

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 4. DEPARTMENT OF AGRICULTURE – PLANT SERVICES DIVISION

PREAMBLE

1. Register citation and date for the original Notice of Proposed Rulemaking:

Notice of Proposed Rulemaking: 6 A.A.R. 3150, August 25, 2000

2. Sections Affected

Article 1, Table 1.

Rulemaking Action

Amend

3. 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(A)(1)

Implementing statutes: A.R.S. §§ 3-107, 41-1074, 41-1075, and 41-1076

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

Name: Ross Rodgers

Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, Arizona 85007

Telephone: (602) 542-0962

Fax: (602) 542-0111

E-Mail: ross.rodgers@agric.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The rulemaking amends several incorrect citations, adds licensing time-frames for seed dealers and seed labelers, and extends the overall time-frame for hay brokers. Also, the rulemaking amends the numbering scheme for Sections that were renumbered when the Department last promulgated the Native Plant rules in July 1999.

6. An explanation of the substantial change which resulted in this supplemental notice:

The rulemaking increases the time-frame for a phytosanitary field inspection from 120 days to 210 days allowing for enough inspection time of necessary crop stages. Also, the rulemaking increases the time-frame for a hay broker license from a proposed 7 days to 14 days allowing sufficient time to complete the administrative process. Both of these increases, allow the Department sufficient time to review submitted licenses.

7. 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

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

It is not anticipated that the adoption of this rule will have any impact on private industry, small business, or consumers.

A. *The Arizona Department of Agriculture.*

The Seed Dealer and Seed Labeler licensing time-frame (A.R.S. § 3-235) was set as a default 7 days. However, all of these licenses are due during the same period of time and the workload for these licenses has greatly increased. Therefore, a longer time-frame is needed to ensure that all requests are processed in a timely manner. The Department anticipates that with the promulgation of this rule package no further refunds or penalties will be incurred for noncompliance with the overall time-frame. The increase in the phytosanitary field inspection time-frame should not have an economic impact for the Department, but will allow sufficient time to inspect the necessary crop stages that require the inspection.

B. *Political Subdivision.*

Political subdivisions of this state are not directly affected by the implementation and enforcement of this rulemaking.

C. *Businesses Directly Affected By the Rulemaking.*

Any businesses applying for a license will follow current procedures and no additional costs will occur. The increase in the phytosanitary field inspection time-frame will benefit businesses affected by this regulation because sufficient time to grow the applicable stages of crops will be allowed within the increased time-frame. The proposed language provides an intangible benefit for businesses by identifying the time-frames in which the Division will approve or deny licenses.

D. *Private and public employment.*

Private and public employment is not directly affected by the implementation and enforcement of this rulemaking.

E. *Consumers and the Public.*

Consumers and the public are not directly affected by the implementation and enforcement of this rulemaking.

F. *State Revenues.*

This rulemaking will have no impact on state revenues.

9. 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: Ross Rodgers
Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, Arizona 85007
Telephone: (602) 542-0962
Fax: (602) 542-0111
E-Mail: ross.rodgers@agric.state.az.us

10. The time, place, and nature of the proceedings for the making, 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:

Written comments on the proposed rule; preliminary economic, small business and consumer impact statement; or a formal request for a public hearing must be received by 4:00 p.m., December 18, 2000 at the following location:

Name: Ross Rodgers
Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, Arizona 85007
Telephone: (602) 542-0962
Fax: (602) 542-0111

Persons with a disability may request a reasonable accommodation, such as this document in alternative formats, by contacting the Department's coordinator, Patrick Stevens, (602) 542-4316 (voice) or 1-800-367-8939 (TTY Relay). Requests should be made as early as possible to allow time to arrange the accommodation.

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

None

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

None

13. The full text of the rules changes follows:

TITLE 3. AGRICULTURE

CHAPTER 4. DEPARTMENT OF AGRICULTURE – PLANT SERVICES DIVISION

ARTICLE 1. GENERAL PROVISIONS

Table 1. Time-frames (Calendar Days)

ARTICLE 1. GENERAL PROVISIONS

**Table 1. Time-frames
(Calendar Days)**

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
QUARANTINE						
Cotton Boll Weevil Pest	A.R.S. 3-201.01 R3-4-218	14	14	30	30	44
Citrus Fruit Surface Pest	A.R.S. 3-201.01 R3-4-219	14	14	60	30	44
Citrus Nursery Stock Pests	A.R.S. 3-201.01 R3-4-220	14	14	30	30	44
Lettuce Mosaic Pest	A.R.S. 3-201.01 R3-4-233	14	14	30	30	44
Noxious Weeds Regulated and Restricted Prohibited	A.R.S. 3-201.01 R3-4-244 R3-4-245	14	14	30	30	44
Scale Insects Pests	A.R.S. 3-201.01 R3-4-226	14	14	30	30	44
Plum Curculio Apple Maggot	A.R.S. 3-201.01 R3-4-240	14	14	60	30	74
Colored Cotton	A.R.S. 3-205.02 R3-4-501	14	0	0	0	14
NURSERY						
Ozonium Root Rot Inspection	A.R.S. 3-201.01 A.R.S. 3-217 R3-4-303					
• Method of Growing		7	14	30	14	37
• Indicator Crop Planted On Applicant's Property		7	14	4 yrs	14	4yrs, 7 days
• Indicator Crop Planted In Surrounding Area		7	14	5 yrs	14	5yrs, 7 days

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Other Certification Inspections • Nursery Inspection	A.R.S. 3-201.01 A.R.S. 3-217	30	14	1 yr	14	1 yr, 30 days
Phytosanitary Field Inspection • Phytosanitary Application	A.R.S. 3-201.01 A.R.S. 3-217 A.R.S. 3-233(A)(7) R3-4-407	30	7	120 210	7	150 240
STANDARDIZATION						
Experimental Containers	A.R.S. 3-487 R3-4-740	7	0	2	0	9
Experimental Containers	A.R.S. 3-445 R3-4-814	7	0	2	0	9
Citrus Fruit Dealer, Packer or Shipper License	A.R.S. 3-449	10	14	10	14	20
Fruit and Vegetable Dealer, Packer or Shipper License	A.R.S. 3-492	10	14	10	14	20
ARIZONA NATIVE PLANTS						
Notice of Intent Confirmation Notice of Intent	A.R.S. 3-904 R3-4-602	7	14	7	14	14
• Qualifications for Salvage Assessed Native Plant Permits • Salvage Harvest Restricted Native Plant Permits • Scientific & Educational Permits	A.R.S. 3-906 R3-4-611 R3-4-610 R3-4-608	5	14	5	14	10
	R3-4-608 R3-4-605	5	14	5	14	10
	14	14	14	14	28	
Blue Seal Permits Movement Permits	A.R.S. 3-906 R3-4-610 R3-4-607	5	14	5	14	10
Qualifications for Annual Permits For Harvest-Restricted Native Plants	A.R.S. 3-907 R3-4-612 R3-4-608	5	14	5	14	10
SEED DEALERS AND LABELERS						
Seed Dealer	A.R.S. 3-235 R3-4-408	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>28</u>
Seed Labeler	A.R.S. 3-235 R3-4-408	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>28</u>
HAY BROKER						
Hay Broker License	A.R.S. 3-2712	5 <u>14</u>	5 <u>7</u>	5 <u>14</u>	5 <u>7</u>	40 <u>28</u>