

Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

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A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.," and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

**NOTICE OF PROPOSED RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 9. REGISTRAR OF CONTRACTORS**

[R17-95]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R4-9-102	Amend
R4-9-103	Amend
R4-9-104	Amend
R4-9-106	Amend
R4-9-108	Amend
R4-9-109	Amend
R4-9-111	New Section
R4-9-113	Amend
R4-9-115	Amend
R4-9-117	Amend
R4-9-118	New Section

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 32-1104(A)(5), A.R.S. § 32-1104(C), A.R.S. § 32-1105, A.R.S. § 32-1122, A.R.S. § 32-1124(A), A.R.S. § 32-1124(B), A.R.S. § 32-1124(E), A.R.S. § 32-1124(F), A.R.S. § 32-1126, A.R.S. § 32-1151.01, A.R.S. § 32-1152(B), A.R.S. § 32-1152.01, A.R.S. § 32-1156, A.R.S. § 32-1166, A.R.S. § 32-1170.02(C), A.R.S. § 41-1073(A)

Implementing statute: Arizona Revised Statutes, Title 32, Chapter 10

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 23 A.A.R. 1639, June 16, 2017 (*in this issue*)

4. The agency’s contact person who can answer questions about the rulemaking:

Name: Jim Knupp, Legislative Liaison
 Address: Arizona Registrar of Contractors
 1700 W. Washington St., Suite 105
 Phoenix, AZ 85007
 Telephone: (602) 771-6710
 E-mail: jim.knupp@azroc.gov
 Web site: https://roc.az.gov

5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

All of the proposed rulemaking developed from and was submitted with the Agency’s Five-Year-Review Report. The Governor’s Office provided exemption for this rulemaking on Feb. 8, 2017.

Much of the rulemaking represents amendments to clarify language to improve effectiveness of the rule. This is true of R4-9-102, R4-9-103, R4-9-104, R4-9-106, R4-9-108, R4-9-109, R4-9-113, R4-9-115, R4-9-117. Changes in license classifications, as seen in proposed rulemaking for R4-9-102, R4-9-103, and R4-9-104, represent a reversal of 2014 rulemaking that eliminated many commercial and residential classifications and improve consistency within the rules.

Section R4-9-111 received Governor’s Office rulemaking exemption on Dec. 21, 2016 and represents 1) a mechanism to reverse



2014 rulemaking that forced contractors into dual license classifications when the agency eliminated many commercial and residential licenses and 2) increases flexibility for a business to choose to opt out of dual license classification and move to a residential-only or commercial-only license once in the license’s lifetime.

Section R4-9-118 received Governor’s Office rulemaking exemption on Nov. 30, 2016 and increases transparency and efficiency in cases pending hearings at the Office of Administrative Hearings. By introducing prehearing disclosure requirements, cases set for hearing will be more effective and efficient.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Agency’s Five-Year-Review Report, submitted to GRRC on Dec. 28, 2016, identified opportunities where rules may be improved by introducing new sections, repealing unnecessary sections, and amending outdated, unclear sections. The Report was approved by the Governor’s Regulatory Review Council on May 2, 2017.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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

The Agency foresees only minor economic impact based on the proposed rulemaking. The anticipated economic impacts will be reduced burden on the regulated community as much of the rulemaking represents a reversal of negative economic impacts resulting from 2014 rulemaking amendments, where the agency eliminated many commercial-only and residential-only license classifications. The removal of these classifications in 2014 resulted in increased licensing fees, increased assessments, increased bonding requirements, and created potential barriers to entry.

Beyond recreating residential and commercial licenses eliminated in 2014, proposed amendments to scopes of work permitted by the proposed commercial C-21 Hardscaping and Irrigation Systems and residential R-21 Hardscaping and Irrigation Systems licenses represent a more accurate description of work performed by the industry. This should represent No change in economic impact.

The proposed amendments to scopes of work permitted by the proposed commercial C-42 Roofing and residential R-42 Roofing licenses represent a more reasonable allowance of roof substrate replacement by allowing for 10 percent replacement if need for replacement is found after execution of initial contract and enables subcontracting if 10 percent limit is reached. Amendments also provide for clarification of allowances regarding lifting of HVAC equipment.

Amendments to rules not relating to classifications represent clarifications and pose no economic impact.

