

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 115

**HOUSE BILL 2341**

AN ACT

AMENDING SECTIONS 32-2301, 32-2302 AND 32-2303, ARIZONA REVISED STATUTES; AMENDING SECTION 32-2304, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 99, SECTION 12; REPEALING SECTION 32-2304, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 262, SECTION 1; AMENDING SECTIONS 32-2306, 32-2307 AND 32-2311, ARIZONA REVISED STATUTES; REPEALING SECTION 32-2311.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-2312, 32-2313 AND 32-2314, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-2315 AND 32-2316, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-2317, 32-2319 AND 32-2321, ARIZONA REVISED STATUTES; REPEALING SECTION 32-2322, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-2323, 32-2324 AND 32-2325, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 22, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2324.01; REPEALING SECTIONS 32-2326 AND 32-2328, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 22, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2329; REPEALING TITLE 32, CHAPTER 22, ARTICLE 4, ARIZONA REVISED STATUTES; RELATING TO THE STRUCTURAL PEST CONTROL COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2301, Arizona Revised Statutes, is amended to  
3 read:

4 32-2301. Definitions

5 In this chapter, unless the context otherwise requires:

6 ~~1. "Apprentice" means a registered employee who applies a pesticide~~  
7 ~~while acting under the instructions, control and responsibility of a~~  
8 ~~certified applicator or qualifying party who is within the direct line of~~  
9 ~~sight or within hearing distance of the apprentice and who is available for~~  
10 ~~consultation or assistance at the time and place the pesticide is applied.~~

11 ~~2. 1. "Branch office" means any fixed place of business, other than~~  
12 ~~the primary office, where records are kept, mail is received, statements are~~  
13 ~~rendered, money is collected, requests for service or bids are received or~~  
14 ~~information pertaining to the business of structural pest control is given~~  
15 ~~and from which the use of pesticides and devices is supervised by a certified~~  
16 ~~applicator or qualifying party.~~

17 ~~3. 2. "Business license" means a license which THAT is issued~~  
18 ~~pursuant to this chapter to a person and which THAT entitles that person and~~  
19 ~~the person's employees to engage in the business of structural pest control.~~

20 ~~4. 3. "Business of structural pest control" means engaging in,~~  
21 ~~offering to engage in, advertising for, soliciting or performing STRUCTURAL~~  
22 ~~PEST CONTROL, INCLUDING any of the following:~~

23 ~~(a) Identifying infestations or making inspections for the purpose of~~  
24 ~~identifying or attempting to identify infestations of households or other~~  
25 ~~structures and the surrounding area by any of the following:~~

26 ~~(i) Public health pests.~~

27 ~~(ii) Aquatic pests.~~

28 ~~(iii) Household pests.~~

29 ~~(iv) Wood-destroying pests or organisms INSECTS.~~

30 ~~(v) Pests, including weeds, which exist in the area near or EXISTING~~  
31 ~~around structures, in ornamental shrubs and trees, on golf courses, ALONG~~  
32 ~~RIGHTS-OF-WAY or in lawns and cemeteries.~~

33 ~~(vi) FUNGI.~~

34 ~~(b) Making written or oral inspection reports, recommendations,~~  
35 ~~estimates or bids with respect to infestations.~~

36 ~~(c) The application of PESTICIDES or the making of contracts or~~  
37 ~~submitting of bids for the application of pesticides or the use of devices~~  
38 ~~for the purpose of eliminating, exterminating, controlling or preventing~~  
39 ~~infestations.~~

40 ~~5. "Certified applicator" means a person who has been tested by and~~  
41 ~~determined by the commission to be competent to apply pesticides in~~  
42 ~~accordance with this chapter.~~

43 ~~6. 4. "Commission" means the structural pest control commission~~  
44 ~~ESTABLISHED BY SECTION 32-2302.~~

1           ~~7.~~ 5. "De minimis violation" means a violation that, although  
2 undesirable, has no direct or immediate relationship to safety, health or  
3 property damage.

4           ~~8.~~ 6. "Device" means any mechanical, chemical PESTICIDE or electrical  
5 apparatus used in conjunction with, in place of or to supplement, disperse  
6 or dispense pesticides.

7           ~~9.~~ 7. "Direct supervision" means use of a pesticide by ~~a~~ registered  
8 employee acting under the instructions, control and responsibility of a  
9 certified LICENSED applicator ~~or qualifying party~~ who is available if needed  
10 for consultation or assistance even though the certified LICENSED applicator  
11 ~~or qualifying party~~ is not physically present at the time and place the  
12 pesticide is used.

13           ~~10.~~ 8. "Final grade treatment" means establishment of vertical  
14 barriers at the exterior of foundation walls in stem wall construction or AT  
15 THE exterior of grade beams in monolithic construction.

16           9. "FUNGI INSPECTION REPORT" MEANS A WRITTEN INSPECTION REPORT ON A  
17 FORM APPROVED BY THE COMMISSION.

18           ~~11.~~ 10. "Household pests" means pests, other than wood-destroying  
19 pests ~~or organisms~~ INSECTS, which THAT invade households or other structures,  
20 including rodents, vermin and insects.

21           ~~12.~~ 11. "Immediate supervision" means use of a pesticide by  
22 ~~a~~ registered AN employee ~~or apprentice~~ acting under the instructions, control  
23 and responsibility of a certified LICENSED applicator ~~or qualifying party~~ who  
24 is within the direct line of sight or within hearing distance of the  
25 registered employee ~~or apprentice~~ and who is available for consultation or  
26 assistance at the time and place the pesticide is used.

27           12. "INITIAL TERMITE CORRECTIVE TREATMENT" MEANS THE FIRST TREATMENT  
28 OF ANY KIND PERFORMED BY A LICENSEE AFTER A TREATMENT MADE PRIOR TO OR DURING  
29 CONSTRUCTION, EXCLUDING A TREATMENT PERFORMED BY A LICENSEE WHO HAS PERFORMED  
30 THE TREATMENT PRIOR TO OR DURING CONSTRUCTION AND IS PERFORMED UNDER  
31 WARRANTY.

32           13. "INQUIRY" MEANS INFORMATION FROM THE PUBLIC OR COMMISSION STAFF OF  
33 POSSIBLE VIOLATIONS OF THIS CHAPTER, OR RULES ADOPTED PURSUANT TO THIS  
34 CHAPTER.

35           14. "INTEGRATED PEST MANAGEMENT" MEANS A SUSTAINABLE APPROACH TO  
36 MANAGING PESTS THAT COMBINES BIOLOGICAL, CULTURAL, PHYSICAL AND PESTICIDE  
37 TOOLS IN A WAY THAT MINIMIZES ECONOMIC, HEALTH AND ENVIRONMENTAL RISKS.

38           15. "LICENSE" MEANS AN APPROVAL GRANTED BY THE COMMISSION TO ACT AS AN  
39 APPLICATOR OR QUALIFYING PARTY OR TO OPERATE A BUSINESS OF STRUCTURAL PEST  
40 CONTROL IN THIS STATE.

41           ~~16.~~ 16. "LICENSED APPLICATOR" MEANS A PERSON WHO IS LICENSED BY THE  
42 COMMISSION TO APPLY PESTICIDES IN ACCORDANCE WITH THIS CHAPTER.

43           ~~13.~~ 17. "Other structures" includes railroad cars, boats, docks, motor  
44 vehicles or airplanes and their contents.

1       ~~14.~~ 18. "Pesticide" means any substance or mixture of substances  
2 intended to be used for defoliating plants or for preventing, destroying,  
3 repelling or mitigating insects, fungi, bacteria, MICROBES, weeds, rodents,  
4 predatory animals or any form of plant or animal life which THAT is a pest  
5 and may infest or be detrimental to vegetation, humans, animals or households  
6 or be present in any environment.

7       ~~15.~~ "Pretreatment violation" means:

8       ~~(a) Knowingly entering into a contract for or the performance of any~~  
9 ~~number of preconstruction subterranean termite treatments by performing or~~  
10 ~~intending to perform any number of pretreatments in violation of the label,~~  
11 ~~statute or rule.~~

12       ~~(b) The issuance of a preconstruction treatment guarantee before full~~  
13 ~~compliance with the commission's standards, but excluding issuance of a~~  
14 ~~preconstruction treatment guarantee before completing a final grade~~  
15 ~~treatment.~~

16       ~~16.~~ 19. "Prior violation" means any violation for which disciplinary  
17 action was taken within a five-year period prior to the date of the act  
18 VIOLATION for which current disciplinary action is sought.

19       ~~17.~~ 20. "Qualifying party" means an individual who qualifies a  
20 business to engage in the business of structural pest control pursuant to  
21 this chapter IS LICENSED BY THE COMMISSION TO ENSURE THE SUPERVISION AND  
22 TRAINING OF ALL EMPLOYEES OF A BUSINESS LICENSEE IN THE BUSINESS OF  
23 STRUCTURAL PEST CONTROL.

24       ~~18.~~ "Registered employee" means an individual who is trained by a  
25 business licensee and registered pursuant to this chapter.

26       ~~19.~~ "Spot treatment" means any treatment which is related to  
27 wood-destroying organisms and which is restricted to any area of the  
28 structure other than the entire structure.

29       ~~20.~~ 21. "Structural pest control" means controlling public health  
30 pests, aquatic pests, household pests, wood-destroying pests or organisms  
31 INSECTS, FUNGI or OTHER pests, including weeds, which THAT exist in the area  
32 near or around structures, in ornamental shrubs and trees, on golf courses,  
33 along rights-of-way or in lawns or cemeteries and all pesticide application  
34 which THAT could be harmful to public health or the environment. Structural  
35 pest control does not include pesticide applications used directly in the  
36 commercial production of crops and animals if such applications are governed  
37 by the Arizona department of agriculture pursuant to title 3, chapter 2,  
38 articles 6 and 6.1.

39       ~~21.~~ "Toxicity category I" means pesticides with the label statement  
40 "Danger".

41       ~~22.~~ "Toxicity category II" means pesticides with the label statement  
42 "Warning".

43       ~~23.~~ 22. "Weed" means any plant which THAT grows where it is not  
44 wanted.

1       ~~24. "Wood-destroying pests or organisms" means insects, fungi or other~~  
2 ~~organisms that attack, damage or destroy wood or wood-derivative products of~~  
3 ~~households or other structures.~~

4       ~~25.~~ 23. "Wood infestation WOOD-DESTROYING INSECT report" means a  
5 written inspection report on a form approved by the commission that is  
6 prepared in connection with the sale or refinancing of real property WHETHER  
7 OR NOT THE REPORT IS USED AS PART OF THE TRANSACTION.

8       24. "WOOD-DESTROYING INSECTS" MEANS INSECTS THAT ATTACK, DAMAGE OR  
9 DESTROY WOOD OR WOOD-DERIVATIVE PRODUCTS.

10       Sec. 2. Section 32-2302, Arizona Revised Statutes, is amended to read:  
11       32-2302. Structural pest control commission; appointment;

12                   qualification; terms

13       A. The structural pest control commission is established. The  
14 commission consists of the following seven members:

15       1. Three industry members who hold current active licenses ISSUED BY  
16 THE COMMISSION and who are appointed by the governor pursuant to section  
17 38-211. Each industry member shall have a minimum of five years of  
18 structural pest control experience. The governor shall make appointments in  
19 a manner to provide that the three industry members in combination have pest  
20 control experience in all licensed categories and in a manner to provide  
21 urban and rural representation and representation from licensees with a  
22 limited number of employees and licensees with a large number of employees.  
23 One member shall be an active business licensee who has five or fewer  
24 employees.

25       2. Three public members who are appointed by the governor pursuant to  
26 section 38-211.

27       3. One member who has at least a baccalaureate degree and is an  
28 entomologist, plant pathologist, toxicologist, medical doctor, doctor of  
29 osteopathy or an individual holding a degree in public health or occupational  
30 health and who is appointed by the governor pursuant to section 38-211.

31       B. The members appointed pursuant to subsection A, paragraphs 2 and  
32 3 of this section shall not have been employed or affiliated with the pest  
33 control or pesticide industry within a ~~two-year~~ FIVE YEAR period prior to  
34 appointment.

35       C. The governor may remove any appointee for cause.

36       D. The term of office for commission members is three years to begin  
37 and end on the third Monday in January.

