

Notices of Supplemental Proposed Rulemaking

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 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

PREAMBLE

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

October 30, 1998

2. **Sections Affected:**

R4-30-101
R4-30-120
R4-30-214
R4-30-252
R4-30-301
R4-30-304

Rulemaking Action:

Amend
Amend
Amend
Amend
Amend
Amend

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

Authorizing statutes: A.R.S. §§ 32-106(A)(1), (5), (6), (9), and 32-106(F)

Implementing statutes: A.R.S. §§ 32-106.02(A), 32-122(A), (B), 32-122.01(D), (E), and 32-124(A)

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

Name: LaVern Douglas
Address: Board of Technical Registration
1951 West Camelback Road, Suite 250
Phoenix, Arizona 85015
Telephone: (602) 255-4053
Fax: (602) 255-4051

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

The rules cover general, registration, and regulatory provisions for professional registration.

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

R4-30-301(3)

The Board deleted its initial change that would have allowed double sealing. New rule will not allow double sealing. Additionally, the Board replaced a laundry list of items with the term professional documents.

R4-30-101(16)

The Board re-wrote the definition of professional documents for clarification purposes.

R4-30-120(A)

The Board re-wrote this rule to move the Board's pre-approval of committee members to the beginning of the rule.

R4-30-214(A)

The Board deleted the clarifying sentence that explained the Board does not dictate minimum time requirements.

R4-30-252

The Board changed the term Registration to Designation.

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R4-30-301(18)

The Board added the phrase "in accordance with A.R.S. § 32-141(B)" after "responsible registrant" in the 1st sentence.

R4-30-304

For clarification purposes the Board inserted the term "professional document" and added the requirement of inserting the registrant's number in electronic documents.

R4-30-304(D)

The Board deleted the word "preliminary."

R4-30-304(D)(3)

The Board eliminated the need for the date to be "in handwriting" to allow for computer dating.

- 7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant or authority of a political subdivision of this state:**
Not applicable.
- 8. **The preliminary summary of the economic, small business, and consumer impact:**
No anticipated negative impact from this change on small business or consumers.
- 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: LaVern Douglas
Address: Board of Technical Registration
1951 West Camelback Road, Suite 250
Phoenix, Arizona 85015
Telephone: (602) 255-4053
Fax: (602) 255-4051
- 10. **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:**
None scheduled at this time. Oral proceedings on the proposed rule may be requested by contacting LaVern Douglas at (602) 255-4053, Monday through Friday from 8 a.m. to 4 p.m.
- 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. **Incorporation by reference and their location in the rules:**
None.
- 13. **The full text of the changes follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

ARTICLE 1. GENERAL PROVISIONS

R4-30-101. Definitions

- 16. "Professional documents" mean ~~drawings, prints, maps, plats, site plans, reports, specifications, calculations, or other documents that require professional judgement, design, analysis, or conclusions, the professional work product of a registrant requiring professional judgement, design, analysis or conclusions, including original plans, drawings, maps, plats, reports, written opinions, specifications and calculations.~~

R4-30-120. Complaint Review Process

- A. The Board may pre-approve individuals who submit resumes and letters of interest to voluntarily serve on enforcement advisory committees. ~~The Board Executive Director shall appoint select registrants and public members from the pool of volunteers to enforcement advisory committees as needed.~~ Each

committee shall have as a minimum of 4 registrants, at least 1 of whom is registered in the same category or branch as the respondent, and 1 public member. ~~These~~ The committees members shall be volunteers used by staff, who provide technical assistance to Board staff in the evaluation and the disposition investigation of complaints. ~~Members are to be selected from volunteers submitting resumes and letter of interest.~~

R4-30-214. Architect Registration Requirements

- A. A candidate shall provide evidence of diverse work experience, which ~~that~~ is of a character acceptable to the Board, that includes, but is not limited to, each of the areas outlined in Table H of the 1997-98 guidelines of the Intern Development Program (Appendix A), or the following areas:
 1. Programming
 2. Site and Environmental Analysis
 3. Schematic Design
 4. Engineering Systems

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- 5. Building Cost Analysis
- 6. Code Research
- 7. Design Development
- 8. Construction Documents
- 9. Specifications and Material Research
- 10. Document Checking and Coordination
- 11. Bidding and Contract Negotiation
- 12. Construction Phase-Office
- 13. Construction Phase-Field Observation
- 14. Project Management
- 15. Office Management

The Board shall not dictate minimum time requirements for each area of work experience.

R4-30-252. Landscape Architect-in-training Registration Designation Requirements

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct

- A. No change.
 - 1. No change.
 - 2. No change.
 - 3. A registrant shall not sign, stamp or seal any ~~plans, drawings, prints, land surveys, reports, specifications, or other professional documents not prepared by the registrant or his bona fide employee. Documents prepared by an Arizona registrant or registrant from another jurisdiction may be sealed by a second registrant providing the second registrant has conducted a complete review, made all the necessary changes to meet local conditions, and is an Arizona registrant. The initial registrant shall approve the second registrant's use of the documents by sealing and signing a written approval on all documents. In addition, the second registrant shall seal all documents. The second registrant shall be fully responsible for all documents.~~
 - 4. No change.
 - 5. No change.
 - 6. No change.
 - 7. No change.
 - 8. No change.
 - 9. No change.

- 10. No change.
- 11. No change.
- 12. No change.
- 13. No change.
- 14. No change.
- 15. No change.
- 16. No change.
- 17. No change.
- 18. A registrant who is designated as a responsible registrant in accordance with A.R.S. 32-141(B) shall be responsible for the firm or corporation's compliance with the Board statutes and rules, and shall be responsible for nonregistrant employees' compliance with Board statutes and rules in the performance of the nonregistrant employee's duties for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that are committed by nonregistrant employee, or firm or corporation.

R4-30-304. Use of Seals

- A. No change.
- B. No change.
- C. If a ~~document, drawing, map, calculation, or other professional document is stored, filed, or provided to a client, regulatory body or any other person for any reason by computer disk, tape, cd, or any other electronic form, the registrant shall mark each document, drawing, map, calculation, or other professional document "electronic copy of final document, original sealed document with"~~undersigned registrant," and identify the registrant's name and registration number immediately after the aforementioned statement.
- D. A registrant shall sign, date and seal a professional document before the document is submitted to a client, contractor, any regulatory or review body, or any other person, unless the document is marked "preliminary" or "~~preliminary, not for construction.~~"
- ~~D.E.~~ For purpose of subsection (A), all original documents shall:
 - 1. No change.
 - 2. No change.
 - 3. Include ~~in handwriting,~~ the date the document was sealed.