The New Section proposed as R4-9-111 received Governor’s Office rulemaking exemption on Dec. 21, 2016 and represents 1) a mechanism to reverse 2014 rulemaking that forced contractors into dual license classifications when the agency eliminated many commercial and residential licenses and 2) increases flexibility for a business to choose to opt out of dual license classification and move to a residential-only or commercial-only license once in the license’s lifetime. The Agency anticipates this flexibility will represent a reduction in regulation and provide minor benefit to businesses wishing to not hold a dual license classification.

The New Section proposed as R4-9-118 received Governor’s Office rulemaking exemption on Nov. 30, 2016 and increases transparency and efficiency in cases pending hearings at the Office of Administrative Hearings. By introducing prehearing disclosure requirements, the Agency anticipates cases set for hearing will be more effective and efficient and reduce overall time and costs associated with hearings for complainants, respondents, and the Agency.

9. The agency’s contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Jim Knupp, Legislative Liaison
Address: Arizona Registrar of Contractors
1700 W. Washington St., Suite 105
Phoenix, AZ 85007
Telephone: (602) 771-6710
E-mail: jim.knupp@azroc.gov
Web site: https://roc.az.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The agency does not intend to hold public hearings on this rulemaking, unless a public hearing is requested within 30-days of the publication of this rule. The Agency will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. E-mail comments will be accepted.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The agency does not issue general permits because activities or practices in license classifications are not substantially similar in nature. Statutes require the agency to classify licenses in a manner consistent with established usage and procedure found in the construction industry.



b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
 Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:
 Not applicable

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
 None

13. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
 CHAPTER 9. REGISTRAR OF CONTRACTORS**

ARTICLE 1. GENERAL PROVISIONS

- Section
- R4-9-102. Commercial Contractor License Classifications and Scopes of Work
- R4-9-103. Residential Contractor License Classifications and Scopes of Work
- R4-9-104. Dual Contractor License Classifications and Scopes of Work
- R4-9-106. Examinations
- R4-9-108. ~~Minimum Construction-Workmanship Standards~~
- R4-9-109. Name of Licensee or Applicant
- R4-9-111. ~~Repealed-Opting Out of Dual License Classifications~~
- R4-9-113. Application Process
- R4-9-115. Posting
- R4-9-117. Prior Record
- R4-9-118. ~~Reserved Prehearing Disclosure Requirement~~

ARTICLE 1. GENERAL PROVISIONS

R4-9-102. Commercial Contractor License Classifications and Scopes of Work

A. Commercial contractor license classifications. License classifications for commercial contractors are as follows:

ENGINEERING CONTRACTING

- A No change
- A-4 No change
- A-5 No change
- A-7 No change
- A-9 No change
- A-11 No change
- A-12 No change
- A-14 No change
- A-15 No change
- A-16 No change
- A-17 No change
- A-19 No change

GENERAL COMMERCIAL CONTRACTING

- B-1 No change
- B-2 No change

SPECIALTY COMMERCIAL CONTRACTING

- C-1 Acoustical Systems
- C-3 Awnings, Canopies, Carports and Patio Covers
- C-4 No change
- C-6 No change
- C-7 Carpentry
- C-8 Floor Covering
- C-9 No change
- C-10 Drywall
- C-11 No change
- C-12 Elevators
- C-14 Fencing
- C-15 Blasting
- C-16 No change
- C-21 Hardscaping and Irrigation Systems
- C-24 Ornamental Metals
- C-27 No change
- C-31 Masonry



- C-34 Painting and Wall Covering
- C-36 Plastering
- C-37 No change
- C-38 Signs
- C-39 No change
- C-40 Insulation
- C-41 Septic Tanks and Systems
- C-42 Roofing
- C-45 Sheet Metal
- C-48 Ceramic, Plastic and Metal Tile
- C-49 No change
- C-53 No change
- C-54 Water Conditioning Equipment
- C-56 Welding
- C-57 Wrecking
- C-58 No change
- C-60 Finish Carpentry
- C-61 Carpentry, Remodeling and Repairs
- C-63 Appliances
- C-65 Glazing
- C-67 Low Voltage Communication Systems
- C-70 Reinforcing Bar and Wire Mesh
- C-74 No change
- C-77 No change
- C-78 No change
- C-79 No change

B. Commercial contracting scopes. The scope of work which may be done under the commercial contracting license classifications is as follows:

A- GENERAL ENGINEERING

This classification allows the licensee to construct or repair:

1. Fixed works
2. Streets
3. Roads
4. Power and utility plants
5. Dams
6. Hydroelectric plants
7. Sewage and waste disposal plants
8. Bridges
9. Tunnels
10. Overpasses
11. Public parks
12. Public right-of-ways

Also included are the scopes of work allowed by the A-4 through A-19 and ~~CR-2 through CR-80~~ classifications. This classification does not include work authorized by the B-1, B-2, B-, or B-3 scopes.