38       E. No appointee may serve more than two consecutive terms.

39       Sec. 3. Section 32-2303, Arizona Revised Statutes, is amended to read:

40       32-2303. Organization; meetings; compensation

41       A. The commission, at its last meeting of each calendar year, shall  
42 elect from among its members a ~~chairman, vice-chairman~~ CHAIRPERSON,  
43 VICE-CHAIRPERSON and secretary all of whom retain full voting rights.

44       B. The commission shall hold a regular meeting at least  
45 quarterly. The commission may hold other meetings it deems necessary.

1 C. A majority of the commission constitutes a quorum.

2 D. All commission meetings and hearings shall be conducted according  
3 to parliamentary procedure as outlined in the current Robert's Rules of  
4 Order.

5 E. Members of the commission are eligible to receive compensation as  
6 determined pursuant to section 38-611 for each commission meeting or day of  
7 actual service in the business of the commission.

8 Sec. 4. Section 32-2304, Arizona Revised Statutes, as amended by Laws  
9 2002, chapter 99, section 12, is amended to read:

10 32-2304. Powers and duties; executive director

11 A. The commission shall:

12 1. Adopt rules that are necessary or proper for the administration of  
13 this chapter, including administrative provisions, and health and safety  
14 provisions AND PROVISIONS for the use, storage and application of pesticides  
15 and devices used in structural pest control.

16 ~~2. Adopt rules governing pretreatment.~~

17 ~~3.~~ 2. Administer and enforce this chapter and rules adopted pursuant  
18 to this chapter.

19 ~~4.~~ 3. Maintain a record of its acts and proceedings, including the  
20 issuance, refusal, renewal, suspension or revocation of licenses,  
21 registrations, qualifications and certificates.

22 ~~5.~~ 4. At least thirty CALENDAR days before adoption of a rule, form  
23 or policy, mail a copy of notice of a proposed rule, form or policy adoption,  
24 including the text of the proposed rule, form or policy, to each business  
25 licensee who has made a request to the commission, except that if the  
26 commission finds that adoption of a rule is necessary for immediate  
27 preservation of the public peace, health and safety and that notice is  
28 impractical, unnecessary or contrary to public interest it may adopt a rule  
29 without prior notice. Within thirty CALENDAR days after the adoption of a  
30 statute by the legislature or certification APPROVAL of a rule by the  
31 attorney general GOVERNOR'S REGULATORY REVIEW COUNCIL, the commission shall  
32 notify all business licensees in writing.

33 ~~6.~~ 5. Hire inspectors as needed, considering recommendations of the  
34 executive director.

35 ~~7.~~ 6. ~~On receipt of a complaint or initiation of a complaint by the~~  
36 ~~commission, Notify the business licensee, APPLICATOR and qualifying party in~~  
37 ~~writing of the ANY complaint against the business licensee, A QUALIFYING~~  
38 ~~PARTY OR AN EMPLOYEE OF THE BUSINESS LICENSEE by the close of business on the~~  
39 ~~second TENTH business day after the day on which the commission received or~~  
40 ~~initiated the complaint.~~

41 7. (RECEIVE AND APPROPRIATELY RESPOND TO ANY INQUIRY.

42 ~~8.~~ 8. ~~On the request of any party, Issue subpoenas for the taking of~~  
43 ~~depositions, the production of documents and things and the entry on land for~~  
44 ~~inspection and measuring, surveying, photographing, testing or sampling the~~

1 property or any designated object or operation on the property relevant to  
2 the complaint.

3 9. List any complaint, INQUIRY, ISSUE OR MATTER it plans to discuss  
4 at a public meeting in the agenda for the meeting.

5 10. Make certified applicator LICENSE and qualifying party LICENSE TEST  
6 study materials available, at the commission's actual costs, to any  
7 interested person.

8 11. Conduct or contract to conduct certified applicator LICENSE and  
9 qualifying party LICENSE tests at locations throughout this state. If the  
10 commission contracts for these tests, the contracts may provide for specific  
11 examination fees or a reasonable range of fees determined by the commission  
12 to be paid directly to the contractor by the applicant. THE COMMISSION SHALL  
13 MAKE ALL EFFORTS TO CONTRACT WITH PRIVATE PARTIES TO ELECTRONICALLY  
14 ADMINISTER THE APPLICATOR AND QUALIFYING PARTY LICENSE TESTS.

15 ~~12. Require a business licensee to provide written notice immediately~~  
16 ~~following a pest control treatment in or around residential structures of one~~  
17 ~~or two units to the person requesting the treatment or to the person's~~  
18 ~~designated agent. The notice shall include the specific chemical by trade~~  
19 ~~name used in the treatment.~~

20 ~~13. Require a business licensee that performs pest control treatments~~  
21 ~~on an ongoing basis to locations other than residential structures of one or~~  
22 ~~two units to provide written notice in accordance with commission standards~~  
23 ~~to the person who requested the treatments or the person's designated agent.~~  
24 ~~Notice shall be given before the first application of the chemical and~~  
25 ~~whenever new or additional chemicals are to be used or immediately after each~~  
26 ~~treatment. If the treatments are performed in the interior of residential~~  
27 ~~units, the licensee shall leave a similar notice in the interior of each~~  
28 ~~treated unit immediately after each treatment.~~

29 ~~14. Within thirty days of completion of a pretreatment project, initial~~  
30 ~~termite corrective treatment project or wood infestation report, require the~~  
31 ~~business licensee to file with the commission, in a form approved by the~~  
32 ~~commission, all data required by the commission. The data shall include:~~

33 ~~(a) The name of the individual who performed the work.~~

34 ~~(b) The address or location of the work or project.~~

35 ~~(c) The type and the date of the work.~~

36 ~~(d) The name of the pest control company.~~

37 ~~(e) The name of the qualifying party.~~

38 ~~(f) The certified applicator certificate numbers.~~

39 ~~(g) Any other information that is required by the commission.~~

40 ~~15. Within one hundred eighty days of completion of an initial~~  
41 ~~pretreatment project, require the business licensee to file a supplemental~~  
42 ~~termite action report in a form provided by the commission indicating the~~  
43 ~~completion of the final grade treatment or to request in writing a waiver~~  
44 ~~that indicates why the treatment has not been completed and when it will be~~  
45 ~~completed.~~

1       ~~16.~~ 12. Refer all pretreatment cases involving OF TERMITE TREATMENTS  
2 THAT ARE DONE BEFORE OR DURING CONSTRUCTION AND THAT INVOLVE alleged criminal  
3 fraud to the criminal fraud division of the attorney general's office and  
4 refer any case the commission determines to contain information relating to  
5 a possible felony to the proper law enforcement agency.

6       ~~17.~~ 13. Maintain a computer system which records FOR THE BENEFIT AND  
7 PROTECTION OF THE PUBLIC THAT INCLUDES the following information on  
8 pretreatment projects TERMITE TREATMENTS THAT ARE DONE BEFORE OR DURING  
9 CONSTRUCTION, initial termite corrective projects, preventative termite  
10 treatments and wood infestation WOOD-DESTROYING INSECT INSPECTION reports:

11       (a) The name of the individual who performed the work.

12       (b) The address or location of the work or project.

13       (c) The name of the pest control company.

14       (d) The name of the qualifying party.

15       (e) The certified applicator certificate LICENSE numbers.

16       (f) The nature and date of the work performed.

17       (g) Any other information that is required by the commission IN ITS

18 RULES.

19       ~~18.~~ Refer all cases for initial hearing to an administrative law judge.

20       ~~19.~~ 14. Establish an office and branch offices it deems necessary to  
21 carry out the purposes of this chapter.

22       ~~20.~~ 15. Employ an executive director and other permanent or temporary  
23 personnel it deems necessary to carry out the purposes of this chapter and  
24 designate their duties.

25       ~~21.~~ 16. Investigate violations of this chapter and rules adopted  
26 pursuant to this chapter.

27       ~~22.~~ Adopt minimum standards for pesticide applications.

28       ~~23.~~ Adopt minimum standards for certified applicators.

29       ~~24.~~ 17. Adopt rules regarding OVERSEE THE APPROVAL, CONTENT AND METHOD  
30 OF DELIVERY OF continuing education COURSES.

31       ~~25.~~ Require a business licensee, qualifying party, certified applicator  
32 or registered employee to permit a commission inspector to be present on a  
33 jobsite in connection with a contemporaneous pest control treatment for the  
34 purpose of taking chemical samples, soil samples or any other samples for  
35 purposes of testing the type and quantity of chemicals used.

36       ~~26.~~ 18. Deny a license to any person who is subject to a previous  
37 revocation of the person's license HAS HAD A LICENSE REVOKED for a period of  
38 ten FIVE years from the time of revocation.

39       ~~27.~~ Adopt by rule a nonexclusive list of acts and omissions that  
40 constitute de minimis violations.

41       19. LICENSE APPLICATORS, QUALIFYING PARTIES AND BUSINESSES IN  
42 ACCORDANCE WITH THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.

43       20. PREPARE GUIDELINES FOR AN INTEGRATED PEST MANAGEMENT PROGRAM FOR  
44 STRUCTURAL PEST CONTROL PRACTICES AT SCHOOLS. ON OR BEFORE DECEMBER 1 OF  
45 EACH YEAR, THE COMMISSION SHALL REPORT ON THE PROGRESS OF PREPARING THE

1 GUIDELINES TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF  
2 THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A COPY OF THE REPORT TO THE  
3 SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES  
4 AND PUBLIC RECORDS. THE GUIDELINES SHALL INCLUDE THE FOLLOWING:

5 (a) THE IDENTIFICATION OF PESTS.

6 (b) THE ESTABLISHMENT OF A MONITORING AND RECORD KEEPING SYSTEM FOR  
7 REGULAR SAMPLING AND ASSESSMENT OF PEST POPULATIONS.

8 (c) THE DETERMINATION OF THE PEST POPULATION LEVELS THAT CAN BE  
9 TOLERATED BASED ON AESTHETIC, ECONOMIC AND HEALTH CONCERNS AND SETTING ACTION  
10 THRESHOLDS IF PEST POPULATIONS OR ENVIRONMENTAL CONDITIONS WARRANT REMEDIAL  
11 ACTION.

12 (d) A PLAN TO PREVENT PEST PROBLEMS THROUGH IMPROVED SANITATION, WASTE  
13 MANAGEMENT, PHYSICAL BARRIERS AND THE MODIFICATION OF HABITATS THAT ATTRACT  
14 OR HARBOR PESTS.

15 (e) THE RELIANCE ON NONTOXIC, BIOLOGICAL, CULTURAL OR NATURAL CONTROL  
16 AGENTS.

17 (f) THE USE OF PESTICIDES, IF NECESSARY, WITH PREFERENCE FOR PRODUCTS  
18 THAT ARE THE LEAST HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT.

19 21. REQUIRE THE PAYMENT OF A PENALTY FOR ANY LATE LICENSE RENEWAL.

20 22. REQUIRE EITHER COMPLETION OF THE CONTINUING EDUCATION REQUIREMENT  
21 OR SUCCESSFUL COMPLETION OF THE LICENSE EXAMINATION FOR FAILURE TO RENEW A  
22 LICENSE ON TIME.

23 23. SUSPEND A LICENSE IF A LICENSEE FAILS TO RENEW THE LICENSE WITHIN  
24 THIRTY CALENDAR DAYS OF THE RENEWAL DATE.

25 24. REFUSE TO ISSUE A BUSINESS LICENSE IN A NAME THAT IS NOT REGISTERED  
26 WITH THE SECRETARY OF STATE OR FILED WITH THE ARIZONA CORPORATION COMMISSION.

27 25. ADOPT A WOOD-DESTROYING INSECT INSPECTION REPORT FORM FOR USE BY  
28 BUSINESS LICENSEES.

29 B. The commission may:

30 1. Compel attendance of witnesses, administer oaths or affirmations  
31 and take testimony concerning all matters coming within its jurisdiction.

32 2. Require a person who seeks a license, ~~certification or registration~~  
33 pursuant to this chapter to submit to the commission a full set of  
34 fingerprints and the fees required by section 41-1750. The commission shall  
35 submit the fingerprints and fees to the department of public safety for the  
36 purpose of obtaining a state and federal criminal records check pursuant to  
37 section 41-1750 and Public Law 92-544. The department of public safety may  
38 exchange this fingerprint data with the federal bureau of investigation.

