(A)(3), the Governor's Regulatory Review Council may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item on the agenda.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting (602) 542-1967. Requests should be made as early as possible to allow time to arrange the accommodation.

A copy of the material provided to Council members (with the exception of material relating to possible executive sessions) is available for public inspection at the Council's office, located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007.

The agenda for the meeting is as follows: (This agenda is subject to change up to 24 hours before the meeting.)

A. CALL TO ORDER

B. DISCUSSION AND APPROVAL OF MINUTES

1. January 6, 2009

C. DISCLOSURE OF CONFLICTS OF INTEREST

D. CONSIDERATION AND APPROVAL OF FIVE-YEAR-REVIEW REPORTS:

The Council will consider five-year reports filed under A.R.S. 41-1056 and may approve or return the reports, in whole or in part. The Council may request information from the agency or members of the public.

1. WATER QUALITY APPEALS BOARD (F-08-1201)

Title 2, Chapter 1, Article 17, Appeals

2. DEPARTMENT OF FINANCIAL INSTITUTIONS (F-09-0201)

Title 20, Chapter 4, Article 1, General; Article 2, Bank Organization and Regulation; Article 3, Savings and Loan Associations; Article 4, Credit Unions; Article 5, Small Loans

3. GOVERNMENT INFORMATION TECHNOLOGY AGENCY (GITA) (F-09-0202)

Title 2, Chapter 18, Article 1, General Provisions; Article 2, Information Technology Projects; Article 3, Information Technology Planning; Article 4, Appeals of Government Information Technology Agency Decisions

4. DEPARTMENT OF HEALTH SERVICES (F-09-0204)

Title 9, Chapter 20, Article 1, General; Article 2, Universal Rules; Article 3, Outpatient Clinic Requirements; Article 4, Residential Agency Requirements; Article 5, Inpatient Treatment Program Requirements; Article 6, Use of Restraints or Seclusion; Article 7, Level 1 Specialized Transitional Agency; Article 8, Court Ordered Service; Article 9, DUI Services; Article 10, Opioid Treatment; Article 11, Misdemeanor Domestic Violence Offender Program;

Article 12, Level 4 Transitional Agency; Article 13, Shelter for Victims of Domestic Violence; Article 14, Rural Substance Abuse Transitional Program; Article 15, Adult Therapeutic Foster Home

5. DEPARTMENT OF HEALTH SERVICES (F-09-0205)

Title 9, Chapter 21, Article 1, General Provisions; Article 2, Right of Persons with Serious Mental Illness; Article 3, Individual Service Planning for Behavioral Health Services for Persons with Serious Mental Illness; Article 4, Appeals, Grievances, and Requests for Investigation for Persons with Serious Mental Illness; Article 5, Court-Ordered Evaluation and Treatment

6. DEPARTMENT OF REVENUE (F-09-0206)

Title 15, Chapter 7, Article 2, General Provisions; Article 3, Licensing Provisions; Article 4, Tax Provisions; Article 5, Suspension; Revocation; Appeals

7. DEPARTMENT OF TRANSPORTATION (F-09-0207)

Title 17, Chapter 7, Article 1, Definitions; Article 2, Authorization; Article 3, Certification; Article 4, Audits; Article 5, Pre-Application and Selection Panel; Article 6, Driver License Examination Program; Article 7, Title and Registration Program; Article 8, Third-Party Inspection Program

8. DEPARTMENT OF AGRICULTURE (F-09-0208)

Title 3, Chapter 9, Article 5, Arizona Citrus Council

9. BOARD OF ACCOUNTANCY (F-09-0209)

Title 4, Chapter 1, Article 1, General; Article 2, CPA Examination; Article 3, Certification and Examination; Article 4, Regulation

E. CONSIDERATION AND APPROVAL OF RULES:

The Council will consider rule packages filed under A.R.S. 41-1052 and may approve or return the packages, in whole or in part. The Council may request information from the agency or members of the public.

1. BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS (R-09-0201)

Title 4 Chapter 38, Article 1, General; Article 3, Education, Supervision, and Delegation Standards for Registration of Medical Assistants by Homeopathic Physicians; Article 4, Application and Renewal Process; Time-Frames

Repeal: R4-38-303, R4-38-305, R4-38-311, R4-38-401, R4-38-402 and R4-38-403

Amend: R4-38-105, R4-38-301, R4-38-303, R4-38-304, R4-38-306, R4-38-307, R4-38-309, R4-38-310 and R4-38-312

New Section: R4-38-302, R4-38-305, R4-38-308, R4-38-311 and R4-38-401

New Table: Table 1

Renumber: R4-38-302, R4-38-303, R4-38-306, R4-38-307, R4-38-308, R4-38-309, R4-38-310, R4-38-312

2. GREATER ARIZONA DEVELOPMENT AUTHORITY (GADA) (R-09-0202)

Title 20, Chapter 8, Article 1, Technical Assistance; Article 2, Financial Assistance

Amend: R20-8-101, R20-8-102, R20-8-103, R20-8-104, R20-8-201, R20-8-202, R20-8-203, R20-8-204

3. INDUSTRIAL COMMISSION OF ARIZONA (R-09-0203)

Title 20, Chapter 5, Article 5, Elevator Safety

Amend: R20-5-502, R20-5-504, R20-5-505, R20-5-506, R20-5-507, R20-5-508, R20-5-509, R20-5-510 and R20-5-511

New Section: R20-5-513

4. GAME AND FISH COMMISSION (R-09-0204)

Title 12, Chapter 4, Article 10, Off Highway Vehicles

New Article: Article 10

New Section: R12-4-1001, R12-4-1002, R12-4-1003 and R12-4-1004

5. DEPARTMENT OF TRANSPORTATION (R-09-0205)

Title 17, Chapter 3, Article 7, Highway Encroachments and Permits

Repeal: Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4, Exhibit 5, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, R17-3-701.01

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Governor's Regulatory Review Council

Amend: Article 7 and R17-3-701
New Section: R17-3-702, R17-3-702.01, R17-3-702.02, R17-3-702.03, R17-3-702.04, R17-3-702.05, R17-3-702.06, R17-3-702.07, R17-3-702.08, R17-3-702.09, R17-3-702.10, R17-3-702.11, R17-3-702.12, R17-3-702.13, R17-3-702.14, R17-3-702.15 and R17-3-702.16

6. DEPARTMENT OF REVENUE (R-09-0206)

Title 15, Chapter 5, Article 2, Introduction; Article 18, Sales Tax--Retail Classification

Repeal: R15-5-201 and R15-5-205

Amend: Article 2, R15-5-201 and R15-5-205

Renumber: R15-5-201, R15-5-205, R15-5-1860 and R15-5-1862

New Section: R15-5-202, R15-5-203, R15-5-204 and R15-5-206

7. DEPARTMENT OF INSURANCE (R-09-0207)

Title 20, Chapter 6, Article 2, Transaction of Insurance

Amend: R20-6-214

F. ADJOURNMENT