

NOTICES OF PROPOSED RULEMAKING
Initiated After January 1, 1995

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register*.

Under the Administrative Procedure Act (A.R.S. § 41-1001 *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION

PREAMBLE

1. Sections Affected
R3-4-229
Rulemaking Action
Amend
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. § 3-107
Implementing statutes: A.R.S. §§ 3-201.01(A), 3-202, 3-209, and 3-210
3. The name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Shirley Conard, Rules Specialist
Address: Department of Agriculture
1688 West Adams, Room 234
Phoenix, Arizona 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
4. An explanation of the rule, including the agency's reasons for initiating the rule:
The proposed rulemaking will amend the heading of Article 2 by removing "Regulation" and will also amend R3-4-229 regulating the shipment of nut trees into Arizona. The amendments will remove outdated and gender-specific terminology, correct a scientific term for the pecan nut casebearer, remove unnecessary verbiage, eliminate the option of destination treatment as a condition for entry into Arizona, add one new pest (pecan phylloxera), and add additional regulated states and counties.
Establishing a quarantine for specific pests requires that Arizona be aware of the pest requirements in other states and the conditions existing because of specific pests. The pest pecan phylloxera has been included in this rule to keep current with adjacent state requirements and to strengthen the pest-free nursery program in the state.
The existing rule listed specific areas which were under quarantine for the nut tree pests. Subsection (B) expands this quarantine area to include the entire United States, except California. By expanding this quarantine area, the state will have more regulatory control over incoming shipments and will acquire the authority to regulate any area, whether it is infested or not. This added authority will cut down on the trans-shipment problems the Department experiences when unable to require certification for commodities from locations other than the existing infested areas.
Ideally, quarantine regulations are written to keep pests out of the state, not to deal with pests once they are here. In the last 5 years, the Department has not received any requests for destination treatment; therefore, by removing the destination treatment from the requirements, the Department can eliminate pests from ever entering the state without creating any disagreement within the industry.
5. 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.
6. The preliminary summary of the economic, small business, and consumer impact:
The proposed nut tree pest rule establishes a quarantine for specific pests of hickory, pecan, walnut, and butternut trees and sets up the treatments required for the elimination of these pests.
A. *The Department of Agriculture*

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1. **BENEFITS:** The housekeeping changes to the rule create little direct economic impact on this agency other than to set up a rule that is easier to read and which follows accepted format and structure guidelines. This rule extends the economic viability of the pecan industry in Arizona, continues to protect the state's native black walnut population, and strengthens the Department's ability to protect the nursery industry.
2. **COSTS:** The rule will be implemented in the same way as the existing rule. No changes have been made which would create additional costs for the Department.

B. Nursery Owners

1. **BENEFITS:** Adding the new pest requirement will protect the industry from pecan phylloxera and the additional quarantine area assures that infested trees will not be accepted into the state from newly infested counties.

Before Arizona introduced a quarantine on nut tree pests, growers in Dona Ana and Otero Counties, New Mexico, shipped pecan trees into Arizona. Some of these pecan trees were in the dormant stage, but many were trees with foliage. When Arizona introduced its current rule in 1986, the treatment methods specifying methyl-bromide and hot water precluded this type of shipment and narrowed the acceptable commodity to bare-root trees. Now that we are amending this rule, the proposed treatment option gives the producer the opportunity to provide a remedy which not only will eliminate the possibility of the pest but would be carried out in a manner specific to that producer's conditions. The new treatment option places the burden of providing the treatment on the producer. The producer would have to obtain the Associate Director's approval and provide the Department with efficacy data on the new treatment.

The addition of Dona Ana and Otero as quarantined counties should not have a significant impact on consumers or small businesses since pecan trees from Dona Ana and Otero have been unofficially regulated for more than a year.

2. **COSTS:** Producers will be affected by the additional pest requirement. Producers will now be required to eliminate this new pest (pecan phylloxera) if shipping product into Arizona. The costs will be the same for the methyl-bromide or hot water treatments as now being used to treat the existing pests. The methyl-bromide treatment will cost approximately \$550 per shipment. The hot water treatment cost is negligible with the exception of the labor involved. Benefits associated with implementing this rule far outweigh the costs by removing the possibility of nursery commodities from becoming infested with pests. The rule also increases the positive public relations between the nursery industry and consumers by requiring the nursery to supply pest-free nut trees.

C. Consumers and the Public

1. **BENEFITS:** Consumers will benefit from the addition of pecan phylloxera to the pest list. This addition will assure that they will receive plants that are not infested with that pest. The public will benefit from this rule by the certainty that Arizona's native black walnut population is being protected from the brooming disease.
2. **COSTS:** None

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Shirley Conard, Rules Specialist
Address: Department of Agriculture
1688 West Adams, Room 206
Phoenix, Arizona 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: November 13, 1995
Time: 1:30 p.m.
Location: Department of Agriculture
1688 West Adams, Room 206
Phoenix, Arizona 85007
Nature: Public hearing

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

None.

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

None.

11. The full text of the rules follows:

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TITLE 3. AGRICULTURE

CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION

ARTICLE 4. QUARANTINE REGULATIONS

Section
R3-4-229. Nut Tree Pests

ARTICLE 4. QUARANTINE REGULATIONS

R3-4-229. Nut Tree Pests

A. Notice of quarantine: It has been determined that Pecan nut casebearer, *Acrobasis caryae* (Grote), Pecan leaf casebearer, *Acrobasis juglandis* (LeB.) and brooming disease of walnut are dangerous plant pests not known to occur in the state of Arizona; that these pests are a serious threat to the nut tree industry and native black walnuts of the state of Arizona. In order to prevent the introduction into the state of Arizona of these serious pests, it is hereby ordered and declared that the entry of quarantined articles into the state of Arizona shall be governed by the following regulations.

B. A. Pests: The Pecan nut casebearer, *Acrobasis caryae* (Grote); the Pecan leaf casebearer, *Acrobasis juglandis* (LeB.); Brooming Disease of Walnut.

Definition. In addition to the definitions provided in A.R.S. § 3-201 and A.A.C. R3-4-102, the following shall apply to this rule: "Pest" means any of the following:

1. Pecan leaf casebearer, *Acrobasis juglandis* (LeBaron);
2. Pecan nut casebearer, *Acrobasis nuxvorella* (Neunzig);
3. Pecan phylloxera, *Phylloxera devaстрatrix*;
4. The pathogen that causes brooming disease of walnut.