39 3. Enter into intergovernmental agreements.

40 4. With at least twenty-four hours' notice, request specific records  
41 from a business licensee, qualifying party or certified applicator at the  
42 person's place of business during normal business hours.

43 5. ~~Adopt rules setting forth procedures for providing notice to~~  
44 ~~business licensees of requests for records and methods of compliance for~~  
45 ~~business licensees. The rules may:~~

1       ~~(a) Specify that the qualifying party or certified applicator in~~  
2 ~~charge of the office is responsible for complying with record requests by the~~  
3 ~~commission.~~

4       ~~(b) Provide that a failure to timely comply with a records request may~~  
5 ~~be excused on a showing of good cause by the business licensee.~~

6       5. DENY OR REVOKE A LICENSE BASED ON THE INFORMATION IN THE  
7 APPLICATION OR INFORMATION THAT THE COMMISSION RECEIVES FROM THE CRIMINAL  
8 BACKGROUND CHECK.

9       6. ON A SHOWING OF GOOD CAUSE BY THE BUSINESS LICENSEE, EXCUSE A  
10 FAILURE TO TIMELY COMPLY WITH A RECORDS REQUEST.

11       ~~7. Charge to the holder of a business license the actual cost of~~  
12 ~~providing mailed copies of rules, forms or policies that are proposed for~~  
13 ~~adoption.~~

14       ~~7. Require a business licensee that undergoes a change of name or~~  
15 ~~ownership status or that sells all or a part of the business to:~~

16       ~~(a) Report to the commission within ten business days the status of~~  
17 ~~all warranties that are issued by the licensee.~~

18       ~~(b) Notify within ten business days all persons who hold warranties~~  
19 ~~that are issued by the licensee regarding the change.~~

20       8. Hire independent contractors to conduct inspections and take  
21 chemical PESTICIDE samples, soil samples or any other samples for purposes  
22 of testing the type and quantity of chemicals PESTICIDES that are used in  
23 connection with pest control treatment.

24       9. Issue advisory notices for de minimis violations.

25       10. Notify a business licensee, qualifying party or certified  
26 applicator of all requests for review of the business licensee's, qualifying  
27 party's or certified applicator's records within ten business days of the  
28 request.

29       ~~11. Maintain a ratio of at least one inspector to every two hundred~~  
30 ~~industry members, including qualifying parties and registered employees, and~~  
31 ~~the commission shall maintain a ratio of at least one inspection supervisor~~  
32 ~~for every eight inspectors. REQUIRE inspectors shall TO be certified pursuant~~  
33 ~~to article 4 of this chapter LICENSED APPLICATORS in all categories within~~  
34 ~~their scope of work within DURING their probationary period. Inspectors~~  
35 ~~shall attend and complete an investigative training class that is prescribed~~  
36 ~~by the commission within their probationary period.~~

37       12. INVESTIGATE ALLEGED VIOLATIONS OF ALL APPLICABLE FEDERAL AND STATE  
38 STATUTES AND RULES ADOPTED OR ORDERS ISSUED BY THE COMMISSION OR ALLEGED  
39 VIOLATIONS OF ANY CONDITION IMPOSED BY THE COMMISSION IN CONNECTION WITH A  
40 LICENSE.

41       13. PROVIDE GENERAL TECHNICAL ADVICE, SUPPORT AND INFORMATION  
42 CONCERNING STRUCTURAL PEST CONTROL TO THE PUBLIC AND THE LICENSEES.

43       14. PURSUANT TO SECTION 32-2329, SUMMARILY SUSPEND A LICENSE ISSUED  
44 UNDER THIS CHAPTER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

1 15. ISSUE A CORRECTIVE WORK ORDER REQUIRING A LICENSEE TO REMEDY  
2 DEFICIENCIES IN TREATMENT OR TO COMPLY WITH THIS CHAPTER OR ANY RULES ADOPTED  
3 PURSUANT TO THIS CHAPTER BEFORE OR AFTER A FORMAL HEARING.

4 16. DO AT LEAST ONE OF THE FOLLOWING IN RELATION TO UNLICENSED  
5 STRUCTURAL PEST CONTROL BUSINESS OPERATIONS:

6 (a) ISSUE A CEASE AND DESIST ORDER REQUIRING AN UNLICENSED STRUCTURAL  
7 PEST CONTROL BUSINESS TO IMMEDIATELY CEASE OPERATIONS.

8 (b) IMPOSE ON AN UNLICENSED STRUCTURAL PEST CONTROL BUSINESS A CIVIL  
9 PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE AND OF  
10 NOT MORE THAN TWO THOUSAND DOLLARS FOR THE SECOND OR SUBSEQUENT OFFENSE.

11 17. REFER ALL CASES FOR FORMAL HEARING TO THE OFFICE OF ADMINISTRATIVE  
12 HEARINGS.

13 18. REFUSE TO ISSUE A BUSINESS LICENSE IN A NAME THAT IS LIKELY TO BE  
14 MISLEADING OR TO IMPLY ANY DISTORTED REPRESENTATION ABOUT THE BUSINESS.

15 19. ISSUE A RENEWABLE AND REVOCABLE TEMPORARY QUALIFYING PARTY LICENSE  
16 TO A LICENSED APPLICATOR WHO IS A REPRESENTATIVE OF A BUSINESS LICENSEE IF  
17 THE QUALIFYING PARTY BECOMES DISASSOCIATED WITH THE BUSINESS LICENSEE.

18 20. PROVIDE AND CONDUCT CLASSES TO TRAIN APPLICATORS AND QUALIFYING  
19 PARTIES IN PREPARATION FOR LICENSE TESTS. THE COMMISSION MAY ASSESS A FEE  
20 FOR EACH CLASS. THE COMMISSION MAY CONTRACT WITH A COMMERCIAL ENTERPRISE OR  
21 AN ACCREDITED INSTITUTION TO CONDUCT THE CLASS.

22 21. PROVIDE AND CONDUCT CONTINUING EDUCATION CLASSES QUARTERLY. THE  
23 COMMISSION MAY ASSESS A FEE FOR EACH CREDIT HOUR. THE COMMISSION MAY  
24 CONTRACT WITH A COMMERCIAL ENTERPRISE OR AN ACCREDITED INSTITUTION TO CONDUCT  
25 THE CLASS UNDER THE SUPERVISION OF COMMISSION STAFF.

26 22. APPOINT A MEMBER OR EMPLOYEE OF THE COMMISSION TO CONDUCT AN  
27 INFORMAL SETTLEMENT CONFERENCE WITH A LICENSEE AGAINST WHOM AN INQUIRY IS  
28 RECEIVED OR A COMPLAINT IS FILED.

29 23. PREPARE A CONSENT ORDER ONLY AFTER EITHER AN INFORMAL SETTLEMENT  
30 CONFERENCE IS CONDUCTED PURSUANT TO SECTION 32-2321 OR A FORMAL HEARING IS  
31 CONDUCTED PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.

32 24. APPLY TO THE APPROPRIATE COURT, THROUGH THE ATTORNEY GENERAL OR  
33 COUNTY ATTORNEY, FOR AN ORDER ENJOINING ANY ACT OR PRACTICE THAT CONSTITUTES  
34 A VIOLATION OF THIS CHAPTER OR ANY RULE ADOPTED PURSUANT TO THIS CHAPTER.

35 25. APPROVE PROPOSED CONSENT ORDERS.

36 26. ANNUALLY PREPARE A STRATEGIC PLAN.

37 C. Each completed form for a ~~pretreatment project~~ TERMITE TREATMENT  
38 THAT IS DONE BEFORE OR DURING CONSTRUCTION, initial termite corrective  
39 treatment project or ~~wood infestation~~ WOOD-DESTROYING INSECT INSPECTION  
40 report shall be accompanied by a fee. The initial fee is eight dollars. The  
41 commission may adjust the fee upward or downward to a level that is  
42 calculated to produce sufficient revenue to carry out the functions  
43 prescribed under this section. THE COMMISSION MAY ESTABLISH TIERED FEES  
44 ACCORDING TO THE MEANS OF SUBMISSION TO ENCOURAGE ELECTRONIC SUBMISSION OF  
45 THE TERMITE ACTION REGISTRATION FORM. The commission may assess a penalty

1 of not to exceed one hundred dollars per form for failing to submit the  
2 required form and OR fee, OR BOTH, within thirty CALENDAR days.

3 D. The executive director ~~shall serve~~ SERVES at the pleasure of the  
4 commission. Compensation for the executive director and employees shall be  
5 determined pursuant to section 38-611.

6 E. Subject to the limitations of section 41-2544, the executive  
7 director may enter into agreements for the purpose of enabling the commission  
8 to accept payment for fees imposed under this chapter by alternative payment  
9 methods, including credit cards, charge cards, debit cards and electronic  
10 funds transfers. Before the monies are transferred to the executive director  
11 pursuant to section 32-2305, the person collecting the fees shall deduct any  
12 amount charged or withheld by a company providing the alternative payment  
13 method under an agreement with the commission.

14 F. In the enforcement of this article, the commission or any of its  
15 duly authorized agents may enter with the authority of a warrant issued by  
16 a court of competent jurisdiction at reasonable times on any private or  
17 public property on which pesticides are located or are reasonably believed  
18 to be located to be used for purposes related to structural pest  
19 control. The owner, managing agent or occupant of the property shall permit  
20 entry for the purpose of inspecting and investigating conditions relating to  
21 the use, storage, application and disposal of pesticides.

22 G. The commission shall not delegate to its staff the powers and  
23 duties listed under:

24 1. Subsection A, paragraphs 1, 2, 3, ~~15, 17, 19, 21, 22, 23, 25~~ 12,  
25 14, 18, 19, 20, 23 and ~~26~~ 25 of this section.

26 2. Subsection B, paragraphs 3, 5, and 7, 8, 14, 17, 18, 24 AND 25 of  
27 this section.

28 Sec. 5. Repeal

29 Section 32-2304, Arizona Revised Statutes, as amended by Laws 2002,  
30 chapter 262, section 1, is repealed.

31 Sec. 6. Section 32-2306, Arizona Revised Statutes, is amended to read:  
32 32-2306. Annual and informational reports

33 A. ON OR BEFORE APRIL 30, OF EACH YEAR the commission shall  
34 ~~semiannually~~ submit a report regarding the number and types of termite  
35 treatments as reported on termite action reports pursuant to section 32-2304,  
36 subsection SUBSECTIONS A and ~~section 32-2323~~, subsection C. The information  
37 shall be categorized according to the general type of treatment used,  
38 including ~~chemical~~ PESTICIDE, bait, mechanical, temperature and other methods  
39 of treatment. If ~~chemical~~ PESTICIDE treatment is used, the report shall  
40 include the active ingredient or trade name of the ~~chemical~~ PESTICIDE used.

41 B. The commission shall submit the report to the speaker of the house  
42 of representatives, the president of the senate, AND the governor and SHALL  
43 provide a copy of the report to the secretary of state and the director of  
44 the Arizona state library, archives and public records. ~~The commission shall~~

1 ~~submit the first report by April 30, 2002 for the period July 1, 2001 through~~  
2 ~~December 31, 2001.~~

3 C. If a buyer of real property makes a request to the commission, the  
4 commission shall make available to the buyer an information report listing  
5 all termite treatments reported to the commission for the property for the  
6 previous three years. The ~~wood infestation~~ WOOD-DESTROYING INSECT INSPECTION  
7 report ~~as defined in section 23-2301~~ shall state that a buyer may obtain the  
8 information report from the commission.

9 Sec. 7. Section 32-2307, Arizona Revised Statutes, is amended to read:  
10 32-2307. Notification of pesticide applications to schools;  
11 exemptions; definitions

12 A. ~~The commission shall require~~ A business licensee or certified  
13 LICENSED applicator to SHALL notify a school at least seventy-two hours in  
14 advance of any pesticide application in order to permit the school to comply  
15 with section 15-152. The seventy-two hour advance notice shall include the  
16 date and time THE application is to occur. The seventy-two hour advance  
17 notice shall also include the brand name, concentration, rate of application,  
18 pesticide label, AND material safety data sheet and any use restrictions  
19 required by the pesticide label. ONLY AN INDIVIDUAL HOLDING AN APPLICATOR  
20 LICENSE MAY MAKE PESTICIDE APPLICATIONS AT SCHOOLS.

