

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

[R07-374]

- 1. Title and its heading:** 3, Agriculture

Chapter and its heading: 2, Department of Agriculture – Animal Services Division

Article and its heading: 1, General Provisions; 6, Health Requirements Governing Admission of Animals

Section numbers: R3-2-101, R3-2-601, R3-2-606, R3-6-612, R3-2-614, R3-2-616, R2-3-617, R3-2-618, and R3-2-620, and R3-2-621
(Sections may be added, deleted, or amended as necessary.)
- 2. The subject matter of the proposed rule:**

The Department of Agriculture proposes to amend its rules relating to health requirements governing admission of animals into the state following a five-year review. Under this rulemaking, the Department will update citations to materials that are incorporated by reference, correct or amend references to diseases or other rules, and otherwise bring the rules into compliance with current APA standards. The Department will also amend R3-2-606(A)(4)(a)(i) to require that the official eartag for dairy cattle also include information that identifies the herd from which the cattle was born. The Department will also amend R3-2-612(C)(6) to remove brucellosis quarantine exemptions for native ranch cattle imported from an adjacent Class A State, because no state bordering Arizona is Class A. Finally, the Department will amend R3-2-617 to require a health certificate or Form 9-3 from the National Poultry Improvement Program before allowing poultry animals entry into the state. Although this is a substantive change from the existing rule, the proposed rulemaking is intended to codify an existing voluntary inspection program in which many poultry importers are already participating.
- 3. A citation to all published notices relating to the proceeding:**

Notice of Proposed Rulemaking: 13 A.A.R. 3958, November 16, 2007 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Carlos Ramírez, Rules Analyst

Address: Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: cramirez@azda.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday

Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday

Location: Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**

Unknown

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

[R07-372]

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 2, Department of Agriculture – Animal Services Division
Article and its heading: 8, Dairy and Dairy Products Control
Section numbers: R3-2-801 (Sections may be added, deleted, or amended as necessary.)
- 2. The subject matter of the proposed rule:**
The Department of Agriculture is opening a docket to amend its definitions relating to dairy and dairy products control rules following a five-year review. Under this rulemaking, the Department will update citations to materials that are incorporated by reference and otherwise bring the rule into compliance with current APA standards.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 13 A.A.R. 3966, November 16, 2007 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Carlos Ramírez, Rules Analyst
Address: Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: cramirez@azda.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday
Location: Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

[R07-370]

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 2, Department of Agriculture – Animal Services Division
Article and its heading: 9, Egg and Egg Products Control
Section numbers: R3-2-902 (Sections may be added, deleted, or amended as necessary.)
- 2. The subject matter of the proposed rule:**
The Department of Agriculture is opening a docket to amend R3-2-902, dealing with standards, grades and weight classes for shell eggs, following a five-year review. Under this rulemaking, the Department will update citations to materials that are incorporated by reference and otherwise bring the rule into compliance with current APA standards.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 13 A.A.R. 3968, November 16, 2007 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Carlos Ramírez, Rules Analyst
Address: Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007
Telephone: (602) 542-0962

Notices of Rulemaking Docket Opening

Fax: (602) 542-5420
E-mail: cramirez@azda.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday
Location: Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007

6. A timetable for agency decisions or other action on the proceeding, if known:

Unknown

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL SERVICES DIVISION**

[R07-368]

1. Title and its heading:

3, Agriculture

Chapter and its heading:

3, Department of Agriculture – Environmental Services Division

Article and its heading:

1, General Provisions; 11, Arizona Native Plants

Section numbers:

R3-3-102, Table 1, R3-3-1101, R3-3-1102, R3-3-1103, R3-3-1104, R3-3-1105, R3-3-1106, R3-3-1107, R3-3-1108, R3-3-1109, R3-3-1110, R3-3-1111, Appendix A

(Sections may be added, deleted, or amended as necessary.)

2. The subject matter of the proposed rule:

This rulemaking updates rules related to Native Plant laws. It updates scientific names, definitions and makes the rules in-line with today's current practices. The legislature annually appropriates funding for this program from the Native Plant fund which is categorized as an "other" appropriated fund. Although the appropriation amount has not increased, the amount of money in this fund has dropped significantly to the point of having to make precision payments of expenses to coincide with when adequate deposits have been made. This rulemaking slightly increases the fees.