C. B. Area under quarantine: All states, districts, and territories of the United States except California.

C. Infested area.

1. On account of *Acrobasis* spp., Chaves, DeBaca, Lea, Roosevelt, and Eddy Counties, New Mexico, and all states and districts east of and including the states of Montana, Wyoming, Colorado, Oklahoma, and Texas. For *Acrobasis* spp.: All states and districts east of and including the states of Montana, Wyoming, Colorado, Oklahoma, and Texas; in New Mexico, the counties of Chaves, DeBaca, Lea, Roosevelt, Eddy, Dona Ana, and Otero.
2. On account of brooming disease of walnut, all states and districts of the United States, except the state of California.
2. For pecan phylloxera: Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.
3. For brooming disease of walnut: All states and districts east of and including Montana, Wyoming, Colorado, and New Mexico.

D. Commodities covered: All species and varieties of the following trees and all plant parts capable of propagation, except the nuts; plant parts include buds, scions, and rootstocks:

1. ~~hickory~~ Hickory and pecans (*Carya* spp.), and
2. ~~all walnuts~~ Walnut and butternut (*Juglans* spp.), trees, and any parts of such trees for propagative purposes, except the nuts.

E. Restrictions:

1. ~~Walnuts trees and parts thereof for propagation from certain areas: On account of brooming disease of walnut, all species and varieties of walnut trees and budwood or scions thereof for propagation (except nuts)~~

~~imported, shipped, or in any manner brought into the state of Arizona from any point in the United States east of and including the states of Montana, Wyoming, Colorado, and New Mexico is prohibited.~~

2. ~~Walnut trees, budwood, and scions produced in western states: All species and varieties of walnut trees and budwood or scions thereof produced in and shipped from any quarantined state west of the states of Montana, Wyoming, Colorado, and New Mexico, will be admitted into the state of Arizona provided each lot or shipment thereof is accompanied by an official certificate issued by the authorized agricultural inspector of the state of origin, affirming that brooming disease of walnut is not known to occur in the state where produced and that such commodities contained therein are a product of said state, also setting for the amount and kind of commodities covered by said certificate.~~

1. The commodities listed in subsection (D)(1) shall be admitted into Arizona:

a. From the infested area prescribed in subsections (C)(1) and (2) if treated at origin, provided each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming the commodity has been treated in accordance with subsection (F).

b. From an area under quarantine outside the infested area, provided each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming that the commodities originated in a county not known to be infested with the pests listed in subsections (A)(1), (2), and (3).

3. ~~Hickory and pecan trees, budwood, and scions admitted under permit and destination treatment: Except as provided in subsection (4) hereof, bare rooted trees, budwood, or scions of hickory and pecan grown in or shipped from the area under quarantine on account of *Acrobasis* spp., will be admitted into the state of Arizona only provided a permit has been first secured from the State Entomologist and subject to such disinfection or treatment, method of transportation, and limitations as to size and quantity as the Director (State Entomologist) may designate therein. (Permits will designate terminal points of delivery where treatment facilities are available)~~

~~Persons contemplating the importing into this state of such restricted products as herein provided shall first make application to the Director (State Entomologist) for a permit to do so, stating in the application the name and address of the shipper, the locality where the trees, budwood, or scions were grown, the amount, size, and kind of trees, budwood, or scions it is desired to import, and the name and address of the importer in this state to whom the permit should be sent.~~

4. ~~Hickory and pecan trees, budwood, and scions admissible without permit if treated at origin: Bare rooted trees, budwood, or scions of hickory and pecan, grown in or shipped from the area under quarantine on account of *Acrobasis* spp., will be admitted into the state of Arizona provided same have been treated in accordance~~

with one of the procedures specified under subsection (G) and are accompanied by a certificate issued by a duly authorized inspection official of the state of origin, certifying that such commodities were treated under his personal supervision.

2. The commodities listed in subsection (D)(2) shall be:
 - a. Prohibited from entering Arizona from the infested area prescribed in subsection (C)(3);
 - b. Admitted into Arizona from an area under quarantine outside the infested area prescribed in subsection (C)(3), provided each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming:
 - i. Brooming disease is unknown in the origin county, and
 - ii. The amount and kind of commodity in the shipment.

F. Disposition of violations. Any quarantine commodity arriving in Arizona in violation of this quarantine order shall be immediately sent out of the state, or destroyed, at the option and expense of the owner or owners, his or their responsible agents, and under the direction of the Entomologist or his inspectors.

G.F. Treatments Treatment:

1. Atmospheric fumigation in an approved chamber with methyl bromide for a period of four hours using: Methyl bromide fumigation at normal atmospheric pressure, with circulations maintained for 30 minutes, as follows:
 - 2 lbs. per 1,000 cu. ft. for 4 hours at 70°F. or above more.
 - 3 lbs. per 1,000 cu. ft. for 4 hours at 60-69°F.Circulations must be maintained for a period of 30 minutes after complete introduction of the gas. Fumigation shall not be used on Budwood and Scions. Fumigation shall not be used on Budwood and Scions.
2. A hot water dip bath treatment at 140° Fahrenheit F. or more for a minimum period of 30 seconds. Water temperature must be maintained at or above 140° Fahrenheit.
3. Any other treatment approved by the Associate Director.

G. Any commodity listed in subsection (D) arriving in Arizona in violation of this rule shall, under the direction of the Department, be immediately sent out of the state, treated, or be destroyed at the expense of the owner or the owner's representative.

H. General rules: See "General Rules and Definitions, Article 1".

NOTICE OF PROPOSED RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

PREAMBLE

1. Sections Affected

R19-2-112	<u>Rulemaking Action</u>
R19-2-121	Amend
	Amend
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: §§ 5-104(A)(2) and (T)
Implementing statutes: §§ 5-104(B) and 5-105
3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Aikaterine Vervilos
Address: Department of Racing
15 South 15th Avenue, Suite 100
Phoenix, Arizona 85007
Telephone: (602) 542-5151
Fax: (602) 542-5177
4. An explanation of the rule, including the agency's reasons for initiating the rule:

R19-2-112: The amendments clarify the language in the rule, as recommended by the Governor's Regulatory Review Council (GRRC) during the Department's five-year review. The amendments also classify drugs into 5 categories, establish which drugs may or may not result in a disqualification and allow the Department veterinarian to review the drug findings with the stewards. These changes were requested by the Horsemen's Benevolent and Protection Association (HBPA).
R19-2-121: The amendments clarify the language in the rule, as recommended by GRRC during the Department's five-year review. The amendments also allow the stewards discretion when deciding whether or not to disqualify a horse when it tests positive for drugs. The HBPA requested the changes.
5. 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.
6. The preliminary summary of the economic, small business, and consumer impact:

The amendments increase the likelihood of a trainer or horse owner keeping the purse their horse earned if the horse tests positive for a drug. It does not impose upon the small businesses any hardships; it does not increase the regulatory burden on the small businesses; it does not negatively impact private individuals; and it does not increase state revenues.

