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1-202 Procedures for Adoption of Rules by the Board

- A. When a rule is proposed to be adopted by the Board, it shall first be presented in writing as a specifically identified agenda item for review at the regular meeting of the Board immediately prior to the regular meeting in which action on the proposed rule is to be taken. At this time, the Board may authorize an oral proceeding separate from any regular meeting of the Board to be held for the purpose of obtaining comment on the proposed rule.
- B. Any person may submit in writing statements, arguments, data and views on the proposed rule to the Secretary to the Board within 20 days after the regular meeting at which the proposed rule is first presented.
- C. If an oral proceeding is authorized, it shall be held no earlier than 20 days after the date on which notice of the time, place and date of the hearing is posted in the lobby of the central office of the Board and no later than the day prior to the regular meeting of the Board in which action on the proposed rule is to be taken. The Board, a member of the Board or official of the Board's central staff designated by the Board shall preside at the oral proceeding. At the oral proceeding, persons may present oral argument, data and views on the proposed rule.
- D. The Secretary to the Board shall cause copies of the proposed rule to be available to each person who makes a timely request for a copy. A charge for the actual cost of providing a copy of the proposed rule may be imposed in accordance with Title 39 of the Arizona Revised Statutes.
- E. Except as provided in Subsection F, action on the proposed rule shall be taken at the next regular meeting of the Board following the meeting at which the proposed rule was presented. At or prior to the meeting, the Board shall be provided with a copy of the proposed rule, an informative summary of the rule, a memorandum summarizing the public comments received (both written and oral), an acknowledgment that the proposed rule has been reviewed and approved by Counsel to the Board, and any other pertinent information.

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- F. If the proposed rule on which action is to be taken is a rule listed in Chapter I, Section 1-204 or is otherwise deemed by the Board to be a rule which directly affects the general public and is in a form substantially different from the proposed rule as presented to the Board at its prior regular meeting, then action on the proposed rule shall be postponed until the next regular meeting of the Board.
1. Within 20 days after the meeting in which action is postponed, any person may submit in writing statements, arguments, data and views on the proposed rule to the Secretary to the Board. An oral proceeding shall be held in accordance with Subsection C when authorized by the Board.
 2. In determining whether a proposed rule on which action is to be taken is in a form substantially different from the proposed rule as initially presented to the Board, all of the following shall be considered:
 - a. The extent to which the subject matter of the proposed rule as initially presented or the issues determined by that rule are different from the subject matter or issues involved in the proposed rule on which action is to be taken by the Board.
 - b. The extent to which the effects of the proposed rule as initially presented differ from the effects of the proposed rule on which action is to be taken by the Board.
 - c. The extent to which persons affected by the rule on which action is to be taken by the Board should have understood that the proposed rule as initially presented would have affected their interests.
 3. In this Subsection F, "general public" means persons other than university students or officers and employees of the Board or any university.
- G. Notice of any rule adopted by the Board shall be included in the first Board newsletter following the meeting in which the rule was adopted.

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H. A rule adopted by the Board is effective as of the date of adoption unless otherwise specified by the Board.

I. Publication of Rules

1. All rules adopted by the Board shall be published in the Board's policy manual.
2. The Policy Manual shall be updated on a bimonthly basis.
3. The Policy Manual shall be made available without charge to the office of the Attorney General, the capitol library, to each university library, and to such other persons as determined by the Executive Director of the Board.
4. Materials updating the Policy Manual shall be distributed to all persons holding a Policy Manual.
5. Copies of any adopted rules shall be made available to any person upon request. A charge for the actual cost of providing a copy of the adopted rule may be imposed in accordance with Title 39 of the Arizona Revised Statutes.

J. Emergency Procedures

Upon a finding by the Board that a rule is necessary as an emergency measure, the rule may be adopted by the Board as an emergency measure without the notice and opportunity for comment prescribed by this Section if the rule is first approved by Counsel to the Board. A rule adopted pursuant to this Subsection is valid for 90 days from the date of the Board meeting on which the rule was adopted.