

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rule-making information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF TRANSPORTATION

[M10-468]

1. Name of Agency: Arizona Department of Transportation

2. Reason for the Notice of Public Information:

To provide public notice and an opportunity for comment. Laws 2010, 7th Special Session, Ch. 12, § 9, grants the Director of the Arizona Department of Transportation (ADOT) authority to prescribe by rule a fee for the abandonment of a vehicle. The fee prescribed by the ADOT Director is determined by the location of abandonment as described in A.R.S. § 28-4802. As stated in Laws 2010, 7th Special Session, Ch. 12, § 43, the legislative intent is that the additional revenue generated by the abandoned vehicle fee authorized by A.R.S. § 28-4802 not exceed \$12,061,200 in fiscal year 2010-2011. Laws 2010, 7th Special Session, Ch. 12, § 43 also states that the Department of Transportation is “exempt from the rulemaking requirements of Title 41, Ch. 6, Arizona Revised Statutes, for 18 months after the effective date of the law for the purposes of establishing abandoned vehicle fees.” Laws 2010, 7th Special Session, Ch. 12, § 43 mandates that 90 percent of the fees collected under A.R.S. § 28-4802(A) and 60 percent of the fees collected under A.R.S. § 28-4802(B) shall be deposited into the state highway fund. Draft rules regarding the fee increase for abandoned vehicles are available on the ADOT web site at www.azdot.gov/mvd/mvdrules/index.asp.

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

Name: Dora Vasquez, Administrative Rules/Policy Supervisor
Address: Arizona Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 517M
Phoenix, AZ 85007
Telephone: (602) 712-8159
Fax: (602) 712-3373
E-mail: Dvasquez@azdot.gov

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

ADOT is providing public notice and an opportunity for public comment on these abandoned vehicle rules. For further information visit the ADOT web site www.azdot.gov/mvd/mvdrules/index.asp. Written comments can be mailed to the address listed in item 3 or e-mailed to dvasquez@azdot.gov. Comments must be received by close of business Monday, January 31, 2011.

Laws 2010, 7th Special Session, Ch. 12, § 43 authorizes exemption from the rulemaking requirements of Title 41, Ch. 6, Arizona Revised Statutes, for the purpose of establishing fees for abandoned vehicles under A.R.S. § 28-4802 for a period of 18 months beginning June 30, 2010. As a result, this rulemaking is exempt from the requirements of the Administrative Procedures Act and no oral proceedings will be held.

NOTICE OF PUBLIC INFORMATION

LAWS 2010, CH. 287

Revisions to the Rulemaking Process in the Administrative Procedures Act Extension of the Rulemaking Moratorium Through Fiscal Year 2011

[M10-191]

1. Reason for the Notice of Public Information:

Laws 2010, Ch. 287 revised the Administrative Procedure Act and extended the moratorium on rulemaking through fiscal year 2011

2. Effective date of Laws 2010, Ch. 287:

July 29, 2010

3. Summary of Laws 2010, Ch. 287:

Revises the rulemaking process by expanding the use of summary rulemaking, authorizing a general permit and expanding the role of the governor's Office of Strategic Planning and Budgeting.

Requires the rule's benefits to outweigh its probable costs and the agency to demonstrate it selected the least burdensome and costly alternative. (Strikes the requirement for this to be by clear and convincing evidence).

Expands the requirements for the Economic, Small Business and Consumer Impact Statement.

For the agency's five-year review, requires a determination that the rule imposes the least burden and cost to the regulated community.

During an appeal of an agency rule, outlines an additional reason for filing an objection.

Extends the rulemaking moratorium on rulemaking through fiscal year 2011

(Excerpted from Arizona House of Representatives House Majority Research Memorandum of April 28, 2010. Available online at www.azleg.gov.)

4. Contact for rulemaking moratorium questions:

Communications regarding exceptions to the moratorium, or questions regarding the moratorium generally, should be addressed to Richard Bark, Deputy Chief of Staff, Policy, at rbark@az.gov.

5. Location of full text of Laws 2010, Ch. 287:

The entire text of Laws 2010, Ch. 287 is available online at www.azsos.gov under Legislative Filings.