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7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Aikaterine Vervilos
Address: Department of Racing
15 South 15th Ave., Suite 100
Phoenix, Arizona 85007
Telephone: (602) 542-5151
Fax: (602) 542-5177

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceedings are scheduled. Contact Aikaterine Vervilos in writing to request one. At least 5 requests need to be submitted within the 30 days following publication of the proposed rulemaking in order to schedule an oral proceeding.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

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

The Department is incorporating the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. The reference is found in R19-2-112(17)(b) and (c).

11. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 1. HORSE RACING

Section
R19-2-112. Prohibited Acts
R19-2-121. Officials

ARTICLE 1. HORSE RACING

R19-2-112 Prohibited Acts

Generally:

1. ~~No~~ A licensee shall ~~not~~ enter, or cause or permit to be entered or to start a horse ~~which such a licensee knows or has reason to believe should be disqualified.~~
2. ~~No~~ A veterinarian or plater licensed to practice on a track under the jurisdiction of the Department shall ~~not~~ own, lease, or train horses racing at the track on which they practice.
3. ~~No~~ A person shall ~~not~~ participate in ~~any~~ unauthorized ~~race~~ aces on a track while a racing meeting is in progress.
4. ~~No~~ A person shall ~~not~~ offer or receive any money or other consideration for declaring any entry out of a purse or stakes race.
5. ~~No~~ A person shall ~~not~~ possess, within the grounds of any permittee, any electrical, mechanical, or other device, other than ordinary equipment, which may be used to affect the speed or racing condition of a horse. ~~Such possession~~ Possession includes, but is not limited to, possession:
 - a. No change.
 - b. No change.
 - c. No change.
 - d. No change.
6. ~~No~~ A person other than a physician or veterinarian licensed by the Department shall ~~not~~ possess, within the grounds of any permittee, any foreign or prohibited substance, injectable vial, hypodermic needle, syringe, or any other instrument which might be used for injection, without written permission of the stewards.

~~Such possession~~ Possession includes, but is not limited to, possession:

- a. No change.
 - b. No change.
 - c. No change.
 - d. No change.
7. ~~No~~ A licensee listed in A.R.S. § 5-104 shall ~~not~~ apply, inject, inhale, ingest, or in any way use any prohibited substance while on permittee grounds, unless upon the request of a steward, a licensee can produce evidence that the possession or use of a prohibited substance is pursuant to a lawfully issued prescription.
 8. ~~No~~ A jockey, apprentice jockey, ~~exercise rider, or pony rider or sulky driver~~ shall ~~not~~ consume any intoxicating liquor on ~~race days~~ any day, prior to completing riding ~~or driving~~ commitments for the ~~race~~ day.
 9. ~~No~~ A licensee or race track employee shall ~~not~~ accept, either directly or indirectly, any bribe, gift, or gratuity in any form which is intended to or might influence the results of any race or the conduct of any racing meeting.
 10. ~~No~~ A licensee, while on the premises of the permittee, shall ~~not~~ create a disturbance, be intoxicated, interfere with any racing operation, or act in an abusive or threatening manner to any racing official or other person.
 11. No change.
 - a. ~~A licensed veterinarian shall~~ Reports ~~report~~ of any drugs or treatments prescribed or administered at the track shall ~~be made in a manner prescribed to by the Department in a manner it shall set forth.~~
 - b. No change.
 12. Notwithstanding the provisions of subsection (16), ~~no~~ a person shall ~~not~~ administer or cause to be administered to any horse entered in a race any foreign substance, internally or externally, prior to the race on the calendar day in which the horse is to run, except that:
 - a. With permission of the stewards Department veterinarian, furosemide or conjugated estrogens may be administered on the day of the race to control exercise-induced pulmonary hemorrhage,