A-4 DRILLING

~~Drilling includes~~ This classification allows the licensee to drill, including horizontal and vertical drilling or boring, constructing, deepening, repairing, or abandoning wells; exploring for water, gas, and oil; and constructing dry wells, and monitor wells. Also included is the erection of rigs, derricks and related substructures, and installation, service and repair of pumps and pumping equipment.

A-5 EXCAVATING, GRADING AND OIL SURFACING

No change

A-7 PIERS AND FOUNDATIONS

This classification allows the licensee to install ~~Installation of~~ piers and foundations using concrete, rebar, post tension and other materials common to the industry. Includes pile driving, excavation, forming and other techniques and equipment common to the industry.

A-9 SWIMMING POOLS

This classification allows the licensee to construct ~~Construction,~~ service, and repair of swimming pools and spas, including water and gas service lines from point of service to pool equipment, wiring from pool equipment to first readily accessible disconnect, pool piping, fittings, backflow prevention devices, waste lines, and other integral parts of a swimming pool or spa.

Also included is the installation of swimming pool accessories, covers, safety devices, and fencing for protective purposes, if in the original contract.

A-11 STEEL AND ALUMINUM ERECTION

~~Field fabrication, erection, repair, and alteration of architectural and structural steel and aluminum materials common to the industry, including field layout, cutting, assembly, and erection by welding, bolting, wire tying or riveting.~~



- This classification allows the licensee to install and repair architectural and structural steel and aluminum materials common to the industry. This classification also includes reinforcing steel and field layout, cutting, assembly, and erection by welding, bolting, wire tying or riveting.
- A-12 SEWERS, DRAINS AND PIPE LAYING
This classification allows the licensee to install ~~Installation~~ and repair of any project involving sewer access holes, the laying of pipe for storm drains, water and gas lines, irrigation, and sewers. Includes connecting sewer collector lines to building drains and the installation of septic tanks, leach lines, dry wells, all necessary connections, liners and related excavating and backfilling.
- A-14 ASPHALT PAVING
This classification allows the licensee to install ~~Installation~~ of asphalt paving, and all related fine grading on streets, highways, driveways, parking lots, tennis courts, running tracks, play areas, and gas station driveways and areas, using materials and accessories common to the industry. ~~Includes~~ Only permitted as it pertains to the larger scope of work, the classification also permits the necessary excavation and grading ~~only~~ for height adjustment of existing sewer access holes, storm drains, water valves, sewer cleanouts, and drain gates. Also included is the scope of work allowed by the A-15 Seal Coating Classification.
- A-15 SEAL COATING
This classification allows the licensee to apply ~~Application~~ of seal coating to asphalt paving surfaces. This classification also allows ~~Includes~~ repair of surface cracks and application of painted marking symbols.
- A-16 WATERWORKS
This classification allows the licensee to perform all ~~All~~ work necessary for the production and distribution of water including drilling well, setting casing and pump, related electrical work, related concrete work, excavation, piping for storage and distribution, storage tanks, related fencing, purification and chlorination equipment.
- A-17 ELECTRICAL AND TRANSMISSION LINES
This classification allows the licensee to install, alter, ~~Installation, alteration,~~ and repair of transmission lines on public right-of-ways, including erection of poles, guying systems, tower line erection, cellular and communication towers, street lighting of all voltages, and all underground systems including ducts for signal, communication, and similar installations. This classification also allows the licensee to install ~~Installing~~ transformers, circuit breakers, capacitors, primary metering devices and other related equipment of all commercial electrical construction ~~is included.~~
~~All electrical systems of less than 600 volts on or inside a building are excluded.~~
- A-19 SWIMMING POOLS, INCLUDING SOLAR
~~Construction, service, and repair of swimming pools and spas, with or without solar water heating devices, including water and gas service lines from point of service to pool equipment, wiring from pool equipment to first readily accessible disconnect, pool piping, fittings, backflow prevention devices, waste lines and other integral parts of a swimming pool, spa and attached solar water heating device.~~
~~Also included are swimming pool accessories, covers, safety devices, and fencing for protective purposes, if in the original contract.~~
This classification allows the licensee to perform the same scope of work permitted by the A-9 but also includes installation and repair of solar heating devices.
- B-1 GENERAL COMMERCIAL CONTRACTOR
This classification allows the licensee to construct, alter, ~~Construction, alteration,~~ and repair in connection with any structure built, being built, or to be built for the support, shelter, and enclosure of persons, animals, ~~chattels,~~ or movable property of any kind. This scope includes the supervision of all or any part of the above and includes the management, or direct or indirect supervision of any work performed.
~~Also included are the scopes of work allowed by the CR-2 through CR-80 license classifications. Work related to electrical, plumbing, air conditioning systems, boilers, swimming pools, spas and water wells must be subcontracted to an appropriately licensed contractor. This classification does not include work authorized by the A-, B-, or B-3 scopes.~~
- B-2 GENERAL SMALL COMMERCIAL CONTRACTOR
For projects of \$2,000,000 or less including labor and materials, this classification allows the licensee to perform ~~Small~~ commercial construction in connection with any new structure or addition built, being built, or to be built for the support, shelter and enclosure of persons, animals, ~~chattels~~ or movable property of any kind ~~for which the total amount paid to the licensee does not exceed 2,000,000.~~ This scope includes the supervision of all or any part of the above and includes the management or direct or indirect supervision of any work performed.
 Work related to electrical, plumbing, fire protection systems, air conditioning systems, boilers, swimming pools, spas and water wells must be subcontracted to an appropriately licensed contractor. This classification does not include work authorized by the A-, B-, B-3, or residential scopes.
- C-1 ACOUSTICAL SYSTEMS
This classification allows the licensee to install and repair pre-manufactured acoustical ceiling and wall systems.
~~This classification does not allow the licensee to install or repair electrical or mechanical systems.~~
- C-3 AWNINGS, CANOPIES, CARPORTS AND PATIO COVERS
This classification allows the licensee to place concrete footings and concrete slabs as required for the licensee to install and repair:
 1. Window awnings
 2. Door hoods
 3. Freestanding or attached canopies
 4. Carport and patio covers constructed of metal, fabric, fiberglass, or plastic