21 B. ~~The commission shall also require that~~ Immediately prior to  
22 application of a pesticide a business licensee or certified LICENSED  
23 applicator shall provide the school with a written preapplication  
24 notification containing the following information:

- 25 1. The brand name, concentration, AND rate of application and any use  
26 restrictions required by the label of the herbicide or specific pesticide.  
27 2. The area or areas where the pesticide is to be applied.  
28 3. The date and time the application is to occur.  
29 4. The pesticide label and the material safety data sheet.

30 C. The pesticide label and material safety data sheet may be used in  
31 place of the information required pursuant to subsections A and B of this  
32 section if all of the information required by those subsections is already  
33 contained on the label or material safety data sheet.

34 D. The following pesticide applications are exempt from the  
35 notification requirement prescribed in subsections A and B of this section:

- 36 1. Nonresidual pesticide applications performed or contracted by  
37 public health agencies for adult vector control, provided that oral  
38 notification is attempted, when possible, to the school office with a  
39 statement of the pest problem, treatment procedure, area to be treated and  
40 approximate time of the application.

41 2. Emergency pesticide applications to control harmful pests that pose  
42 an immediate threat to the public health. Under these circumstances the  
43 business licensee OR LICENSED APPLICATOR shall do all of the following:

1 (a) Notify the school office before the application with a statement  
2 of the pest problem, treatment procedure, area to be treated and approximate  
3 time of application.

4 (b) Immediately after the application has been completed, notify the  
5 school office of the name of the pesticide applied, the formulation, the  
6 strength and dosage, AND the date and time of application and provide the  
7 pesticide label.

8 (c) Post the treated area immediately after the application. The  
9 posting shall include the name of the pesticide, the date and time of  
10 application and the name and telephone number of the business licensee AND  
11 LICENSED APPLICATOR.

12 E. The provisions of this chapter shall regulate and determine all  
13 requirements regarding certification, licenses, fees, testing, education, and  
14 all other requirements regarding the business of pest control for persons  
15 licensed, ~~registered or certified pursuant to the provisions of this chapter.~~

16 F. For THE purposes of this section:

17 1. "Pesticides" does not include nonrestricted use disinfectants,  
18 sanitizers or deodorizers regulated by the federal insecticide, fungicide and  
19 rodenticide act but includes other pesticides regulated under the federal  
20 insecticide, fungicide and rodenticide act.

21 2. "Schools" means a public AN education institution that provides  
22 instruction in pre-kindergarten programs, kindergarten programs or any of  
23 grades one through twelve.

24 Sec. 8. Section 32-2311, Arizona Revised Statutes, is amended to read:  
25 32-2311. Persons not required to be licensed

26 This article and articles 1 and 3 of this chapter do not apply to:

27 1. Persons licensed or certified pursuant to title 3, chapter 2,  
28 article 6.

29 2. Persons applying pesticides on property that they own, ~~lease or~~  
30 ~~rent unless the property is a commercial or institutional food handling~~  
31 ~~establishment AND OCCUPY.~~

32 3. ~~Persons applying pesticides on property which they own, lease or~~  
33 ~~rent and which is used as a commercial or institutional food handling~~  
34 ~~establishment if all of the following conditions are met:~~

35 (a) ~~A pest control company or a certified applicator licensed or~~  
36 ~~certified by the commission applies pesticides at the establishment and the~~  
37 ~~application of pesticides or other devices by the owner, lessee or tenant is~~  
38 ~~supplemental to the applications or use of devices made by the pest control~~  
39 ~~company or certified applicator.~~

40 (b) ~~The storage and application of pesticides at the establishment by~~  
41 ~~the owner, lessee or tenant are done in accordance with rules of and approved~~  
42 ~~by the county or local health department.~~

43 (c) ~~The application of pesticides or other devices is performed by an~~  
44 ~~owner, lessee or tenant or the designee of an owner, lessee or tenant who has~~  
45 ~~completed a county health department food handlers course which includes~~

1 ~~training on the use of nonrestricted pesticides or other devices or is~~  
2 ~~performed by an owner, lessee or tenant or the designee of an owner, lessee~~  
3 ~~or tenant under the direct supervision of a pest control company, certified~~  
4 ~~applicator or qualifying party.~~

5 ~~4. 3. Authorized representatives of any educational institution~~  
6 ~~engaged in research in the study of pest control or a state agency engaged~~  
7 ~~in research or the study of pest control.~~

8 ~~5. A person who functions as a gardener by performing lawn, garden,~~  
9 ~~shrub and tree maintenance.~~

10 ~~6. An employee of a city or town who applies pesticides only as~~  
11 ~~incidental to the employee's work and who uses pesticides other than those~~  
12 ~~in toxicity category I.~~

13 ~~7. Persons or employees of persons with janitorial or cleaning service~~  
14 ~~companies and employees of persons who contract to manage properties who~~  
15 ~~apply nonrestricted use disinfectants, sanitizers or deodorizers regulated~~  
16 ~~by the federal insecticide, fungicide and rodenticide act (61 Stat. 163; 7~~  
17 ~~United States Code sections 136 through 136y). This exemption does not apply~~  
18 ~~to any other pesticides regulated under the federal insecticide, fungicide~~  
19 ~~and rodenticide act.~~

20 ~~8. 4. Employees of political subdivisions or their designated agents~~  
21 ~~while performing emergency response or rescue services.~~

22 ~~5. PERSONS USING A NONRESTRICTED, READY TO USE DISINFECTANT, SANITIZER~~  
23 ~~OR DEODORIZER.~~

24 ~~Sec. 9. Repeal~~

25 ~~Section 32-2311.01, Arizona Revised Statutes, is repealed.~~

26 ~~Sec. 10. Section 32-2312, Arizona Revised Statutes, is amended to~~  
27 ~~read:~~

28 ~~32-2312. Applicator licenses; application; categories; renewal;~~  
29 ~~inactive licenses~~

30 ~~A. An application for a certified AN applicator certificate LICENSE~~  
31 ~~shall be in a form prescribed by the commission and accompanied by the~~  
32 ~~prescribed fee. The application shall set forth whether the applicant has~~  
33 ~~ever been convicted of a felony and, if so, the nature of the felony, when~~  
34 ~~and where it was committed and the disposition of the conviction. The~~  
35 ~~commission may deny or revoke a certificate based on the information on the~~  
36 ~~application or information that the commission discovers during a background~~  
37 ~~investigation.~~

38 ~~B. An applicant may apply for a certificate LICENSE in any one or a~~  
39 ~~combination of the following certificate categories:~~

40 ~~1. General pest control, excluding control of wood-destroying insects~~  
41 ~~or organisms, weed control and fumigation.~~

42 ~~2. Control of wood-destroying pests or organisms.~~

43 ~~3. Weed control.~~

44 ~~4. Fumigation.~~

45 ~~5. Turf and ornamental horticulture pest control.~~

1 ~~6. Rights-of-way.~~

2 ~~7. Public health.~~

3 ~~8. Other categories or subcategories based on practice in the industry~~  
4 ~~and established by the commission in its rules.~~

5 1. GENERAL AND PUBLIC HEALTH PEST CONTROL, EXCLUDING CONTROL OF  
6 WOOD-DESTROYING INSECTS, WOOD-DESTROYING INSECT INSPECTION, ANTIMICROBIAL  
7 PEST CONTROL, FUNGI INSPECTION, RIGHT-OF-WAY AND WEED CONTROL, FUMIGATION,  
8 AQUATIC PEST CONTROL AND TURF AND ORNAMENTAL HORTICULTURE PEST CONTROL.

9 2. CONTROL OF WOOD-DESTROYING INSECTS.

10 3. RIGHT-OF-WAY AND WEED CONTROL.

11 4. FUMIGATION.

12 5. TURF AND ORNAMENTAL HORTICULTURE PEST CONTROL.

13 6. ANTIMICROBIAL PEST CONTROL.

14 7. FUNGI INSPECTION.

15 8. WOOD-DESTROYING INSECT INSPECTION.

16 9. AQUATIC PEST CONTROL.

17 10. OTHER CATEGORIES OR SUBCATEGORIES BASED ON PRACTICE IN THE INDUSTRY  
18 AND ESTABLISHED BY THE COMMISSION IN ITS RULES.

19 ~~G. After a hearing the commission may refuse to renew a certified~~  
20 ~~applicator certificate if the commission finds that since the issuance of the~~  
21 ~~certificate or the last renewal of the certificate the certified applicator~~  
22 ~~has violated any statute governing application of pesticides or any rule or~~  
23 ~~written order of the commission and the nature or time of the violation of~~  
24 ~~the statute, rule or written order shows an inability to safely and lawfully~~  
25 ~~engage in the business of structural pest control.~~

26 C. AN APPLICATOR SHALL PASS AN EXAMINATION, GIVEN UNDER THE DIRECTION  
27 OF THE COMMISSION, WITH A SCORE OF AT LEAST SEVENTY-FIVE PER CENT FOR EACH  
28 CATEGORY IN WHICH THE APPLICATOR IS SEEKING LICENSURE.

29 D. AN APPLICATOR SHALL BE OF GOOD MORAL CHARACTER. A FELONY  
30 CONVICTION MAY DEMONSTRATE A LACK OF GOOD MORAL CHARACTER.

31 E. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, EACH EMPLOYEE  
32 OF A BUSINESS LICENSEE APPLYING PESTICIDES SHALL BE LICENSED IN ALL  
33 APPLICABLE CATEGORIES WITHIN NINETY CALENDAR DAYS OF EMPLOYMENT.

34 F. AN UNLICENSED EMPLOYEE OF A BUSINESS LICENSEE APPLYING PESTICIDES,  
35 OTHER THAN FOR THE TREATMENT OF TERMITES, SHALL WORK UNDER THE DIRECT  
36 SUPERVISION OF A LICENSED APPLICATOR AT ALL TIMES.

37 G. AN UNLICENSED EMPLOYEE OF A BUSINESS LICENSEE APPLYING PESTICIDES  
38 FOR THE TREATMENT OF TERMITES SHALL WORK UNDER THE IMMEDIATE SUPERVISION OF  
39 A LICENSED APPLICATOR AT ALL TIMES. ONLY ONE UNLICENSED EMPLOYEE AT A TIME  
40 MAY BE IMMEDIATELY SUPERVISED BY A LICENSED APPLICATOR.

41 H. A LICENSED APPLICATOR DESIRING TO WORK IN A CATEGORY FOR WHICH THE  
42 APPLICATOR IS NOT LICENSED SHALL BECOME LICENSED IN THE CATEGORY WITHIN  
43 THIRTY CALENDAR DAYS OF BEGINNING WORK.

1       ~~D. I. Each certified applicator shall annually renew his certificate~~  
2 EACH APPLICATOR LICENSE SHALL BE RENEWED ANNUALLY by submitting a form  
3 prescribed by the commission and furnishing proof satisfactory to the  
4 commission of completion of at least six hours of continuing education within  
5 the preceding year with a minimum of one hour for each category or  
6 subcategory or successful completion of the applicator certification  
7 examination. ~~If a certified applicator fails to renew his certificate as~~  
8 ~~required by this subsection, the commission may require payment of a late~~  
9 ~~renewal penalty fee and either completion of the continuing education~~  
10 ~~requirement or successful completion of the applicator certification~~  
11 ~~examination. The commission shall suspend a certified applicator's~~  
12 ~~certification if the certified applicator fails to renew the certification~~  
13 ~~within thirty days of the renewal date PAYING THE PRESCRIBED FEE.~~

14       ~~E. J. A certified AN applicator may apply to the commission for~~  
15 ~~inactive certification LICENSE status if the certified applicator is not~~  
16 ~~currently in the business of structural pest control. To reactivate an~~  
17 ~~inactive certificate LICENSE that has been inactive for one year or less, a~~  
18 ~~certified AN applicator shall apply to the commission. To reactivate an~~  
19 ~~inactive certificate LICENSE that has been inactive for more than one year,~~  
20 ~~a certified AN applicator shall apply to the commission and shall either~~  
21 ~~successfully complete the applicator certification LICENSE examination or,~~  
22 ~~within twelve months preceding application for reactivation, complete six~~  
23 ~~hours of continuing education that has been approved by the commission~~  
24 CONTINUING EDUCATION AS REQUIRED PURSUANT TO SECTION 32-2319.