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- subject to the restrictions prescribed in R19-2-121(P)(5), (6), and (7). The Department veterinarian shall place these horses on the lasix list. Permission of the stewards Department veterinarian shall be granted based upon the determination that a horse suffers from exercise-induced pulmonary hemorrhage as evidenced by a diagnosis by a veterinarian licensed by the Department or placement on a bleeders' list at a track outside of Arizona.
- b. A person Furosemide shall not be administered administer furosemide within 4 hours prior to post time of a race in which the horse is run.
- c. Horses A permittee shall clearly identify horses given furosemide shall be clearly identified as such on the program or on a list located in each area where mutuel tickets are sold.
13. The Racing Commission has established permissible trace levels of the following foreign substances, as defined in R19-2-102(15).
- a. No change.
- b. No change.
14. ~~No A person shall not participate in the nerving of a horse intended to be entered in a race at a track within the state of Arizona, except as provided in paragraph (14)(d) of this Section.~~
- a. ~~No registration Registration papers will not be accepted on nerved horses, except as provided in subparagraph (d) of this paragraph.~~
- b. ~~No A person shall not enter a nerved horse in a race, except as provided in subparagraph (d) of this paragraph.~~
- c. ~~No A person shall not run in a race a horse which is desensitized at the time of arrival at the receiving barn or saddling paddock by applying cold, chemical, or mechanical freezing devices.~~
- d. ~~The registration and entry of a horse on which a posterior digital (heel nerve) neurectomy or permanent block has been performed prior to May 1, 1981, may be accepted provided that the condition is reported to the racing secretary at the time of registration. The racing secretary shall make such information available to other licensees. Any horse so nerved shall be examined by the track and Department veterinarians before being entered to start in a race, and sensation must be present.~~
15. No change.
- a. No change.
- i. No change.
- ii. Samples of saliva, urine, blood, or other test substances shall be taken by persons Persons approved by the Department shall take samples of saliva, urine, blood, or other substances.
- iii. No change.
- iv. No change.
- v. No change.
- vi. Documents evidencing the procedure shall be signed by the The owner, trainer, or the representative of either of their representatives shall sign the documents evidencing the procedure.
- vii. ~~No A person shall not interfere in any manner with the collection or procedures conducted under this rule.~~
- b. Human testing
- i. As set forth in A.R.S. § 5-104(C) and A.A.C. R19-2-112(8) and (10), a licensee shall immediately submit to blood, urine, breath, or other tests ordered by the stewards, if the stewards have reason to believe said licensee is under the influence of or in possession of any prohibited substance or has consumed alcohol in violation of subsection (8) or (10) of this Section.
- ii. A test-sample licensee shall provide a test sample be taken in the presence of a steward or the steward's designee, submitted in a container furnished by the Department and immediately sealed by the steward or steward's designee in the presence of the licensee being tested.
- iii. The steward or steward's designee shall mark the container shall be marked with the following items: sample identification number; time, date, and location where the sample was given; and the signature of Department personnel sealing the container.
- iv. The steward or steward's designee shall submit the container shall be submitted to a Department-approved laboratory for analysis of the sample in order to determine the presence of alcohol or any prohibited substance.
- v. If laboratory analysis indicates the positive presence of any prohibited substance or alcohol in the tested licensee's sample, said the licensee may be subject to license suspension or revocation or civil penalties, as set forth in R19-2-121(E)(3)(f) and A.R.S. § 5-108.05(A).
- vi. Test results and information obtained during the testing process shall be are accessible only to members of the Commission, the Director or designees of the Director, and the tested licensee, and The Department shall be kept keep the information in a locked, secured area of the Department office.
- vii. The steward's or steward's designee's Compliance compliance with these rules shall be prima facie evidence that the chain of custody of the test samples is secure, and the results of such tests shall be admissible in any administrative procedure of the Department or Commission.
16. The trainer, groom, and any other person who is charged with the custody and care of a horse are required to protect and guard the horse against the administration, either internally or externally, of any foreign substance. A positive test indicating the presence of any foreign substance (except as set forth in subsections (12) and (13) of this Section) shall give rise to a presumption presumes that the persons referred to in this paragraph have failed to meet the duties imposed upon them.
17. The owner of any horse disqualified in a race because of an infraction of these rules shall forfeit and return any portion of the purse or stakes and any trophy received from ~~such the~~ race and shall forfeit any entry or subscription money.

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- a. ~~Any winnings which are forfeited pursuant to this subsection shall be redistributed. The stewards shall distribute any winnings forfeited pursuant to this subsection (17) among the remaining entitled entries in the race entitled thereto.~~
 - b. ~~The stewards Any horse shall be disqualified disqualify and may be declared declare unplaced for every purpose except pari-mutuel wagering any horse if the chemical analysis performed pursuant to subsection (15)(a) indicates the presence of any foreign substance classified as Class 1 or Class 2 under the Association of Racing Commissioners International, Inc. Uniform Classification Guidelines for Foreign Substances, herein incorporated by reference.~~
 - c. ~~The stewards may disqualify and may declare unplaced for every purpose except pari-mutuel wagering any horse if the chemical analysis performed pursuant to subsection (15)(a) indicates the presence of any foreign substance classified as Class 3, Class 4, or Class 5 under the Association of Racing Commissioners International, Inc. Uniform Classification Guidelines for Foreign Substances, herein incorporated by reference.~~
 - d. ~~The stewards may disqualify and may declare unplaced for every purpose except pari-mutuel wagering any horse if the chemical analysis performed pursuant to subsection (15)(a) shows that horses on the lasix list raced without the medication described in subsection (12), or that the plasma of the horse contained trace levels of medication in excess of the level permitted by subsection (13).~~
 - e. ~~The Department veterinarian shall review all reports indicating the presence of a foreign substance and consult with the stewards prior to the initiation of disciplinary action. When a report indicates the presence of a substance classified as Class 3, Class 4, or Class 5, the Department veterinarian's review shall specifically address trace level detection so as not to lead to disciplinary action based, in the opinion of the Department veterinarian, upon pharmacologically insignificant traces of the substance.~~
18. No change.

R19-2-121. Officials

A. No change.

1. The term "track official" shall apply applies to the following persons employed by the permittee and approved and licensed by the Department: director of racing, one steward, mutuel manager, patrol judges, clerk of the scales, starter, timer, paddock judge, track veterinarian, track superintendent, announcer, racing secretary, assistant racing secretary, handicapper, horsemen's bookkeeper, jockey room custodian, and chief of security.
2. The term "Department official" shall apply applies to the following persons appointed by the Department: two stewards, state mutuel supervisor, Department veterinarian, identifier, and investigator. Certain "track officials" may be appointed by the Department for the county fairs race meets.
3. One person may serve in more than one official position if such the person can do so without detriment to any of the other positions, and if such the person has the

consent and approval of the Department; provided that neither the racing secretary nor the permittee director of racing may serve as a steward.

4. No change.

5. No change.

a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy prior to post time of the first race of the day or when the vacancy occurs. The appointment shall be is effective only for the day unless the permittee fails to fill the vacancy on the following day and has notified the stewards of its action not less than one hour before the post time of the first race of the following day. Such an An appointment shall be reported promptly to the Department.

b. ~~No race shall be run without three Three stewards present shall view the running of a race.~~ If a vacancy occurs among the stewards, the steward(s) stewards present shall appoint 1 or 2 persons to serve as temporary stewards. ~~Appointments made The stewards making the appointment under this subsection (5) shall be reported report it~~ in writing to the Department.

c. No change.

6. ~~Minors The Department shall not be licensed license minors as officials.~~

7. ~~No one A person~~ interested in the result of a race because of an ownership interest in any entered horse, bets, or otherwise shall not act as an official at the meeting.