- 5. Screened and paneled enclosures, which are not intended for use as habitable spaces, using metal panels, plastic inserts, and screen doors. A minimum of 60% of the wall area of an enclosure shall be constructed of screening material.
- 6. Fascia panels
- 7. Flashing and skirting
- 8. Exterior, detached metal storage units not to exceed 120 square feet

C-4 This classification does not allow the licensee to install or repair electrical, plumbing, or air conditioning systems.
BOILERS, STEAMFITTING AND PROCESS PIPING

This classification allows the licensee to install, alter, installation, alteration, and repair of steam and hot water systems and boilers, including chimney connections, flues, refractories, burners, piping, fittings, valves, thermal insulation, and accessories; fuel and water lines from source of supply to boilers; process and specialty piping and related equipment; pneumatic and electrical controls.

If necessary, a new circuit may be added to the existing service panel or sub-panel. Excluded is the installation of a new service panel or sub-panel.

C-6 SWIMMING POOL SERVICE AND REPAIR

Service, replacement, and repair of swimming pools including all existing connections and equipment. Pool gas heaters and gas piping from meter to heater may be installed only if the existing line and gas supply are adequate.

Application of pool coatings to interior of pool in conjunction with minor repairs to pool tile, plaster, and decks.

Excluded are chlorine gas connections, connections to potable water, and electric connections beyond first readily accessible disconnect. This classification excludes a complete replacement of plaster or pebble pool interiors and decks.

This classification allows the licensee to replace and repair commercial pools and accessories including all existing connections and equipment. Plumbing connections to a potable water system, gas lines, gas chlorine systems, and electrical work beyond the first disconnect must be subcontracted to a properly licensed contractor.

This classification does not allow the licensee to perform a complete replacement of plaster or pebble pool interiors and decks.