25       Sec. 11. Section 32-2313, Arizona Revised Statutes, is amended to  
26 read:

27       32-2313. Business license; renewal; financial security;  
28                                   definition

29       A. A person who wishes to engage in the business of structural pest  
30 control shall first obtain a business license from the commission as provided  
31 in this article. A person who is not exempt under this article and who  
32 advertises for, solicits or holds himself out as willing to engage in the  
33 business of structural pest control is presumed to be in the business of  
34 structural pest control.

35       B. An application for a business license shall:

- 36       1. Be in a form prescribed by the commission.  
37       2. Be accompanied by the prescribed fee.  
38       3. Include the name and address of the qualifying party and written  
39 documentation of how the qualifying party will be active in the day-to-day  
40 management of the business licensee.

41       4. List all owners with more than a ten per cent ownership interest  
42 in the company, all corporate officers and members of the board of directors.

43       C. A business licensee shall register each primary and branch office  
44 with the commission before it opens for business.

45       D. An applicant shall furnish the following to the commission:

1           1. Proof of financial responsibility consisting of either a deposit  
2 of money, liability insurance, a surety bond or a certified check protecting  
3 persons who may suffer legal damages as a result of the operations of the  
4 applicant. The commission shall not accept a bond or A liability insurance  
5 ~~except from companies authorized to do business~~ POLICY UNLESS ISSUED BY AN  
6 INSURER HOLDING A VALID CERTIFICATE OF AUTHORITY OR THAT IS PERMITTED TO  
7 TRANSACT SURPLUS LINES INSURANCE in this state. The amount of the deposit,  
8 insurance or bonds shall be at least ~~one~~ THREE hundred thousand dollars for  
9 property damage and public liability insurance, each separately, and shall  
10 be maintained at not less than that amount at all times during the licensing  
11 period. The license of a business licensee who permits the security of  
12 either property damage or public liability insurance to fall below the sum  
13 of ~~one~~ THREE hundred thousand dollars may SHALL be suspended by the  
14 commission and may SHALL remain suspended until the security meets the  
15 minimum financial requirement. The property damage and public liability  
16 insurance need only cover those particular operations in which the licensee  
17 is engaged at any time. If the financial security is in the form of  
18 liability insurance or a surety bond, the insurer or surety shall provide a  
19 certificate of coverage which THAT indicates the coverages and endorsements  
20 required by this subsection.

21           2. Either of the following if the ~~registered office~~ BUSINESS LICENSEE  
22 performs termite treatments:

23           (a) ~~Proof of a surety bond in the amount of fifty thousand dollars for~~  
24 ~~each registered office to a maximum of one hundred thousand dollars per~~  
25 ~~company~~ BUSINESS LICENSE for actual damages including reasonable costs of  
26 collection suffered by persons as a result of termite damage due to negligent  
27 treatment.

28           (b) Proof of a liability insurance policy rider in the amount of fifty  
29 ~~thousand dollars for each registered office to a maximum of one hundred~~  
30 ~~thousand dollars per company~~ which BUSINESS LICENSE THAT covers termite  
31 damage due to negligent treatment.

32           3. If the ~~registered office~~ BUSINESS LICENSEE provides wood-destroying  
33 ~~organism~~ INSECT INSPECTION reports OR FUNGI INSPECTION REPORTS, proof of a  
34 surety bond or a liability insurance policy rider in the amount of fifty  
35 ~~thousand dollars for each registered office to a maximum of one hundred~~  
36 ~~thousand dollars per company~~ BUSINESS LICENSE for actual damages plus  
37 reasonable costs of collection suffered by persons as a result of errors and  
38 omissions contained in the reports.

39           4. If an insurance policy provides for a deductible, the deductible  
40 amount shall be limited to ten thousand dollars for each occurrence. If the  
41 deductible amount is in excess of ten thousand dollars for each occurrence,  
42 the business licensee shall provide other security as provided in this  
43 subsection or other evidence of financial security for the excess deductible  
44 amount.



1           5. If the financial security is in the form of liability insurance,  
2 a licensee shall maintain the following A coverage endorsement for PESTICIDES  
3 AND HERBICIDES, FUMIGATION, CARE, CUSTODY AND CONTROL, RIGHTS-OF-WAY,  
4 WOOD-DESTROYING INSECT INSPECTION REPORT ERRORS AND OMISSIONS, FUNGI  
5 INSPECTION REPORT ERRORS AND OMISSIONS AND POLLUTION TRANSIT FOR its  
6 applicable licenses: LICENSE CATEGORIES.

7	License	Endorsement
8	<del>(a) General pest control, excluding</del>	<del>Pesticide and herbicide</del>
9	<del>control of wood-destroying</del>	<del>endorsement.</del>
10	<del>insects or organisms,</del>	
11	<del>preconstruction pest control,</del>	
12	<del>weed control, fumigation, turf</del>	
13	<del>and ornamental horticulture</del>	
14	<del>pest control and golf course</del>	
15	<del>pest control</del>	
16	<del>(b) Control of wood-destroying</del>	<del>Pesticide and herbicide</del>
17	<del>pests or organisms</del>	<del>endorsement.</del>
18	<del>(c) Weed control</del>	<del>Pesticide and herbicide</del>
19		<del>endorsement.</del>
20	<del>(d) Fumigation</del>	<del>Pesticide and herbicide</del>
21		<del>endorsement; fumigation</del>
22		<del>endorsement; care custody</del>
23		<del>and control endorsement.</del>
24	<del>(e) Turf and ornamental</del>	<del>Pesticide and herbicide</del>
25	<del>horticulture pest control</del>	<del>endorsement.</del>
26	<del>(f) Preconstruction pest</del>	<del>Pesticide and herbicide</del>
27	<del>control</del>	<del>endorsement</del>
28	<del>(g) Golf course pest</del>	<del>Pesticide and herbicide</del>
29	<del>control</del>	<del>endorsement.</del>
30	<del>(h) Rights-of-way</del>	<del>Pesticide and herbicide</del>
31		<del>endorsement.</del>
32	<del>(i) Public health</del>	<del>Pesticide and herbicide</del>
33		<del>endorsement.</del>
34	<del>(j) Provision of wood</del>	<del>Wood infestation report</del>
35	<del>infestation reports</del>	<del>errors and omissions</del>
36		<del>coverage.</del>

37           ~~E. A business licensee shall maintain a surety bond or liability~~  
38 ~~insurance policy rider as provided in subsection D, paragraphs 2 and 3 for~~  
39 ~~at least two years after the business licensee stops practicing in the~~  
40 ~~category of control of wood-destroying pests or organisms.~~

41           F. E. IF THE FINANCIAL SECURITY IS IN THE FORM OF LIABILITY  
42 INSURANCE, the business license is automatically suspended until a current  
43 certificate of insurance or proof of financial responsibility is furnished  
44 to the commission.

1           ~~6. The commission may refuse to issue a business license in a name~~  
2 ~~that is any of the following:~~

3           ~~1. The same as or unreasonably similar to one used by another business~~  
4 ~~licensee.~~

5           ~~2. A fictitious name that has not been registered with the secretary~~  
6 ~~of state or filed with the Arizona corporation commission.~~

7           ~~3. Likely to be confused with any governmental agency or trade~~  
8 ~~association.~~

9           ~~4. Likely to be misleading or to imply any distorted representation~~  
10 ~~about the business.~~

11           ~~5. Likely to be confused with any business licensee whose license has~~  
12 ~~been suspended or revoked.~~

13           ~~H. A business licensee shall notify the commission in writing within~~  
14 ~~ten days after the termination of employment of a qualifying party or a~~  
15 ~~certified applicator.~~

16           ~~I. F. Each business licensee shall annually renew the business~~  
17 ~~license and each office registration on or before January 1 by filing renewal~~  
18 ~~forms prescribed by the commission, AND paying the prescribed renewal fees.~~  
19 ~~and furnishing proof satisfactory to the commission that the qualifying party~~  
20 ~~has completed at least six hours of continuing education within the preceding~~  
21 ~~year or has successfully completed the qualifying party examination.~~  
22 ~~Qualifying parties who are certified applicators are exempt from reporting~~  
23 ~~additional continuing education requirements if they have renewed their~~  
24 ~~application certificate within the preceding year. If a business licensee~~  
25 ~~fails to renew the business license and office registrations as required by~~  
26 ~~this subsection, the commission may require payment of a late renewal penalty~~  
27 ~~fee and completion of the continuing education requirement or successful~~  
28 ~~completion of the qualifying party examination. If a business licensee fails~~  
29 ~~to renew the business license and office registrations as required by this~~  
30 ~~subsection, the licensee shall not engage in the business of structural pest~~  
31 ~~control.~~

32           ~~J. After a hearing the commission may refuse to renew a business~~  
33 ~~license if the commission finds that since the issuance of the license or the~~  
34 ~~last renewal of the license the business licensee or the qualifying party has~~  
35 ~~violated a pesticide statute of this state or any rule or written order of~~  
36 ~~the commission and the nature or time of the violation of the statute, rule~~  
37 ~~or written order shows an inability to safely and lawfully engage in the~~  
38 ~~business of structural pest control.~~

39           ~~K. G. Each branch office of a business licensee shall be supervised~~  
40 ~~by a certified applicator or qualifying party who is certified or qualified~~  
41 ~~in all categories in which the branch office operates.~~

42           ~~L. H. For THE purposes of this section, "financial security" means~~  
43 ~~liability insurance, a deposit of cash or certified monies, a surety bond or~~  
44 ~~other equivalent item.~~



1           (b) ~~One year's~~ TWO THOUSAND VERIFIABLE HOURS OF practical FIELD  
2 experience in the ~~specific category or categories for which the person is~~  
3 ~~applying~~ BUSINESS OF STRUCTURAL PEST CONTROL and have successfully completed  
4 at least twelve semester hours or its equivalent in entomology, the  
5 eradication or control of weeds, general horticulture, plant pathology or any  
6 combination of these subjects directly related to the ~~specific~~ EACH category  
7 ~~or categories~~ for which the person is applying.

8           3. Be of good moral character. A FELONY CONVICTION MAY DEMONSTRATE  
9 A LACK OF GOOD MORAL CHARACTER.

10           D. The examination shall test the qualifying party's knowledge of  
11 pests and the use, storage and application of pesticides and other devices  
12 used in the eradication of pests within the category for which the person is  
13 applying.

14           ~~E. A qualifying party shall present evidence satisfactory to the~~  
15 ~~commission that the person has sufficient education or experience to use or~~  
16 ~~supervise the use of a pesticide covered by the category for which the person~~  
17 ~~is applying.~~

18           ~~F. E. A qualifying party may apply to the commission for~~ SHALL HAVE  
19 AN inactive qualifying party LICENSE status if the qualifying party is not  
20 currently acting as a qualifying party for a business licensee. To  
21 reactivate an inactive ~~qualification~~ LICENSE that has been inactive for one  
22 year or less, a qualifying party shall apply to the commission TO QUALIFY A  
23 BUSINESS LICENSE. To reactivate an inactive ~~qualification~~ LICENSE that has  
24 been inactive for more than one year, a qualifying party shall apply to the  
25 commission TO QUALIFY A BUSINESS LICENSE and shall either successfully  
26 complete the ~~qualification~~ LICENSE examination or, within twelve months  
27 preceding application for reactivation, complete ~~six hours of continuing~~  
28 ~~education that has been approved by the commission~~ CONTINUING EDUCATION AS  
29 REQUIRED PURSUANT TO SECTION 32-2319.

30           ~~G. F. On application~~ IF the commission may issue ISSUES a renewable  
31 and revocable temporary qualifying party qualification to a certified  
32 ~~applicator who is a representative of a business licensee if the qualifying~~  
33 ~~party becomes disassociated with the business licensee.~~ A LICENSE PURSUANT  
34 TO SECTION 32-2304, THE temporary qualifying party qualification is valid for  
35 sixty CALENDAR days and may be renewed only on approval of the commission if  
36 good cause is established for delay in the procurement of ~~qualification~~ A  
37 QUALIFYING PARTY LICENSE. Under the temporary qualifying party qualification  
38 LICENSE, a business licensee shall otherwise fully comply with the  
39 requirements of this chapter and rules adopted pursuant to this chapter.