B. No change.

1. ~~No An official or such an official's assistant shall not purchase mutuel tickets on races.~~

2. ~~No An official or such an official's assistant shall not consume alcoholic beverages while on duty.~~

3. ~~No An official shall not accept, directly or indirectly, any bribe, gift, or gratuity in any form which is intended to or might influence the results of any race or the conduct of any racing meeting.~~

4. ~~No An official or employee shall not write or solicit horse insurance at any meeting.~~

5. ~~No An official or employee at the meeting shall not buy or sell any contract upon any jockey or apprentice jockey for such an official or employee or for another, either directly or indirectly.~~

C. No change.

D. No change.

1. ~~Any A person with a grievance or complaint against a track official, an employee of the permittee, or a licensee shall be made submit it in writing to the stewards within 5 days of the alleged objectionable act or behavior. The grievance or complaint shall be made to the The stewards, who shall consider the matter, take whatever action is deemed to be appropriate, and make a full report of their action to the Department.~~

2. ~~Any A person with a grievance or complaint against an official or employee of the Department shall be reported report it in writing to the Deputy Director of the Department within 5 days of the alleged objectionable act or behavior. The grievance or complaint shall be made to the Department.~~

3. No change.

E. No change.

1. No change.

a. Stewards' duties shall include being in attendance at the office of the racing secretary or on the

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- grounds of the permittee on any day in which entries are being taken or racing is being conducted, and representing the Department in all matters pertaining to the interpretation of the rules adopted by the Department.
- b. No change.
 - c. If a steward is unable to perform ~~such the~~ steward's duties for an extended period of time, ~~such the~~ steward shall immediately notify the Director of that fact so that an alternate steward may be named to act in ~~such the~~ steward's place.
2. No change.
 3. The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by ~~said the~~ rules. In all ~~such~~ interpretations and decisions, the orders of the stewards shall supersede the orders of the permittee.
 - a. No change.
 - b. The stewards shall investigate and render a decision promptly on each objection properly made to them pursuant to R19-2-117. ~~Each ruling shall be signed by a~~ majority of the stewards ~~shall sign each ruling~~.
 - c. The stewards shall ~~have the power to~~ supervise all entries and declarations. They may refuse entries or the transfer of any entries for violations of the rules or of the statutes.
 - d. The stewards shall ~~have the power to~~ regulate and ~~to~~ control the conduct of all officials and all other persons attending or participating in any manner in a racing meeting.
 - e. The stewards, in order to maintain necessary safety and health conditions, and to protect the public confidence in horse racing as a sport, shall have the right to authorize a person or persons in their behalf to enter into or upon the buildings, stables, rooms, motor vehicles, trailers, or other places within the grounds of a licensed race track and to examine same and to inspect and examine the person, personal property, and effects of any person within ~~such the~~ place and to seize any items prohibited under R19-2-112(5) and (6) or any other illegal Article.
 - f. Pursuant to subsection (E)(6), the stewards may impose a civil penalty in an amount not exceeding \$500 on any person subject to their control for violation of these rules. In addition, the stewards may suspend, after a hearing for a period of time up to 60 days, any person violating any of these rules and may rule off licensees violating any of these rules. ~~Nothing in these rules shall prevent the~~ The stewards ~~from imposing~~ may impose both a civil penalty and suspension for the same violation. The stewards may refer any ruling made by them to the Director recommending further action, including the revocation of a license suspended by them.
 - g. In all cases where laboratory reports or other evidence shows the administration or presence of a foreign substance, the stewards shall immediately investigate the matter, may disqualify the horse, may suspend the trainer or other person(s) involved, may refer the matter to the Director, and may impose a fine.
 - h. No change.
 4. The stewards may excuse a horse that has left the paddock for the post if they consider ~~such that~~ horse to be crippled, disabled, or unfit to run. In claiming races, if there is a claim entered on a horse so excused, the claim is invalid.
 5. The stewards shall determine the finish of a race by the relative position of the noses of each horse. They shall immediately notify the ~~permittee~~ pari-mutuel department of the numbers of the first four horses.
 - a. The stewards shall promptly display the numbers of the first three horses in each race in order of their finishes. If the stewards differ in their placing, the majority shall prevail.
 - b. The stewards may ~~consult~~ review the photo finish ~~picture device~~ provided by the permittee to aid them in determining the finish of a race.
 - i. In any instance where the pictures furnished are not adequate or usable, ~~the decision of the stewards shall be~~ make the final decision and need not be governed in any manner by the photograph.
 - ii. If the stewards consider it advisable to ~~consult a picture from the finish camera,~~ review the photo finish picture, the stewards may post such placements as are in their opinions unquestionable without waiting for a picture. After ~~consulting~~ reviewing the picture, they may make the other placements. ~~In no case, however, The stewards shall not declare the race be declared official until the stewards have they~~ determined the horses finishing first, second, and third.
 - c. ~~Nothing in these rules shall be construed to prevent the~~ The stewards shall ~~from correcting~~ correct an error before the display of the sign "official" or ~~from recalling~~ recall the sign "official" in case it has been displayed through error.
 6. ~~When the~~ The stewards shall adhere to the following procedure when they have reason to believe that a rule has been violated by any person, ~~the procedure shall be as follows:~~
- i. When a person has been suspended, every horse wholly or partly owned by ~~such that~~ person shall also be ruled off, or expelled, so long as ~~such that~~ person's suspension continues. ~~Such That~~ person shall not be qualified ~~qualify~~, whether acting as agent or otherwise, to subscribe for, or to enter or to run any horse in any race, in either ~~such that~~ person's own name or that of any other person, and ~~no~~ a horse of which ~~such the~~ person is wholly or partly the owner, or which is under ~~such the~~ person's care, management, training, or supervision, or in the winnings of which ~~such the~~ person has any interest, shall be qualified to be entered to run in any race. If an entry from any person, or of any horse that stands ruled off or expelled is received, ~~such~~ entry shall be void, and any entry or subscription money is forfeit and any money or prize won under ~~said the~~ entry shall be returned.