C-7 CARPENTRY

This classification allows the licensee to install and repair:

- 1. Rough carpentry
- 2. Finish carpentry
- 3. Hardware
- 4. Millwork
- 5. Metal studs
- 6. Metal doors or door frames
- 7. Windows

C-8 FLOOR COVERING

This classification allows the licensee to prepare a surface as required for the licensee to install and repair the following floor covering materials:

- 1. Carpet
- 2. Floor tile
- 3. Wood
- 4. Linoleum
- 5. Vinyl
- 6. Asphalt
- 7. Rubber
- 8. Concrete coatings

C-9 CONCRETE

All work in connection with the processing, proportioning, batching, mixing, conveying, and placing of concrete composed of materials common to the concrete industry, including finishing, coloring, curing, repairing, testing, drilling, sawing, grinding, chipping, and grouting. Placing film barriers, sealing, and waterproofing are included.

Construction, centering, and assembling forms, molds, insulating concrete forms, slipforms, and pans.

This classification allows the licensee to install and repair concrete, concrete products, and accessories common to the industry.

This classification also allows the licensee to perform trenching, Trenching, excavating, backfilling, and grading in connection with concrete construction.

Installation of embedded items essential to or comprising an integral part of the concrete or concrete construction, including reinforcing elements and accessories.

C-10 DRYWALL

This classification allows the licensee to install and repair:

- 1. Gypsum wall board
- 2. Ceiling grid systems
- 3. Movable partitions
- 4. Wall board tape and texture
- 5. Non-load bearing, lightweight, steel wall partitions

C-11 ELECTRICAL

This classification allows the licensee to install, alter, installation, alteration, and repair of any wiring, related electrical material and equipment used in the generating, transmitting, or utilization of electrical energy less than 600 volts, including



all overhead electrical wiring on public right-of-ways for signs and street decorations, and all underground electrical distribution systems of less than 600 volts serving private properties.

This classification also allows the licensee to install, alter, installation, alteration, and repair on other than public right-of-ways of all outside, overhead, and underground electrical construction and all wiring in or on any building of less than 600 volts, but does not permit work in public right-of-ways.

C-12 ELEVATORS

This classification allows the licensee to install and repair:

1. Elevators
2. Dumbwaiters
3. Escalators
4. Moving walks and ramps
5. Stage and orchestra lifts

C-14 FENCING

This classification allows the licensee to install and repair:

1. Metal, wood, and cement block fencing
2. Automatic gates
3. Fire access strobes
4. Highway guard rails
5. Cattle guards
6. Low voltage U.L. approved electrical fence protective devices of less than 25 volts and 100 watts

This classification does not allow the licensee to install or repair retaining walls.

C-15 BLASTING

This classification allows the licensee to drill, bore, move earth, and build temporary shelters or barricades, as required for the licensee's use of explosives and explosive devices for:

1. Excavation
2. Demolition
3. Geological exploration
4. Mining
5. Construction related blasting

C-16 FIRE PROTECTION SYSTEMS

This classification allows the licensee to install, alter, installation, alteration, and repair of fire protection systems using water, steam, gas, or chemicals. Included is any required excavation, trenching, backfilling and grading, piping from structure, and connections to off-premise water supply adjacent to property involving a fire protection system.

Systems may include the following areas of work and related equipment: restaurant hood protection systems; fire pumps and drivers; pressure and storage tanks; all piping and valves; sprinkler heads and nozzles; and application of materials for the prevention of corrosion or freezing.

Also included are air compressors, air receivers, bottled inert gases, pressurized chemicals, manifolds, pneumatic, hydraulic, or electrical controls, low voltage signaling systems, control piping, and the flushing and testing of systems.

C-21 HARDSCAPING AND IRRIGATION SYSTEMS

This classification allows the licensee to install, alter, and repair:

1. Non-loadbearing concrete
2. Uncovered patios, walkways, driveways made of brick, stone, pavers or gravel
3. Wooden decks no higher than 29 inches above finish grade
4. Decorative garden walls up to six feet from finish grade
5. Fences and screens up to six feet from finish grade
6. Retaining walls up to three feet from the finish grade of the lower elevation
7. Free standing fire pits, fireplaces, or barbeques – electric, plumbing, and gas must be subcontracted to a properly licensed contractor
8. Low voltage landscape lighting
9. Water features that are not attached to swimming pools; including any necessary: electrical wiring of 120 volts or less, connection to potable water lines, backflow prevention devices, hose bibs, excavating, trenching, boring, backfilling, or grading
10. Irrigation systems, including any necessary: electrical wiring of 120 volts or less, connection to potable water lines, backflow prevention devices, hose bibs, excavating, trenching, boring, backfilling, or grading

With the exception of free standing fire pits, fireplaces, or barbeques, this classification does not allow the licensee to install, contract for, or subcontract new electrical service panels, gas or plumbing lines, blasting, outdoor kitchens, gazebos, room additions, swimming pools, pool deck coatings, barbeques, concrete driveways, load bearing walls, or perimeter fencing.

