

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF PROPOSED EXEMPT RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 11. BOARD OF FINGERPRINTING

[R08-87]

PREAMBLE

1. Sections Affected

R13-11-113

Rulemaking Action

Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 41-619.53(A)(2) and 41-619.53(A)(5)

Implementing statute: A.R.S. §§ 41-619.53(A)(5) and 41-619.56

3. The effective date of the rules:

The Board will have a period for members of the public to comment on the proposed rules. After considering comments from the public, the Board will file a Notice of Final Exempt Rulemaking so that the rules will become effective on July 1, 2008.

4. A list of all previous notices appearing in the Register addressing the exempt rule:

None. This rulemaking is statutorily exempt from review under A.R.S. § 41-619.53(A)(2).

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Dennis Seavers, Executive Director

Address: Board of Fingerprinting
Mail Code 185
P.O. Box 6129
Phoenix, AZ 85005-6129

E-mail: dennis.seavers@azbof.gov

Telephone: (602) 265-3747

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6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:

Under A.R.S. § 41-619.53(A)(5), the Board is authorized to establish fees. The Board of Fingerprinting Fund is established by A.R.S. § 41-619.56 and includes monies appropriated by the Arizona State Legislature and collected through the fee established under A.R.S. § 41-619.53(A)(5). The Board's fee is a portion of the fee for a fingerprint clearance card. The Board's revenues come entirely from its fee; the Board does not receive legislative appropriations.

In October 2003, the Board established its current \$3.00 fee. Since then, the Board has expanded its staff to seven employees from four and moved into a larger facility. In addition, Laws 2007, Chapter 205, § 3, established time-frames that required the Board to incur additional long-term and one-time costs. The Board has operated at a deficit and must correct that deficit by increasing its fee revenues. The Board is proposing an increase to \$8.00 from \$3.00. Thus, the total cost of a fingerprint clearance card would increase to \$55.00 from \$47.00 for paid employees (including teacher certification) and to \$48.00 from \$43.00 for volunteers.

The Board has determined that a \$4.00 fee increase may be sufficient on a short-term basis. The Board is proposing a \$5.00 fee to avoid subsequent fee increases, in the interest of agencies and organizations that require fingerprint clearance cards. Citizens and organizations that have concerns about the \$5.00 increase should submit comments to the

Notices of Exempt Rulemaking

Board's executive director so that the Board may consider these concerns when determining the final level of increase. In particular, citizens and organizations may want to indicate whether they prefer a single, large increase or a smaller increase that would be followed in later years by another increase.

A.R.S. § 41-619.53(A)(2) exempts the proposed rules from A.R.S. Title 41, Chapter 6. However, the Board of Fingerprinting is allowing a period of 30 days from the date of publication of this notice for citizens to comment on the proposed rules.

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 rules are necessary to promote the statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
9. **The preliminary summary of the economic, small business, and consumer impact:**
Not applicable (see A.R.S. § 41-619.53(A)(2))
10. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**
Not applicable
11. **A summary of the comments made regarding the rule and the agency response to them:**
Not applicable
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
None
13. **Incorporations by reference and their location in the rules:**
None
14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**
No
15. **The full text of the rules follows:**

TITLE 13. PUBLIC SAFETY

CHAPTER 11. BOARD OF FINGERPRINTING

ARTICLE 1. BOARD OF FINGERPRINTING

Section
R13-11-113. Fees

ARTICLE 1. BOARD OF FINGERPRINTING

R13-11-113. Fees

- A. The Department shall collect proper fees for good cause exceptions from all applicants and shall transmit the fees to the state Treasurer. A fee of ~~\$3.00~~ \$8.00 is established for good cause exceptions.
- B. No change
- C. No change