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- a. ~~The person shall be summoned~~ The stewards shall summon the person to a hearing at which ~~with all the stewards shall be present.~~
 - b. ~~Twenty-four hours' notice~~ The stewards shall give 24 hours' notice of said the hearing shall be given to the person in writing on a form supplied by the Department. ~~This notice~~ The stewards shall be timed and dated time and date the notice, and the person notified shall sign it. ~~The stewards shall retain the original shall remain with the stewards and shall be and include it as part of the case file. A~~ The stewards shall give a copy shall be given to the person summoned.
 - c. ~~No penalty~~ The stewards shall be imposed not impose a penalty until such the hearing.
 - d. ~~Nonappearance of the summoned party after adequate notice~~ The stewards shall be construed construe nonappearance of the summoned party as a waiver of the right to a hearing before the stewards.
 - e. The person summoned shall be permitted to present witnesses on ~~such~~ the person's own behalf.
 - f. ~~If there is substantial evidence to find a violation of these rules, The stewards shall take appropriate action, including suspension or civil penalty or both, if there is substantial evidence to find a violation of these rules shall be taken by the stewards.~~ The stewards shall promptly forward their written decision or ruling to the Director and to the party in question.
 - g. No change.
 - h. ~~Any license suspended by the~~ The steward shall be recovered recover and forwarded forward to the Department ~~any license suspended by the stewards.~~
 - i. ~~All matters within their jurisdiction shall be determined by a~~ A majority vote of the stewards shall determine all matters within their jurisdiction.
 - j. No change.
 - k. ~~Civil penalties imposed by the stewards~~ The licensee shall be paid pay any civil penalty imposed by the stewards to the Department promptly for deposit with the state treasurer.
7. During the term of suspension of any owner, trainer, or other person on any track under the jurisdiction of the Department, ~~it shall be the duty of the stewards and the permittee to see~~ shall ensure that the ruling against the offender is enforced.
- F. No change.
- 1. The duties of the racing secretary shall include:
 - a. Reporting to the stewards all violations of these rules or of the regulations of the permittee which come to ~~such~~ the racing secretary's attention.
 - b. No change.
 - 2. The racing secretary or authorized representative shall inspect all papers and documents dealing with owners and trainers, partnership agreements, appointments of authorized agents, and adoption of stable names. ~~Such~~ The racing secretary may demand production of such documents and papers in order to satisfy such racing secretary as to be satisfied of their validity and authenticity and to ensure that the rules have been complied with.
 - 3. The racing secretary shall write the conditions of all races and shall publish them sufficiently before closing time for entries to allow them to be read by all owners and trainers. ~~Conditions~~ The racing secretary shall not be altered alter the conditions after the time set for closing.
 - a. ~~Conditions~~ The racing secretary shall not write of races shall not that conflict with racing rules.
 - b. ~~A~~ The racing secretary shall include a list of eligible horses shall be included in the conditions or posted prior to the time of entry for every graded quarter horse race. No The racing secretary horse shall not be added add a horse to this list after entering has begun without the consent of those who have entered eligible horses.
4. No change.
- a. No change.
 - b. No change.
5. No change.
- a. No change.
 - b. No change.
 - c. ~~Races~~ The racing secretary shall prefer races printed in the condition book shall have preference over substitute and extra races.
6. The racing secretary or the racing secretary's designee shall conduct the drawing of all races and immediately ~~thereafter shall~~ post an overnight listing of the horses in each race.
7. No change.
8. No change.
- G. Assistant racing secretary. ~~The duty of the~~ The assistant racing secretary shall be to assist the racing secretary in the performance of the racing secretary's duties and under the racing secretary's supervision.
- H. No change.
- 1. ~~The starter shall have~~ has:
 - a. No change.
 - b. No change.
 - c. Authority to recommend to the stewards the fining or suspension of any person violating ~~such~~ the starter's orders.
 - 2. The starter may place a horse on a schooling list. ~~No entries~~ Entries may not be accepted on such a horse until it has been removed from the schooling list by the starter.
 - 3. No change.
- I. No change.
- 1. No change.
 - 2. No change.
- J. No change.
- 1. The duties of the clerk of the scales shall include:
 - a. No change.
 - b. No change.
 - c. Notifying the trainer ~~concerned~~ of the overweight of ~~such~~ the trainer's jockey.
 - d. No change.
 - e. No change.
 - 2. ~~No~~ A jockey shall not pass the scale more than seven pounds overweight without the consent of the stewards.
 - 3. ~~No~~ A jockey shall not be more than one pound short at weigh in.
 - 4. No change.
- K. No change.
- 1. The duties of the paddock judge shall include:
 - a. No change.
 - b. Keeping a record of all equipment carried by the horses in each race under ~~such~~ the paddock judge's jurisdiction.

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- c. Permitting no change of equipment unless ~~such the~~ change is approved by the stewards.
2. ~~No one except~~ Only the owner or trainer of a horse, or the employees of each, shall touch a horse in the paddock without the permission of the paddock judge.
3. No change.
- L. No change.
1. The duties of the patrol judges shall include:
- a. No change.
- b. No change.
2. No change.
3. No change.
- M. No change.
1. No change.
2. No change.
3. ~~An~~ The timers shall use an electrical timing device approved by the Department ~~shall be used~~ in all races restricted to quarter horses.
- N. No change.
1. The duties of the jockey room custodian shall include:
- a. No change.
- b. No change.
- c. No change.
- d. No change.
- e. No change.
2. The jockey room custodian shall report immediately to the stewards any colors not in ~~such the~~ jockey room custodian's possession for a given day's racing.
- O. No change.
1. No change.
2. ~~All money deposited with the~~ The horsemen's bookkeeper shall ~~be paid~~ pay all money on deposit to the persons entitled to it within 14 days after the close of the meeting.
3. No change.
4. ~~All~~ The horsemen's bookkeeper shall segregate and hold as trust funds all fees paid in added money events, early closing events, stakes, and futurities ~~shall be segregated and held as trust funds until the event is contested. Proof~~ The horsemen's bookkeeper shall submit proof of such segregation by bank letter or bank statement ~~shall be submitted~~ to the Department through its authorized representative.
5. ~~No~~ The horsemen's bookkeeper shall not pay any purse money earned by a horse ~~shall be paid to anyone except~~ its registered owners or their authorized agent. Results of laboratory analysis reported by the Department shall determine when purse monies are released.
6. In the event of an objection or positive sample and upon notification by the stewards, ~~the horsemen's bookkeeper shall hold the~~ purse monies shall be held until released by the Department.
- P. No change.
1. ~~There~~ The Department shall ~~be approve~~ approve two official veterinarians ~~approved by the Department and licensed~~ to practice veterinary medicine by the state of Arizona. ~~One~~ The permittee shall employ one veterinarian ~~shall be employed by the permittee, and the Department shall employ one veterinarian shall be employed by the Department.~~
2. No change.
3. An official veterinarian shall inspect each horse in the receiving barn or paddock and shall recommend to the stewards the scratching of any horse ~~such the~~ veterinarian finds to be unsafe to race or physically unfit to produce a satisfactory result in a race.
4. No change.
5. No change.
6. No change.
7. No change.
- a. This record ~~shall include~~ includes:
- i. No change.
- ii. No change.
- iii. No change.
- iv. The date and time of ~~such the~~ treatment.
- b. ~~This~~ A veterinarian shall keep this record ~~shall be kept~~ for practice engaged in at all licensed tracks.
- c. ~~This~~ A veterinarian shall produce this record ~~shall be produced~~ without delay upon request of the stewards or the Department.
- d. No change.
- e. No change.
- f. ~~All~~ The Department, acting on the recommendation of the Department veterinarian, shall approve all new and experimental medications and drugs used on the grounds ~~shall be approved by the Department, acting on the recommendation of the Department veterinarian.~~
8. ~~If, in the opinion of an official veterinarian, suggests~~ destroying an injured horse shall be destroyed, ~~he an~~ official veterinarian shall destroy the horse quickly, humanely, and out of sight of the public unless any delay will prolong the suffering of the horse.
- Q. Horse identifier
1. No change.
2. ~~All~~ The horse identifier shall ensure that all horses shall be tattooed in order to start ~~starting~~ at any track in the state of Arizona are tattooed unless otherwise authorized by the stewards.
3. The horse identifier may make photographs or permanent identification records on all horses referred to in subsection (Q)(1) of this Section. ~~The horse identifier identification records shall include the~~ tattoo number, markings, cowlicks, dimples, and other characteristics of each horse ~~on each identification record.~~