40           H. G. A person acting as a qualified QUALIFYING party shall:

41           1. Be active in the management of the business licensee BY BEING  
42 PRESENT AT THE BUSINESS OFFICE LOCATION EACH MONTH TO REVIEW PESTICIDE USE,  
43 STORAGE AND DISPOSAL AND BY ENSURING THE SUPERVISION AND TRAINING OF THE  
44 EMPLOYEES OF THE BUSINESS.

1           2. During normal business hours, be readily available to certified THE  
2 LICENSED applicators and trainees EMPLOYEES of the business licensee.

3           H. A QUALIFYING PARTY SHALL RENEW A QUALIFYING PARTY LICENSE ANNUALLY  
4 BY SUBMITTING A FORM PRESCRIBED BY THE COMMISSION AND A FEE PRESCRIBED BY  
5 SECTION 32-2317. A QUALIFYING PARTY SHALL FURNISH TO THE COMMISSION PROOF  
6 OF COMPLETION OF CONTINUING EDUCATION AS PRESCRIBED BY SECTION 32-2319.  
7 SUCCESSFUL COMPLETION OF THE QUALIFYING PARTY LICENSE EXAMINATION FOR EACH  
8 CATEGORY MAY BE SUBSTITUTED FOR THE CONTINUING EDUCATION REQUIREMENT.  
9 CONTINUING EDUCATION HOURS USED FOR RENEWAL OF A QUALIFYING PARTY'S  
10 APPLICATOR LICENSE MAY BE USED FOR THE QUALIFYING PARTY'S LICENSE RENEWAL.

11           Sec. 13. Repeal

12           Sections 32-2315 and 32-2316, Arizona Revised Statutes, are repealed.

13           Sec. 14. Section 32-2317, Arizona Revised Statutes, is amended to  
14 read:

15           32-2317. Fees

16           A. The commission shall establish and collect fees that may include  
17 service charges allowed pursuant to section 32-2304 for persons who pay with  
18 alternative payment methods, including credit cards, charge cards, debit  
19 cards and electronic transfers, but that may not exceed the following  
20 amounts:

21           1. Initial qualifying party qualification LICENSE fee, one hundred  
22 fifty dollars.

23           2. Qualifying party qualification LICENSE renewal fee, one hundred  
24 fifty dollars.

25           3. Qualifying party qualification LICENSE RENEWAL FEE, inactive  
26 status, twenty-five dollars.

27           4. Temporary qualifying party qualification LICENSE, twenty-five  
28 dollars.

29           5. Initial business license fee, one hundred dollars.

30           6. Business license renewal fee, one hundred dollars.

31           7. Initial branch office registration fee, fifty dollars.

32           8. Branch office registration renewal fee, fifty dollars.

33           ~~9. Initial employee registration fee, five dollars.~~

34           ~~10.~~ 9. Late renewal penalty fee, double the prescribed renewal fee.

35           ~~11.~~ 10. Qualifying party LICENSE status change, inactive to active,  
36 one hundred twenty-five dollars.

37           ~~12.~~ Qualifying party inactive renewal, twenty-five dollars.

38           ~~13.~~ 11. Certification APPLICATOR LICENSE application, thirty dollars.

39           ~~14.~~ 12. Certification APPLICATOR LICENSE annual renewal, twenty-five  
40 dollars.

41           ~~15.~~ Apprentice employee registration, five dollars.

42           ~~16.~~ 13. Duplicate qualifying party LICENSE identification card, ten  
43 dollars.

44           ~~17.~~ Duplicate certified applicator identification card, ten dollars.

1 B. The commission may charge additional fees for services which THAT  
2 the commission deems appropriate to carry out its intent and purpose. These  
3 additional fees shall not exceed the costs of rendering the services.

4 Sec. 15. Section 32-2319, Arizona Revised Statutes, is amended to  
5 read:

6 32-2319. Continuing education

7 A. In order to satisfy continuing education requirements, a certified  
8 applicator or qualifying party LICENSEE shall verify attendance at programs  
9 of approved instruction which THAT ARE OVERSEEN AND APPROVED BY THE  
10 COMMISSION AND THAT are designed to augment the proficiency of the certified  
11 LICENSED applicator or qualifying party relating to structural pest control  
12 and which are approved by the commission.

13 ~~B. The commission shall appoint an advisory accreditation committee~~  
14 ~~consisting of certified applicators, qualifying parties and public members.~~  
15 ~~Subject to approval by the commission, the advisory accreditation committee~~  
16 ~~shall establish and modify, as necessary, guidelines for evaluation of~~  
17 ~~programs of instruction. On request for approval of a program of instruction~~  
18 ~~the advisory accreditation committee shall evaluate the program of~~  
19 ~~instruction. The commission may adopt, modify or refuse to adopt any~~  
20 ~~recommendation made by the advisory committee. The commission shall not~~  
21 ~~limit credit for programs of instruction on the basis of whether they are~~  
22 ~~conducted by a chemical company or provided in professional association~~  
23 ~~seminars or in-house education programs of business licensees.~~

24 ~~C. Commission staff may provide and conduct classes to train and~~  
25 ~~assist licensees and their employees in preparation for certification~~  
26 ~~examinations. The commission may assess a fee for each class. Classes may~~  
27 ~~be provided by commercial enterprises or accredited institutions.~~

28 ~~D. Commission staff shall provide and conduct eight hours of~~  
29 ~~continuing education classes at least quarterly, with the intent of providing~~  
30 ~~all credit hours necessary to ensure continuing education requirements in all~~  
31 ~~categories for all certified applicators and licensees. Classes may be~~  
32 ~~provided by commercial enterprises or accredited institutions under the~~  
33 ~~supervision of commission staff. The commission may charge a fee for each~~  
34 ~~credit hour.~~

35 ~~E. B. If one individual holds both a certified AN applicator~~  
36 ~~certificate LICENSE and a qualifying party qualification LICENSE, the~~  
37 ~~completion of a minimum of six hours of continuing education in the preceding~~  
38 ~~year for the certified applicator certificate LICENSE satisfies the~~  
39 ~~continuing education requirements for both the certified applicator~~  
40 ~~certificate LICENSE and qualifying party qualification LICENSE.~~

41 ~~F. Continuing education requirements shall include instruction in~~  
42 ~~integrated pest management as provided in section 32-2320.~~



1 TO ENSURE GENERAL COMPLIANCE WITH THE LABEL, LABELING AND ALL APPLICABLE  
2 LAWS.

3 ~~7.~~ 6. Authorizing, directing or abetting the publication,  
4 advertisement, distribution or circulation of any false statement or material  
5 misrepresentation concerning a business of structural pest control.

6 ~~8.~~ 7. Conviction of a felony or misdemeanor arising from or in  
7 connection with a license, ~~certificate, qualification or registration~~ issued  
8 pursuant to this chapter after issuance of the license, ~~certificate,~~  
9 ~~qualification or registration.~~

10 ~~9.~~ 8. Conviction of a felony.

11 ~~10.~~ 9. Having had a license, ~~certificate, qualification or~~  
12 ~~registration,~~ OR THE EQUIVALENT, to apply pesticides or engage in the  
13 business of structural pest control suspended or revoked in another  
14 jurisdiction for cause and ~~not reinstated.~~

15 ~~11.~~ 10. Making a fraudulent statement or an intentional material  
16 misrepresentation in connection with a wood treatment proposal or a wood  
17 infestation WOOD-DESTROYING INSECT INSPECTION report.

18 ~~12.~~ 11. Repeated de minimis violations of this chapter or rules  
19 adopted under this chapter.

20 ~~13.~~ 12. Failure to provide the commission with a current certificate  
21 of insurance or proof of financial responsibility.

22 ~~14.~~ 13. Failure to establish a complete vertical barrier at the  
23 exterior of foundation walls in stem wall construction or exterior of grade  
24 beams in monolithic construction within ~~one hundred eighty days~~ TWELVE MONTHS  
25 of the original pretreatment to the ~~primary slab~~ TREATMENT MADE BEFORE OR  
26 DURING CONSTRUCTION.

27 14. IMMEDIATELY SUPERVISING MORE THAN ONE UNLICENSED APPLICATOR AT A  
28 TIME.

29 15. FAILURE TO MAKE AND MAINTAIN TRUE AND ACCURATE RECORDS OF  
30 TREATMENTS PERFORMED, INCLUDING THOSE PERFORMED UNDER WARRANTY OR GUARANTEE,  
31 FOR AT LEAST FIVE YEARS FROM DATE OF TREATMENT AND FAILURE TO MAKE THESE  
32 RECORDS AVAILABLE WITHIN THREE BUSINESS DAYS ON REQUEST OF THE PROPERTY  
33 OWNER, PROPERTY OWNER'S AUTHORIZED AGENT OR A COMMISSION REPRESENTATIVE.

34 C. EXCEPT AS PROVIDED IN SECTION 32-2329, the commission may proceed  
35 against a business licensee pursuant to subsection A, paragraphs 1 through  
36 5 of this section only if, after a hearing, it has been shown that any of the  
37 following applies:

38 1. The business licensee has committed a prior violation of the same  
39 type including any violation by any employee of the business licensee.

40 2. The business licensee failed to follow a written order of the  
41 commission directing it to correct a deficiency or problem within the time  
42 specified.

43 3. The business licensee has knowingly assumed operations for a  
44 business licensee whose license has been revoked and during the first three

1 years after revocation allows the former licensee to play an active role in  
2 company policy, decisions, sales or supervision of employees.

3 4. The business licensee is convicted of a felony.

4 5. The business licensee is determined by the commission to have  
5 participated in COMMITTED a pretreatment violation IN CONNECTION WITH A  
6 TREATMENT BEFORE OR DURING CONSTRUCTION.

7 6. THE BUSINESS LICENSEE CHANGES ITS NAME OR MAJORITY OWNERSHIP OF THE  
8 BUSINESS AND FAILS TO:

9 (a) REPORT TO THE COMMISSION WITHIN THIRTY CALENDAR DAYS THE STATUS  
10 OF ALL WARRANTIES ISSUED BY THE LICENSEE.

11 (b) NOTIFY WITHIN THIRTY CALENDAR DAYS ALL PERSONS WHO HOLD WARRANTIES  
12 ISSUED BY THE LICENSEE REGARDING THE CHANGE.

13 7. THE BUSINESS LICENSEE FAILS TO PROVIDE WRITTEN NOTICE IMMEDIATELY  
14 FOLLOWING A PEST CONTROL TREATMENT IN OR AROUND RESIDENTIAL STRUCTURES OF  
15 FOUR OR FEWER UNITS TO THE PERSON REQUESTING THE TREATMENT OR TO THE PERSON'S  
16 DESIGNATED AGENT. THE NOTICE SHALL INCLUDE THE SPECIFIC PESTICIDE BY TRADE  
17 NAME USED IN THE TREATMENT.

18 8. THE BUSINESS LICENSEE PERFORMING PEST CONTROL TREATMENTS ON AN  
19 ONGOING BASIS TO LOCATIONS OTHER THAN RESIDENTIAL STRUCTURES OF FOUR OR FEWER  
20 UNITS FAILS TO PROVIDE WRITTEN NOTICE TO THE PERSON WHO REQUESTED THE  
21 TREATMENTS OR THE PERSON'S DESIGNATED AGENT. NOTICE SHALL BE GIVEN BEFORE THE  
22 FIRST APPLICATION OF THE PESTICIDE AND WHEN NEW OR ADDITIONAL PESTICIDES ARE  
23 USED OR IMMEDIATELY AFTER EACH TREATMENT.

24 9. IF THE TREATMENTS ARE PERFORMED IN THE INTERIOR OF RESIDENTIAL  
25 UNITS, THE LICENSEE SHALL LEAVE A NOTICE IN THE INTERIOR OF EACH TREATED UNIT  
26 IMMEDIATELY AFTER EACH TREATMENT. THE NOTICE SHALL INCLUDE THE PESTICIDE BY  
27 TRADE NAME AND ANY OTHER INFORMATION AS REQUIRED BY THE PESTICIDE LABEL OR  
28 LOCAL ORDINANCE.