C-24 ORNAMENTAL METALS

This classification allows the licensee to install, alter, or repair non-structural ornamental metal, such as:

1. Metal folding gates
2. Guard and hand rails
3. Wrought iron fencing and gates
4. Window shutters and grilles
5. Room dividers and shields
6. Metal accessories common to the industry



- C-27 This classification does not allow the licensee to install fire escapes or stairs.
 LIGHTWEIGHT PARTITIONS
This classification allows the licensee to install ~~Installation of~~ lightweight (not to exceed 14 gauge) metal wall partitions, including suspended metal ceiling grid systems, as supporting members for the application of building materials such as: application and repair of gypsum plaster, cement, acoustical plaster, or a combination of materials and aggregates, that create a permanent coating; the application of such materials over any surface which offers either a mechanical or suction type bond, sprayed, dashed, or troweled to the surface; surface sandblasting preparatory to plastering or stucco; installation of plastering accessories and lath products manufactured to provide a key or suction type bond for the support of various type plaster coatings; and installation and repair of gypsum wall board, pointing, accessories, taping, and texturing on structures both interior and exterior.
 Upon the effective date of these rules, no new applications for the C-27 classification will be accepted and no new C-27 licenses will be issued.

- C-31 MASONRY
This classification allows the licensee to grout, caulk, sand blast, tuckpoint, mortar wash, parge, clean and weld reinforcing steel as required for the licensee to install and repair:
 1. Masonry
 2. Brick
 3. Concrete block
 4. Insulating concrete forms
 5. Adobe units
 6. Stone
 7. Marble
 8. Slate
 9. Mortar-free masonry products

- C-34 PAINTING AND WALL COVERING
This classification allows the licensee to perform surface preparation to install, apply or repair:
 1. Wallpaper
 2. Wall covering cloth
 3. Wall covering vinyl
 4. Decorative texture
 5. Paint
 6. Liquid floor and wall coatings

- C-36 PLASTERING
This classification allows the licensee to install laths, metal studs, metal grid systems, or other bases as required for the licensee to coat surfaces by trowel or spray with combinations of:
 1. Sand mixtures (e.g. stucco)
 2. Gypsum plaster
 3. Cement
 4. Acoustical plaster
 5. Swimming pool interiors (excluding tile)

- C-37 PLUMBING
 This classification allows the licensee to install, alter, ~~Installation, alteration,~~ and repair of all plumbing when performed solely within property lines and not on public easements or right-of-ways, except as hereinafter provided.
This classification also allows the licensee to perform installation, ~~Installation,~~ alteration, and repair of all piping, fixtures, and appliances related to water supply, including pressure vessels and tanks (excluding municipal or related water supply systems); venting and sanitary drainage systems for all fluid, semifluid, and organic wastes; septic tanks and leaching lines; roof leaders; lawn sprinklers; water conditioning equipment; piping; and equipment for swimming pools.
 Also included are piping, fixtures, appliances, and pressure vessels for manufactured and natural gases, compressed air and vacuum systems, petroleum, fuel oil, nonpotable liquids, hot water heating, and hot water supply systems operating at pressures not exceeding 30 PSIG, or temperatures not exceeding 220° F; steam heating and steam supply systems not exceeding 15 PSIG operating pressure; gas or oil fired space heaters and furnaces, excluding duct work. Piping for water cooling systems, excluding the refrigerant piping and equipment. Testing and balancing of hydronics systems.
 Sewer, gas, water lines, and connections from structure to the nearest point of public supply or disposal may cross public or private easements or be installed within private easements or right-of-ways. Pipe installed across public property may not be increased in size, or make any other connection between the point of exit from private property to the point of connection at public supply or disposal. These lines shall not be installed parallel to main lines in public easements or right-of-ways.

