

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 12. DEPARTMENT OF ECONOMIC SECURITY CASH ASSISTANCE PROGRAM

Editor's Note: The following Notice of Final Rulemaking was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 818.) The Governor's Office authorized the notice to proceed through the rulemaking process on December 29, 2009.

[R10-48]

PREAMBLE

- 1. Sections Affected**

R6-12-105	<u>Rulemaking Action</u>
R6-12-1006	Repeal
	Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing authority: A.R.S. § 41-1954(A)(3)
Implementing authority: A.R.S. § 46-134; Laws 2009, 3rd Spec. Sess., Ch. 7, § 28(B)(7)
- 3. The effective date of the rules:**

April 22, 2010

The Department requests that the rule become effective immediately upon filing with the Office of the Secretary of State. This is consistent with § 41-1032(A)(4), which allows for the adoption of rules "To provide a benefit to the public and a penalty is not associated with a violation of the rule."
- 4. A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 15 A.A.R. 1389, August 28, 2009
Notice of Proposed Rulemaking: 15 A.A.R. 1786, October 30, 2009
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Beth Broeker
Address:	Department of Economic Security P.O. Box 6123, Site Code 837A Phoenix, AZ 85005
	or
	Department of Economic Security 1789 W. Jefferson St., Site Code 837A Phoenix, AZ 85007
Telephone:	(602) 542-6555
Fax:	(602) 542-6000
E-mail:	bbroeker@azdes.gov
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**

The EMPOWER (Employing and Moving People Off Welfare and Encouraging Responsibility) program was the first phase of welfare reform that began in 1995. The evaluation was completed in 1998. The rule governing the conduct of the evaluation is no longer necessary as it has been completed. The Department is repealing the provision relating

Notices of Final Rulemaking

to the scheduling of hearings afforded to cash assistance recipients because it is no longer necessary. R6-12-1012 requires a hearing officer to render a written decision within 90 days of the date an appeal is filed, and hearings are scheduled according to this rule.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. 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

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

Not applicable. Under A.R.S. § 41-1055(D)(3), an agency is not required to prepare an EIS for a rulemaking that decreases monitoring, recordkeeping or reporting burdens on agencies. Repealing R6-12-105 and subsection (B) of R6-12-1006 decreases the reporting burden on DES by eliminating the need to report on these unnecessary provisions in the Department’s five-year-review reports.

10. A description of the changes between the proposed rules, including supplemental notices, and the final rules (if applicable):

Minor grammatical and typographical changes were made at the request of G.R.R.C. staff.

11. A summary of the comments made regarding the rule and the agency response to them:

None

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

Not applicable

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

None

14. Was this rule previously made as an emergency rule?

No

15. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 12. DEPARTMENT OF ECONOMIC SECURITY
CASH ASSISTANCE PROGRAM

ARTICLE 1. GENERAL PROVISIONS

Section

R6-12-105. ~~EMPOWER: Random Assignment Evaluation~~ Repealed

ARTICLE 10. APPEALS

Section

R6-12-1006. Hearings: Location; Notice; Time

ARTICLE 1. GENERAL PROVISIONS

~~R6-12-105. EMPOWER: Random Assignment Evaluation~~ Repealed

- ~~A.~~ The Department shall randomly assign CA applicants and recipients who are served by the Glendale, Peoria, 67th Avenue, and Chinle FAA local offices into experimental, non-experimental and control groups for an evaluation of the EMPOWER project modifications approved by the U.S. Department of Health and Human Services pursuant to 42 U.S.C. 1315.
- ~~B.~~ The control group shall consist of at least 1,500 CA cases which are active on November 1, 1995, and at least 1,500 new CA applicant cases which are approved thereafter.
- ~~C.~~ The experimental and non-experimental groups are subject to the EMPOWER project provisions. The experimental and control groups will be used to evaluate the EMPOWER project.
- ~~D.~~ The following rules do not apply to an applicant or recipient who is assigned to the control group:
 - 1. ~~R6-12-308,~~
 - 2. ~~R6-12-315,~~

Notices of Final Rulemaking

- 3. ~~R6-12-318,~~
- 4. ~~R6-12-319, and~~
- 5. ~~R6-12-404.~~

ARTICLE 10. APPEALS

R6-12-1006. Hearings: Location; Notice; Time

A. No change

~~**B.** The Office of Appeals shall schedule the hearing at least 20 days, and no more than 45 days, from the date the appellant files the request for hearing with the local office.~~

~~**C.**~~ **B.** No change

~~**D.**~~ **C.** No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change