29 10. A STATEMENT OF PRECAUTION DOES NOT ACCOMPANY EACH NOTIFICATION OF  
30 TREATMENT REQUIRED IN PARAGRAPHS 7, 8 AND 9 OF THIS SUBSECTION. EACH  
31 STATEMENT OF PRECAUTION SHALL BE PRINTED CONSPICUOUSLY, IN NOT LESS THAN  
32 EIGHT POINT TYPE, AND SHALL INCLUDE THE WORDS:

33 WARNING--PESTICIDES CAN BE HARMFUL. KEEP CHILDREN AND PETS  
34 AWAY FROM PESTICIDE APPLICATIONS UNTIL DRY, DISSIPATED OR  
35 AERATED. FOR MORE INFORMATION CONTACT [BUSINESS LICENSE NAME  
36 AND BUSINESS LICENSE NUMBER] AT [TELEPHONE NUMBER].

37 11. THE BUSINESS LICENSEE FAILS WITHIN THIRTY CALENDAR DAYS OF  
38 COMPLETION OF A TERMITE TREATMENT THAT IS DONE BEFORE OR DURING CONSTRUCTION,  
39 AN INITIAL TERMITE CORRECTIVE TREATMENT PROJECT OR A WOOD-DESTROYING INSECT  
40 INSPECTION REPORT, TO FILE WITH THE COMMISSION, IN A FORM APPROVED BY THE  
41 COMMISSION, ALL DATA REQUIRED BY THE COMMISSION. THE DATA SHALL INCLUDE:

42 (a) THE NAME OF THE INDIVIDUAL WHO PERFORMED THE WORK.

43 (b) THE ADDRESS OR LOCATION OF THE WORK OR PROJECT.

44 (c) THE TYPE AND THE DATE OF THE WORK.

45 (d) THE NAME OF THE BUSINESS LICENSEE.

- 1 (e) THE NAME OF THE QUALIFYING PARTY.
- 2 (f) THE APPLICATOR'S LICENSE NUMBER.
- 3 (g) ANY OTHER INFORMATION REQUIRED BY THE COMMISSION IN ITS RULES.

4 12. THE BUSINESS LICENSEE, WITHIN TWELVE MONTHS OF COMPLETION OF A  
5 TERMITE TREATMENT THAT IS DONE BEFORE OR DURING CONSTRUCTION, FAILS EITHER  
6 TO FILE A SUPPLEMENTAL TERMITE ACTION REPORT IN A FORM PROVIDED BY THE  
7 COMMISSION THAT INDICATES THE COMPLETION OF THE FINAL GRADE TREATMENT OR TO  
8 REPORT IN WRITING WHY THE TREATMENT HAS NOT BEEN COMPLETED AND WHEN IT WILL  
9 BE COMPLETED.

10 D. Nothing in subsection C, paragraph 3 of this section shall be  
11 deemed to prohibit a business licensee from directly purchasing accounts from  
12 a licensee whose license has been revoked if the purchase is made within such  
13 time after the revocation as the commission by rule may establish.

14 E. Before taking any action pursuant to this section, the commission  
15 shall ~~serve written notice on the complainant~~ NOTIFY IN WRITING INTERESTED  
16 PERSONS and the business licensee, certified applicator, qualifying party or  
17 registered employee before the date of the hearing pursuant to title 41,  
18 chapter 6, article 10 either personally or by certified mail at the last  
19 address known to the commission. The written notice shall contain the nature  
20 of the charge or charges against the business licensee, certified applicator,  
21 qualifying party or registered employee and the time and place of the hearing  
22 before the commission on the charges.

23 F. ~~The certificate, A license, qualification or registration may be~~  
24 suspended without a hearing AS PRESCRIBED IN SECTION 32-2329 OR if its holder  
25 fails within thirty CALENDAR days to:

- 26 1. Pay renewal fees.
- 27 2. Pay civil penalties.
- 28 3. Demonstrate the completion of required continuing education.

29 G. The holder of a ~~certificate, license, qualification or registration~~  
30 suspended under subsection F of this section must apply to the commission for  
31 reinstatement.

32 H. ~~Licenses, qualifications, certificates or registrations suspended~~  
33 under subsection F of this section are automatically revoked without a  
34 hearing after one year of suspension. Business Licenses revoked under this  
35 section are not subject to section 32-2304, subsection A, paragraph 26 18.

36 I. All complaints shall be in writing ~~on forms supplied by the~~  
37 commission.

38 J. ~~After receipt of a written complaint of any nature against a~~  
39 ~~business licensee, certified applicator, qualifying party or registered~~  
40 ~~employee, IF the commission may appoint APPOINTS a member or employee of the~~  
41 ~~commission to conduct an informal settlement conference with the complaining~~  
42 ~~party PURSUANT TO SECTION 32-2304, the individual against whom the complaint~~  
43 ~~was filed and the business licensee. If the complaint is subject to section~~  
44 ~~32-2322, a settlement conference shall not be held until the twenty day~~  
45 ~~period prescribed in section 32-2322, subsection A has expired and the~~

1 ~~complaint has not been resolved or both parties consent to an earlier date.~~  
2 The purpose of the informal settlement conference is to reach agreement as  
3 to the disposition of all or a portion of the complaint, including any  
4 agreement providing for repairing or rectifying the conditions specified in  
5 the complaint. The settlement conference shall be conducted informally and  
6 the rules of evidence do not apply. The settlement conference shall not be  
7 recorded. ~~If the complainant is present, the individual against whom the~~  
8 ~~complaint was filed and the business licensee PARTICIPANTS IN THE SETTLEMENT~~  
9 ~~CONFERENCE may ask questions of the complainant and may review any materials~~  
10 ~~or reports compiled by the commission with respect to the complaint. If the~~  
11 ~~matter is resolved by agreement of the commission's representative, the~~  
12 ~~complainant and the business licensee, the matter may be dismissed or a~~  
13 ~~consent order may be prepared as prescribed by the commission in its rules.~~  
14 ~~Unless the commission has previously delegated to a member or employee the~~  
15 ~~ability to enter into a final consent order on behalf of the commission, the~~  
16 ~~proposed consent order is subject to approval of the commission.~~

17 K. ~~A consent order may be prepared by IF the commission only PREPARES~~  
18 ~~A CONSENT ORDER PURSUANT TO SECTION 32-2304, after either an informal~~  
19 ~~settlement conference conducted pursuant to subsection J of this section or~~  
20 ~~a formal hearing by the commission conducted pursuant to title 41, chapter~~  
21 ~~6, article 10, THE consent orders ORDER shall only set forth the general~~  
22 ~~nature of the INQUIRY OR complaint, the specific action to be taken by the~~  
23 ~~qualifying party, certified applicator, registered employee LICENSEE or~~  
24 ~~business licensee, the penalty, if any, and the time for compliance, if any,~~  
25 ~~for any corrective action to be taken.~~

26 L. Except as provided in section 41-1092.08, subsection H, final  
27 decisions of the commission are subject to judicial review pursuant to title  
28 12, chapter 7, article 6. ~~Nothing in this section shall be construed to~~  
29 ~~limit the right of a party in an action under this section to a trial by~~  
30 ~~jury.~~

31 M. The commission shall consider only those ~~complaints filed with the~~  
32 ~~commission AN INQUIRY RECEIVED OR COMPLAINT FILED within three FIVE years of~~  
33 ~~the date of the alleged act or omission.~~

34 N. The commission may issue an advisory notice stating de minimis  
35 violations of statutes or rules that carry no penalty, unless the person  
36 subject to this chapter wilfully and repeatedly violates the statute or rule.  
37 For wilful and repeated violations, the commission may take disciplinary  
38 action against the person for a violation.

39 O. ~~The commission shall delete complaints that are dismissed with no~~  
40 ~~violation. Records of complaints shall be kept for the following time~~  
41 ~~periods:~~

42 1. ~~Complaints that are dismissed because they are found not to be~~  
43 ~~factors of the jurisdiction of the commission shall be deleted.~~

1           ~~2. Complaints that are dismissed by the commission with prejudice with~~  
2 ~~no finding of any violations shall be deleted three years after the complaint~~  
3 ~~is made.~~

4           ~~3. Complaints that are dismissed without prejudice after a settlement~~  
5 ~~conference shall be deleted after five years.~~

6           ~~4. Records of complaints where the commission has found a violation~~  
7 ~~or where the commission has entered into a consent agreement shall be deleted~~  
8 ~~in accordance with rules adopted by the commission. In no event shall the~~  
9 ~~record be deleted earlier than ten years following the filing of the~~  
10 ~~complaint.~~

11           O. IF THE COMMISSION FINDS A VIOLATION OR THE COMMISSION ENTERS INTO  
12 A CONSENT AGREEMENT, THE COMMISSION:

13           1. SHALL NOT DELETE THE RECORD OF THE COMPLAINT FOR AT LEAST FIVE  
14 YEARS FOLLOWING THE FILING OF THE COMPLAINT.

15           2. SHALL INCLUDE INFORMATION FROM THE INQUIRY IN THE RECORD OF  
16 COMPLAINT. IF NO VIOLATION IS FOUND, THE INFORMATION FROM THE INQUIRY SHALL  
17 BE DELETED.

18           P. Only this chapter applies to, regulates and determines all  
19 requirements regarding certification LICENSURE, licensure fees, testing and  
20 education related to structural pest control in this state. Only this  
21 chapter applies to, regulates and determines all requirements regarding the  
22 business of structural pest control, including the application, OR  
23 notification of use or disposal of pesticides for structural pest control in  
24 this state.

25           ~~Q. Under any circumstance where a school or school district requires~~  
26 ~~a licensee to post notifications before or after the application of~~  
27 ~~pesticides the requirement shall be limited to the initial posting of~~  
28 ~~notices.~~

29           R. Q. For purposes of filing or submitting all documents or fees  
30 required under this chapter, service is considered complete if postmarked on  
31 the proper date and delivered by first class mail or a higher class.

32           Sec. 17. Repeal

33           Section 32-2322, Arizona Revised Statutes, is repealed.

34           Sec. 18. Section 32-2323, Arizona Revised Statutes, is amended to  
35 read:

36           32-2323. Wood-destroying insects; treatment proposal

37           A. A business licensee shall not commence work on a contract or sign,  
38 issue or deliver any documents expressing an opinion or making a statement  
39 relating to the presence or absence of wood-destroying pests or organisms  
40 INSECTS in a structure until an inspection is made.

41           ~~B. A business licensee~~ ONLY AN APPLICATOR LICENSED IN THE CATEGORIES  
42 OF WOOD-DESTROYING INSECTS AND WOOD-DESTROYING INSECT INSPECTION shall  
43 prepare a treatment proposal on a form approved by the commission and shall  
44 deliver a copy of the treatment proposal to the person requesting the

1 proposal, or the person's designated agent, before beginning treatment. THE  
2 STRUCTURAL TREATMENT PROPOSAL SHALL INCLUDE THE FOLLOWING INFORMATION:

- 3 1. THE ADDRESS OF THE PROPERTY TO BE TREATED.
- 4 2. A STATEMENT DESCRIBING THAT THE WORK IS PREVENTATIVE OR CORRECTIVE.
- 5 3. A STATEMENT DESCRIBING THE EVIDENCE OF INFESTATION OR DAMAGE.
- 6 4. A DIAGRAMMATIC DESCRIPTION SHOWING THE NATURE AND LOCATION OF  
7 EVIDENCE OF INFESTATION OR DAMAGE, OR BOTH, IF APPLICABLE.
- 8 5. A STATEMENT DESCRIBING THE TREATMENT OR REPAIR METHOD, INCLUDING  
9 THE NAME OF THE PESTICIDE, AGENT OR DEVICE TO BE USED AND A DIAGRAMMATIC  
10 DESCRIPTION SHOWING WHERE THE TREATMENT OR REPAIR WILL BE RENDERED.
- 11 6. THE PRICE FOR THE WORK.
- 12 7. THE TERMS FOR THE SERVICE AGREEMENT PROVIDED BY THE BUSINESS  
13 LICENSEE.
- 14 8. THE SIGNATURE AND LICENSE NUMBER OF THE PERSON WHO MADE THE  
15 INSPECTION OF THE STRUCTURE TO BE TREATED.

16 C. A licensee shall also give to the person requesting a proposal a  
17 written recommendation that verifies a particular problem and, in addition  
18 to the licensee's recommendation for treatment, shall advise the person of  
19 alternative treatments and methods, including integrated pest management  
20 METHODS as provided in section ~~32-2320~~ 32-2304, SUBSECTION A, PARAGRAPH 21,  
21 to alleviate the problem.