In addition, the rulemaking simplifies and clarifies the permitting process. This allows for the movement of smaller plants which routinely would be bulldozed over, to save them from destruction.

Furthermore, non-commercial native plant permits have been defined, which should also help to conserve the number of native plants. A simplified process has been introduced with this rulemaking for situations where a person may want to donate protected native plants.

It also updates language to conform to rulemaking format and style requirements of the Council and the Office of the Secretary of State.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 13 A.A.R. 3970, November 16, 2007 (*in this issue*)

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

Name: Carlos Ramírez, Rules Analyst

Address: Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: cramirez@azda.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday
Location: Department of Agriculture
1688 W. Adams St.

Notices of Rulemaking Docket Opening

Phoenix, AZ 85007

6. A timetable for agency decisions or other action on the proceeding, if known:

Unknown

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

[R07-365]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 38, Board of Homeopathic Medical Examiners
Article and its heading: 1, General; 3, Education, Supervision, and Delegation Standards for Registration of Medical Assistants by Homeopathic Physicians;
4, Application and Renewal Process; Time-frames
Section numbers: R4-38-105, R4-38-301 through R4-38-311, and R4-38-401 through R4-38-403 (Sections may be added, deleted, or amended as necessary.)
- 2. The subject matter of the proposed rule:**
The Board is amending its rules dealing with homeopathic medical assistants and licensing time-frames to make them more clear, concise, and understandable and consistent with agency practice and current rule writing standards.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Chris Springer, Executive Director
Address: Board of Homeopathic Medical Examiners
1400 W. Washington St., Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
E-mail: chris.springer@azhomeopathbd.az.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be decided

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES**

[R07-363]

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 4, Department of Transportation – Title, Registration, and Driver Licenses
Article and its heading: 3, Vehicle Registration
Section numbers: R17-4-309 and Appendix A
(Sections may be added, deleted, or amended as necessary.)
- 2. The subject matter of the proposed rule:**
This rulemaking action arises from a five-year-review report approved by the Governor’s Regulatory Review Council on February 3, 2004. The Division proposes to amend the existing private fire emergency vehicle permit rule to ensure conformity to current Division requirements, Arizona Administrative Procedures Act, Secretary of State, and Governor’s Regulatory Review Council rulemaking format and style requirements.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Notices of Rulemaking Docket Opening

Name: Celeste M. Cook, Administrative Rules Analyst
Address: Administrative Rule Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M
Phoenix, AZ 85007
Telephone: (602) 712-7624
Fax: (602) 712-3081
E-mail: ccook@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.mvd.azdot.gov/mvd/MVDRules/rules.asp.

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written and oral comments will be accepted at the address provided in item 4 between 8:00 a.m. and 5:00 p.m., Monday through Friday, with the exception of state holidays.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

**NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF LIQUOR LICENSES AND CONTROL**

[R07-364]

1. Title and its heading:
Chapter and its heading:
Article and its heading:

19, Alcohol, Horse and Dog Racing, Lottery, and Gaming
1, Department of Liquor Licenses and Control
1, General Provisions; 2, Licensing; 3, Licensee Responsibilities;
4, Required Notices to Department; 5, Required Records and Reports;
6, Violations; Hearings; Discipline
Section numbers:
R19-1-101 through R19-1-112; R19-1-201 through R19-1-217; R19-1-301 through R19-1-327; R19-1-401 through R19-1-407; R19-1-501 through R19-1-506; R19-1-601 through R19-1-606
(Sections may be added, deleted, or amended as necessary.)

2. The subject matter of the proposed rule:

In response to a five-year-review report approved by the Council in March 2006, the Department is making new rules that are consistent with statute, Department practice, and current rule writing standards. The Department is repealing existing rules in a related rulemaking.

3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Natasha Ter-Grigoryan
Address: Department of Liquor Licenses and Control
800 W. Washington St., 5th floor
Phoenix, AZ 85007
Telephone: (602) 542-9030
Fax number: (602) 542-5707
E-mail: Natasha.Ter-Grigoryan@azliquor.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be decided