

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 ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1777.) The Governor's Office authorized the notice to proceed through the rulemaking process on July 8, 2010.

[R11-117]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 17, Arizona Regulatory Board of Physician Assistants
Articles and their headings: 1, General Provisions; 2, Physician Assistant Certification; 3, Scope of Practice; 4, Regulation
Sections numbers: All sections in Articles 1 through 4 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rules:**
The Board is amending or repealing its rules to be consistent with its statutory authority, in particular HB 2021, which was passed by the 49th legislature, 2nd Regular Session in 2010. The Board will make the changes to reflect recommendations made in its 2010 five-year-review report.
- 3. A citation to all published notices related to the proceeding:**
None
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Lisa Wynn, Executive Director
Address: 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Telephone: (480) 551 2791
Fax: (480) 551 2828
E-mail: lisa.wynn@azmd.gov
- 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 during business hours by the person listed in item 4.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
The Board expects to complete this rulemaking in 2011 or early 2012.

NOTICE OF RULEMAKING DOCKET OPENING GAME AND FISH COMMISSION

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1777.) The Governor's Office authorized the notice to proceed through the rulemaking process on July 8, 2010.

[R11-124]

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 4, Game and Fish Commission
Article and its heading: 4, Live Wildlife
Section numbers: R12-4-422 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
Laws 2010, 2nd Regular Session, Ch. 287, § 28(B)(2) allows an agency to pursue rulemaking to avoid a violation of a federal law that would result in sanctions by the court or federal government to an agency for failure to conduct the rulemaking action.

Arizona Administrative Register / Secretary of State
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On July 8, 2010, the Governor's office approved the Department's request to pursue rulemaking to implement amendments made to 50 CFR 21 and 22.

October 8, 2008, the U.S. Fish and Wildlife Service (USFWS) amended regulatory language; eliminating the dual permitting system and transferring falconry permit administration to the individual states.

In order to continue permitting the sport of falconry using Migratory Bird Treaty Act species, the Department must submit the amended rule to USFWS for review and certification by January 1, 2014. The Commission proposes to amend R12-4-422 to comply with amendments made to the federal regulations, which include amending possession and take allowances, facility requirements, requirements related to acquisition, hacking, reporting, transfer, use of and disposal of raptors.

Failure to amend the current rule in a timely manner will result in a federal sanction and a tremendous liability for the state attributable to the anticipated losses suffered by the falconry community.

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

Notice of Proposed Rulemaking: 17 A.A.R. 1742, September 2, 2011 (*in this issue*)

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

Name: Eric Gardner, Nongame Branch Chief

Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086

Telephone: (623) 236-7507

Fax: (623) 236-7926

E-mail: EGardner@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

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

The Commission will accept comments Monday through Friday from 8:00 a.m. until 5:00 p.m. at the address listed under 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:

Notice of Proposed Rulemaking: 17 A.A.R. 1742, September 2, 2011 (*in this issue*)