22 D. A treatment proposal shall not be in the same form or be construed  
23 as a ~~wood infestation~~ WOOD-DESTROYING INSECT INSPECTION report. A treatment  
24 proposal which THAT does not identify infestation by a ~~wood-destroying pest~~  
25 ~~or organism~~ INSECTS is not a binding statement as to the presence or absence  
26 of wood-destroying pests ~~or organisms~~ INSECTS.

27 ~~B.~~ E. A treatment proposal shall be prepared by a ~~qualifying party~~  
28 ~~or a certified~~ LICENSED applicator who has received at least five hours of  
29 instruction from the commission or an in-house education program of a  
30 business licensee on the subject of ~~termite~~ WOOD-DESTROYING INSECT  
31 inspections. An examination on the instruction is not required. THE  
32 BUSINESS LICENSEE SHALL KEEP A RECORD OF COMPLETION OF THE TRAINING AND SHALL  
33 MAKE THE RECORD AVAILABLE ON THE COMMISSION'S REQUEST.

34 ~~C.~~ F. If a business licensee performs a treatment pursuant to a  
35 treatment proposal, the business licensee shall maintain FOR FIVE YEARS a  
36 record of the treatment and the type NAME and quantity of the chemical  
37 PESTICIDE used.

38 ~~D.~~ No business licensee may issue any guarantee for subterranean  
39 termites relating to a spot treatment of a structure for sale or involved in  
40 refinancing unless the licensee has first treated the entire structure. In  
41 the case of a privately owned dwelling with walls common to another privately  
42 owned dwelling, the licensee may issue the guarantee after treating the  
43 single privately owned dwelling in its entirety except for adjoining walls  
44 which are inaccessible due to refusal of adjoining occupants to allow access  
45 to the technician.

1           Sec. 19. Section 32-2324, Arizona Revised Statutes, is amended to  
2 read:

3           32-2324. Wood-destroying insect inspection reports

4           ~~A. The commission shall adopt a wood infestation report form for use~~  
5 ~~by business licensees. Business licensees may submit other wood infestation~~  
6 ~~report forms for approval by the commission.~~

7           B. ~~A. Wood infestation~~ WOOD-DESTROYING INSECT INSPECTION reports may  
8 only be completed by a ~~certified AN applicator or qualifying party who is~~  
9 ~~certified or qualified LICENSED~~ in the category of control of wood-destroying  
10 ~~pests or organisms~~ INSECTS AND WOOD-DESTROYING INSECT INSPECTION and who has  
11 received at least five hours of instruction from the commission or an  
12 in-house education program of a business licensee on the subject of wood  
13 infestation WOOD-DESTROYING INSECT INSPECTION reports. An examination on the  
14 instruction is not required. THE BUSINESS LICENSEE SHALL KEEP A RECORD OF  
15 COMPLETION OF THE TRAINING AND SHALL MAKE THE RECORD AVAILABLE ON THE  
16 COMMISSION'S REQUEST.

17           ~~C. B. Wood infestation~~ WOOD-DESTROYING INSECT INSPECTION reports  
18 shall be on file in the office of the ~~certified applicator or qualifying~~  
19 ~~party who completed the wood infestation report~~ BUSINESS LICENSEE within  
20 seven working CALENDAR days after the completion of an inspection. The  
21 business licensee shall retain ~~wood infestation~~ A COPY OF ALL COMPLETED  
22 WOOD-DESTROYING INSECT INSPECTION reports for three years AND MAKE THE  
23 REPORTS AVAILABLE ON THE COMMISSION'S REQUEST.

24           ~~D. C. Wood infestation~~ WOOD-DESTROYING INSECT INSPECTION reports are  
25 evidence of the existence or absence of wood-destroying ~~pests or organisms~~  
26 ~~which~~ INSECTS THAT were visible and accessible to an inspector on the date  
27 the inspection was made. A business licensee remains responsible for the  
28 accuracy of the inspection and the report as evidence of the presence or  
29 absence of infestation on the date of inspection, except that a ~~wood~~  
30 infestation WOOD-DESTROYING INSECT INSPECTION report shall not be construed  
31 as a guarantee as to the presence or absence of wood-destroying ~~pests or~~  
32 ~~organisms~~ INSECTS in a structure after the date of inspection.

33           Sec. 20. Title 32, chapter 22, article 3, Arizona Revised Statutes,  
34 is amended by adding section 32-2324.01, to read:

35           32-2324.01. Fungi inspection reports

36           A. FUNGI INSPECTION REPORTS MAY ONLY BE COMPLETED BY A LICENSED  
37 APPLICATOR WHO IS LICENSED IN THE FUNGI CATEGORY AND WHO HAS RECEIVED AT  
38 LEAST EIGHT HOURS OF INSTRUCTION FROM THE COMMISSION OR AN IN-HOUSE EDUCATION  
39 PROGRAM OF A BUSINESS LICENSEE ON THE SUBJECT OF FUNGI INSPECTION AND  
40 INSPECTION REPORTS. AN EXAMINATION ON THE INSTRUCTION IS NOT REQUIRED. THE  
41 BUSINESS LICENSEE SHALL KEEP A RECORD OF THE COMPLETION OF THE TRAINING AND  
42 SHALL MAKE THE RECORD AVAILABLE ON THE COMMISSION'S REQUEST.

43           B. FUNGI INSPECTION REPORTS SHALL BE ON FILE IN THE OFFICE OF THE  
44 BUSINESS LICENSEE WITHIN SEVEN CALENDAR DAYS AFTER THE COMPLETION OF AN  
45 INSPECTION. THE BUSINESS LICENSEE SHALL RETAIN A COPY OF ALL COMPLETED FUNGI

1 INSPECTION REPORTS FOR THREE YEARS AND MAKE THE REPORTS AVAILABLE ON THE  
2 COMMISSION'S REQUEST.

3 C. FUNGI INSPECTION REPORTS ARE EVIDENCE OF THE EXISTENCE OR ABSENCE  
4 OF FUNGI THAT WAS VISIBLE AND ACCESSIBLE TO AN INSPECTOR ON THE DATE THE  
5 INSPECTION WAS MADE. A BUSINESS LICENSEE REMAINS RESPONSIBLE FOR THE ACCURACY  
6 OF THE INSPECTION AND THE REPORT AS EVIDENCE OF THE PRESENCE OR ABSENCE OF  
7 FUNGI ON THE DATE OF INSPECTION, EXCEPT THAT A FUNGI INSPECTION REPORT SHALL  
8 NOT BE CONSTRUED AS A GUARANTEE AS TO THE PRESENCE OR ABSENCE OF FUNGI IN A  
9 STRUCTURE AFTER THE DATE OF INSPECTION.

10 D. LICENSEES WHO ARE LICENSED IN THE WOOD-DESTROYING ORGANISM CATEGORY  
11 BY THE EFFECTIVE DATE OF THIS SECTION, ARE PERMITTED TO PERFORM THE BUSINESS  
12 OF STRUCTURAL PEST CONTROL IN THE FUNGI CATEGORY UNTIL JUNE 30, 2004. AFTER  
13 THAT DATE, ANY PERSON PERFORMING A FUNGI INSPECTION SHALL BE LICENSED IN THE  
14 FUNGI CATEGORY.

15 E. BY DECEMBER 31, 2003, THE COMMISSION SHALL APPROVE A FUNGI  
16 INSPECTION REPORT FOR USE IN FUNGI INSPECTIONS.

17 Sec. 21. Section 32-2325, Arizona Revised Statutes, is amended to  
18 read:

19 32-2325. Unlawful acts

20 A person shall not:

21 1. Engage in the business of structural pest control without holding  
22 a business license issued pursuant to this chapter.

23 2. Engage in the business of structural pest control in any category  
24 without a qualifying party qualified LICENSED in that category.

25 3. Operate a branch office without employing a certified LICENSED  
26 applicator or qualifying party under whose direct supervision pesticide  
27 applications are made out of that office.

28 4. Apply pesticides in any category other than the control of  
29 wood-destroying pests or organisms INSECTS unless the person is a certified  
30 AN applicator certified in or qualifying party qualified LICENSED in that  
31 category pursuant to this chapter or the person applies the pesticides under  
32 the direct supervision of a certified AN applicator certified in or  
33 qualifying party qualified LICENSED in that category pursuant to this  
34 chapter.

35 5. Apply pesticides for the control of wood-destroying pests or  
36 organisms INSECTS unless both of the following apply:

37 (a) The person is a certified AN applicator certified in or qualifying  
38 party qualified LICENSED in that category pursuant to this chapter or the  
39 person applies the pesticides under the immediate supervision of a certified  
40 LICENSED applicator certified in or qualifying party qualified in that  
41 category pursuant to this chapter.

42 (b) The person has received at least five hours of instruction from  
43 the commission or an in-house education program of a business licensee on the  
44 subject of control of wood-destroying pests or organisms INSECTS that is  
45 appropriate for the specific type of application in which the person is

1 engaged PERFORMED. An examination on the instruction is not required. A  
2 BUSINESS LICENSEE SHALL KEEP A RECORD OF COMPLETION OF THE TRAINING AND SHALL  
3 MAKE IT AVAILABLE ON THE COMMISSION'S REQUEST.

4 ~~6. Apply pesticides or use devices, or both, as an employee of a~~  
5 ~~business licensee to control pests without being registered pursuant to~~  
6 ~~section 32-2315.~~

7 ~~7. Complete a wood infestation report without being a certified~~  
8 ~~applicator or qualifying party who is certified or qualified in the category~~  
9 ~~of control of wood-destroying pests or organisms pursuant to this chapter.~~

10 ~~8. 6. Make recommendations regarding structural pest control unless~~  
11 ~~the person is a certified LICENSED applicator, a qualifying party or a~~  
12 ~~registered employee.~~

13 7. DENY TO A COMMISSION INSPECTOR THE RIGHT TO BE PRESENT ON A JOBSITE  
14 IN CONNECTION WITH A CONTEMPORANEOUS PEST CONTROL TREATMENT FOR THE PURPOSE  
15 OF TAKING SAMPLES, INCLUDING PESTICIDE SAMPLES AND SOIL SAMPLES.

16 Sec. 22. Repeal

17 Sections 32-2326 and 32-2328, Arizona Revised Statutes, are repealed.

18 Sec. 23. Title 32, chapter 22, article 3, Arizona Revised Statutes,  
19 is amended by adding section 32-2329, to read:

20 32-2329. Summary suspension

21 AT A PUBLIC MEETING, THE COMMISSION MAY SUMMARILY SUSPEND, WITHOUT A  
22 FORMAL HEARING, ANY LICENSE ISSUED BY THE COMMISSION IF THE COMMISSION DEEMS  
23 IT NECESSARY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC. A  
24 SUMMARILY SUSPENDED LICENSE REMAINS SUSPENDED UNTIL THE NEXT MEETING OF THE  
25 COMMISSION. THE COMMISSION MAY REMOVE A SUMMARY SUSPENSION OR CONTINUE A  
26 SUMMARY SUSPENSION AFTER A REVIEW AT A COMMISSION MEETING OR MAY REVOKE A  
27 LICENSE AS PROVIDED IN SECTION 32-2321.

28 Sec. 24. Repeal

29 Title 32, chapter 22, article 4, Arizona Revised Statutes, is repealed.

APPROVED BY THE GOVERNOR APRIL 28, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2003.



Passed the House March 5, 2003,

Passed the Senate April 10, 2003

by the following vote: 53 Ayes,

by the following vote: 28 Ayes,

3 Nays, 4 Not Voting

0 Nays, 2 Not Voting

Jake Flake  
Speaker of the House

Ken Bluntz  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Charmine Dillington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2341

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 22, 2003,

by the following vote: 53 Ayes,

2 Nays, 5 Not Voting

Jake Flake  
Speaker of the House

Norman L. Joyce  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22 day of April, 2003

at 11:07 o'clock A M.

Sandra Chamise  
Secretary to the Governor

Approved this 28 day of

April, 2003,

at 3<sup>30</sup> o'clock P M.

Jt. Ariz  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 2003,

at 4:41 o'clock P M.

Janice K. Brewer  
Secretary of State

H.B. 2341