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NOTICE OF PROPOSED RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

PREAMBLE

1. Sections Affected:

R19-3-306	<u>Rulemaking Action</u>
R19-3-307	New Section
R19-3-308	New Section

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

Authorizing statute: A.R.S. § 5-504(B)
Implementing statute: None listed.

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

Name: Ralph Decker, Executive Director
Address: Arizona State Lottery
4740 East University
Phoenix, Arizona 85034
Telephone: (602) 921-4400

4. An explanation of the rules, including the agency's reasons for initiating the rules:

R19-3-306, R19-3-307, and R19-3-308 set forth provisions unique to the conduct of the Arizona Lottery's instant games. The provisions of these rules are necessary to implement the requirements of A.R.S. § 5-504(B) which have not been specified generically in R19-3-301. The unique provisions described in these rules are the nature and location of play symbols, the ticket number, the validation code, the prize denominations, and the method of selecting a winning ticket.

5. 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.

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

These games will provide our players with a larger variety of instant games with a potential increase in sales. The only impact these rules have upon Lottery retailers is to specify how they determine if a ticket is a winning ticket and, if so, the prize amount.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Ralph W. E. Decker, Executive Director
Address: Arizona State Lottery Commission
4740 East University Drive
Phoenix, Arizona 85034
Telephone: (602) 921-4400

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

Date: November 17, 1995
Time: 10 a.m.
Location: Arizona State Lottery Commission
4740 East University Drive
Phoenix, Arizona
Nature: Public Meeting and Commission Meeting

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

Close of the record is 5 p.m., November 16, 1995, for written comments, and at the close of the public meeting for verbal comments.

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

None.

11. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

ARTICLE 3. INSTANT LOTTERY GAMES

Section

R19-3-306. "Joker's Wild"

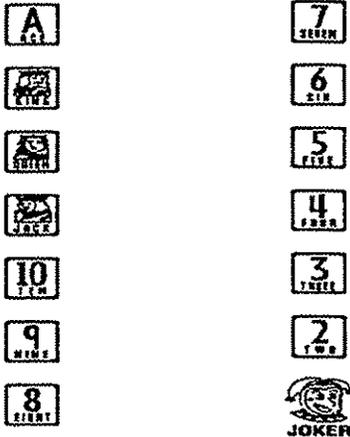
R19-3-307. "Double 21"

R19-3-308. "Match the House"

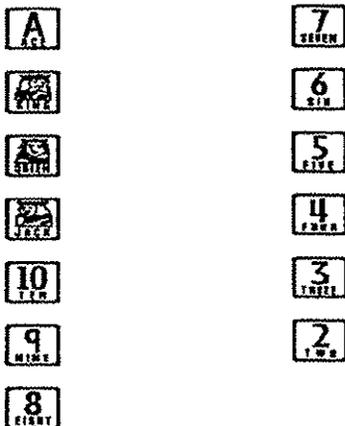
ARTICLE 3. INSTANT LOTTERY GAMES

R19-3-306. "Joker's Wild"

A. Four play symbols, which are in a horizontal row, appear under the latex in the play area located on the center right portion of the ticket with "YOUR CARD" printed below each play symbol and are one of the following play spots and captions:



B. One winning number symbol appears on the upper-right portion of the play area with "DEALER'S CARD" printed above and is one of the following play spots and captions:



C. A pack-ticket number beginning with 200001 is located in lower-left portion on the back of the ticket.

D. Prize symbol captions correspond with and verify each of the prize symbols as follows:

Prize Symbol	Caption
\$1	ONEDOL
\$2	TWODOL

\$5	FIVEDOL
\$10	TENDOL
\$25	TWFDOL
\$50	FTYDOL
\$500	FIVHUND
\$1,000	ONETHOU

E. The retailer validation code verifies instant winners of \$1, \$2, \$5, \$10, \$25, \$50, or \$500. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE = \$1	TEN = \$10
TWO = \$2	TWF = \$25
FIV = \$5	FFY = \$50
	FHN = 500

F. A prize winner in the "JOKER'S WILD" instant game is determined by removing the latex from the play area on the front of the ticket to determine the 4 play symbols and the winning number symbol. Neither the retailer-validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the player's "YOUR CARD" symbol matches the "DEALER'S CARD" symbol, the player wins the prize amount directly under the play symbol. If a  appears in the winning symbol play spot, the player automatically wins the prize indicated. There may be 4 ways to win on a ticket. The prizes are as follows:

\$1	=	\$1 (one dollar) or
\$1 (w/ )	=	\$1 (one dollar) or
\$2	=	\$2 (two dollars) or
\$1 + (\$1 w/ )	=	\$2 (two dollars) or
\$2 (w/ )	=	\$2 (two dollars) or
\$1 + \$1 + \$1 + \$2	=	\$5 (five dollars) or
\$2 + \$2 + \$1	=	\$5 (five dollars) or
\$5 (w/ )	=	\$5 (five dollars) or
\$5 + \$2 + \$2 + \$1	=	\$10 (ten dollars) or
\$10 (w/ )	=	\$10 (ten dollars) or
\$5 + \$5 + \$5 + \$10	=	\$25 (twenty-five dollars)
	or	
\$25 + (w/ )	=	\$25 (twenty-five dollars)
	or	
\$25 + \$10 + \$10 + \$5	=	\$50 (fifty dollars) or
\$50 (w/ )	=	\$50 (fifty dollars) or
\$500	=	\$500 (five-hundred dollars) or
\$1,000	=	\$1,000 (one-thousand dollars)

R19-3-307. "Double 21"

A. In the latex play area located on the right side of the ticket, 3 play symbols appear in a vertical row with "YOUR HAND" printed above and will be one of the following play symbols: "13", "14", "15", "16", "17", "18", "19", "20", or "21" with confirming captions. Three play symbols appear in a vertical row with "HOUSE HAND" printed above and will be one of the following play symbols "12", "13", "14", "15", "16", "17", "18", "19", or "20" with confirming captions. The captions are as follows:

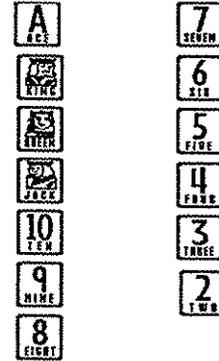
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Play Symbol	Caption
12	TLV
13	THN
14	FRN
15	FTN
16	SXT
17	SVT
18	EGN
19	NIT
20	TWY
21	DBL

\$2,000 = \$2,000 (two thousand dollars)

R19-3-308. "Match the House"

A. Four play symbols, which are in a horizontal row, appear under the latex in the play area located on the center portion of the ticket with "YOUR CARD" printed above each play symbol and are one of the following play spots and captions:



B. Three prize symbols appear in a vertical row with "PRIZE" printed above and are one of the following: "\$1", "\$2", "\$5", "\$10", "\$20", "\$40", "\$250", and "\$2,000" with confirming captions. The prize symbols and confirming captions are as follows:

Prize Symbol	Caption
\$1	ONEDOL
\$2	TWODOL
\$5	FIVEDOL
\$10	TENDOL
\$20	TWYDOL
\$40	FRYDOL
\$250	2HUND50
\$2,000	TWOTHOU

C. A pack-ticket number is located on the lower-left side of the back of the ticket and begins with 300001.

D. The retailer-validation code verifies instant winners of \$1, \$2, \$3, \$5, \$10, \$15, \$40, and \$250. The retailer-validation code which corresponds with and verifies each of these winners is as follows:

ONE = \$1	TEN = \$10
TWO = \$2	FTN = \$15
THR = \$3	FTY = \$40
FIV = \$5	THF = \$250

E. A prize winner in the "DOUBLE 21" instant game is determined by removing the latex from the play area on the front of the ticket to determine the 2 play symbols and prize symbol identified as "Game 1", the 2 play symbols and prize symbol identified as "Game 2", and the 2 play symbols and prize symbol identified as "Game 3". Neither the retailer-validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols or prize symbols and are not usable or playable as such. If the ticket holder's "YOUR HAND" beats "HOUSE HAND" in either "Game 1", "Game 2", or "Game 3", the player wins the prize shown for that game. There may be 3 winning games on a ticket. The prizes are as follows:

\$1	=	\$1 (one dollar) or
\$1 + \$1	=	\$2 (one dollars) or
\$1 (w/ "21")	=	\$2 (two dollars) or
\$2	=	\$2 (two dollars) or
\$1 + \$1 + \$1	=	\$3 (three dollars) or
\$1 + (\$1 w/ "21")	=	\$3 (three dollars) or
\$5	=	\$5 (five dollars) or
\$2 + \$2 + \$1	=	\$5 (five dollars) or
\$1 + (\$2 w/ "21")	=	\$5 (five dollars) or
\$5 + \$5	=	\$10 (ten dollars) or
\$5 + \$5 + \$5	=	\$15 (fifteen dollars) or
\$5 + (\$5 w/ "21")	=	\$15 (fifteen dollars) or
\$40	=	\$40 (forty dollars)
\$20 + (\$10 / "21")	=	\$40 (forty dollars)
\$250	=	\$250 (two-hundred fifty dollars) or

B. One winning number symbol appears on the upper-center portion of the play area with "HOUSE CARD" printed above and is one of the play spots:



C. A pack-ticket number beginning with 400001 is located in lower-left portion on the back of the ticket.

D. Prize symbol captions correspond with and verify each of the prize symbols as follows:

Prize Symbol	Caption
\$1	ONEDOL
\$2	TWODOL
\$3	THRDOL
\$5	FIVEDOL
\$10	TENDOL
\$50	FTYDOL
\$100	ONEHUND
\$2,000	TWOTHOU

E. The retailer-validation code verifies instant winners of \$1, \$2, \$5, \$10, \$20, \$50, or \$100. The retailer-validation code which corresponds with and verifies each of these winners is as follows:

ONE = \$1	TEN = \$10
TWO = \$2	TWY = \$20
FIV = \$5	FFY = \$50
	QNH = \$100

F. A prize winner in the "MATCH THE HOUSE" instant game is determined by removing the latex from the play area on the

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front of the ticket to determine the 4 play symbols and the winning number symbol. Neither the retailer-validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the player's "YOUR CARD" symbol matches the "HOUSE CARD" symbol, the player wins the prize amount directly under the play symbol. There may be 4 ways to win on a ticket. The prizes are as follows:

\$1	=	\$1 (one dollar) or
\$2	=	\$2 (two dollars) or
\$1 + \$1	=	\$2 (two dollars) or

\$2+ \$2 + \$1	=	\$5 (five dollars) or
\$2 + \$3	=	\$5 (five dollars) or
\$5 + \$5	=	\$10 (ten dollars) or
\$5 + \$2 + \$2 + \$1	=	\$10 (ten dollars) or
\$5 + \$5 + \$10	=	\$20 (twenty dollars) or
\$10 + \$5 + \$3 + \$2	=	\$20 (twenty dollars) or
\$50	=	\$50 (fifty dollars) or
\$100	=	\$100 (one hundred dol-
		lars) or
\$2,000	=	\$2,000 (two thousand dol-
		lars