- C-38 SIGNS
This classification allows the licensee to install and repair posts, poles, supports, paint, and electrical wiring as required for the licensee to install and repair:
 1. Signs
 2. Displays
 3. Flagpoles

- C-39 AIR CONDITIONING AND REFRIGERATION



This classification allows the licensee to install, alter, ~~Installation, alteration,~~ and repair of refrigeration and evaporative cooling systems.

This classification also allows the licensee to perform installation, ~~Installation,~~ alteration, and repair of heating systems of “wet”, “dry” or radiant type. “Wet” systems include steam or hot water boilers and coils, or baseboard convectors, and are limited to 30 PSIG operating pressure of 220° F for hot water and 15 PSIG operating pressure for steam. Dry systems include gas fired furnaces and space heaters.

This classification also allows the licensee to perform installation, ~~Installation,~~ alteration, and repair of ventilation systems includes duct work, air filtering devices, water treatment devices, pneumatic or electrical controls, and control piping. Thermal and acoustical insulation of refrigerant pipes and ductwork, vibration isolation materials and devices, liquid fuel piping and tanks, water and gas piping from service connection to the equipment it serves. Testing and balancing of refrigerant, cooling, heating circuits, and air handling systems.

If necessary, a new circuit may be added to the existing service panel or sub-panel. Excluded is the installation of a new service panel or sub-panel.

C-40 INSULATION

This classification allows the licensee to install and repair:

1. Insulation materials, including radiant barriers
2. Preformed architectural acoustical materials
3. Insulation protecting materials

C-41 SEPTIC TANKS AND SYSTEMS

This classification allows the licensee to excavate, install and repair pipe, backfill, and compact soil as required for the licensee to install and repair:

1. Septic tanks
2. Aerobic digesters
3. Leaching fields

C-42 ROOFING

This classification allows the licensee to apply, repair, or install weatherproofing (i.e. asphaltum, pitch, tar, felt, glass fabric, flax, or other commonly used materials or systems) or roof accessories (i.e. flashing, valleys, gravel stops, or sheet metal) as required for the licensee to install and repair:

1. Roof tile
2. Shingles
3. Shakes
4. Slate
5. Metal roofing systems
6. Urethane foam
7. Roof insulation or coatings on or above the roof deck

This classification allows the licensee to replace up to 10 percent of the total roof substrate square footage as it relates to issues with substrate discovered after execution of the initial contract. Replacing more than 10 percent of the roof substrate square footage as it relates to issues with substrate discovered after execution of the initial contract requires licensee to subcontract work to a properly licensed contractor.

This classification also allows the licensee to install new or replace existing skylights where it does not require changes to the roof framing or roof structure and replace fascia not to exceed 24 linear feet.

Licensee may lift HVAC equipment to allow for proper installation of roofing material. However, the licensee must subcontract work to a properly licensed contractor if HVAC equipment ducting requires any modification to allow for proper installation of roofing material.

C-45 SHEET METAL

This classification allows the licensee to install and repair:

1. Sheet metal
2. Cornices
3. Flashings
4. Gutters
5. Leaders
6. Pans
7. Kitchen equipment
8. Duct work
9. Skylights
10. Patented chimneys
11. Metal flues
12. Metal roofing systems

C-48 CERAMIC, PLASTIC AND METAL TILE

This classification allows the licensee to prepare a surface as required for the licensee to install and repair the following tile products on horizontal and vertical surfaces:

1. Ceramic
2. Clay
3. Faience
4. Metal



- 5. Mosaic
- 6. Glass mosaic
- 7. Paver
- 8. Plastic
- 9. Quarry and stone tiles such as marble or slate
- 10. Terrazzo

Installation of shower doors and tub enclosures are included when a part of the original contract.

C-49 REFRIGERATION

This classification allows the licensee to install, alter, ~~Installation, alteration,~~ and repair of refrigeration equipment and systems used for processing, storage, and display of food products and other perishable commodities.

This classification includes ~~includes~~ commercial, industrial, and manufacturing processes requiring refrigeration excluding comfort air conditioning.

Systems may also include the following areas of work and related equipment: temperature, safety and capacity controls, thermal insulation, vibration isolation materials and devices; water treatment devices; construction and installation of walk-in refrigeration boxes, liquid fuel piping and tanks, water and gas piping from equipment to service connection; and testing and balancing of refrigeration equipment and systems.

If necessary, a new circuit may be added to the existing service panel or sub-panel. Excluded is the installation of a new service panel or sub-panel.

C-53 WATER WELL DRILLING

This classification allows the licensee to drill ~~Drill~~ new water wells or deepen existing water wells by use of standard practices including the use of cable tools, compressed air percussion, rotary, air rotary, or reverse circulation rotary methods. Includes installing casing, gravel pack, perforating and sanitary seals. Repair existing wells by sand pumping, jetting, acidizing, swabbing, clean out, re-perforating, swaging, installation of annealed lines, and the removal of debris.

Includes photographing interior of wells with appropriate equipment. Installation of jet and submersible pumps; electrical pump controls and wiring from pump equipment to first readily accessible disconnect; and water line to storage or pressure tank, not to exceed 50 linear feet. Use of a test pump to develop a new well, or repair an existing well, when provided in contract, is limited to 5 horsepower.

Installation of concrete pump bases not to exceed 50 square feet.

Installation of protective fencing when included in original contract.

C-54 WATER CONDITIONING EQUIPMENT

This classification allows the licensee to perform trenching, backfilling, and grading; and install and repair piping, fittings, valves, concrete supports, and electrical control panels of less than 25 volts and required grounding devices; as required for the licensee to install and repair:

- 1. Water conditioning equipment
- 2. Misting systems
- 3. Exchange tanks
- 4. Indirect waste pipe carrying brine, backwash and rinse water to the point of disposal

C-56 WELDING

This classification allows the licensee to weld metals.

C-57 WRECKING

This classification allows the licensee to install and repair temporary ramps, barricades, and pedestrian walkways as required for the licensee to demolish, dismantle, or remove structures not intended for reuse. This classification does not allow the licensee to use explosives.

C-58 COMFORT HEATING, VENTILATING, EVAPORATIVE COOLING

This classification allows the licensee to install, alter, ~~Installation, alteration,~~ and repair of warm air heating systems, gas fired furnaces and space heaters, ventilation and evaporative cooling units, or any combination of these.

Systems may include the following areas of work and related equipment; duct work, air filtering devices, pneumatic or electrical controls, control piping, thermal and acoustical insulation, vibration isolation materials and devices, liquid fuel piping and tanks, water and gas piping from service connection to equipment it serves. Testing and balancing of air handling systems.

If necessary, a new circuit may be added to the existing service panel or sub-panel. Excluded is the installation of a new service panel or sub-panel.

C-60 FINISH CARPENTRY

This classification allows the licensee to install and repair millwork such as:

- 1. Cabinets
- 2. Counter tops
- 3. Case sash
- 4. Door trim
- 5. Metal doors
- 6. Automatic door closers
- 7. Wood flooring

C-61 CARPENTRY, REMODELING AND REPAIRS

For projects of \$50,000 or less including labor and materials, this classification allows the licensee to perform all general remodeling, additions, replacements, and repairs to existing structures.



- Work related to electrical, plumbing, air conditioning systems, and boilers must be subcontracted to an appropriately licensed contractor.
- C-63 APPLIANCES
 This classification allows the licensee to install and repair appliances.
 This classification does not allow the licensee to install or repair gas, electrical, or plumbing lines.
- C-65 GLAZING
 This classification allows the licensee to install and repair weatherproofing, caulking, sealants, and adhesives as required for the licensee to install and repair:
1. Glass products
 2. Window film
 3. Window treatments, such as blinds or shutters
 4. Steel and aluminum glass holding members
- C-67 LOW VOLTAGE COMMUNICATION SYSTEMS
 This classification allows the licensee to build antenna towers on existing structures as required for the licensee to install, service, and repair:
1. Alarm systems
 2. Telephone systems
 3. Sound systems
 4. Intercommunication systems
 5. Public addressing systems
 6. Television or video systems
 7. Low voltage signaling devices
 8. Low voltage landscape lighting that does not exceed 91 volts
 9. Master and program clocks (only low voltage wiring and needed equipment)
- C-70 REINFORCING BAR AND WIRE MESH
 This classification allows the licensee to install and repair:
1. Reinforcing bar
 2. Post-tension
 3. Wire mesh
- C-74 BOILERS, STEAMFITTING AND PROCESS PIPING, INCLUDING SOLAR
 This classification allows the licensee to install, alter, ~~Installation, alteration,~~ and repair of steam and hot water systems and boilers including solar. Also included are chimney connections, flues, refractories, burners, piping, fittings, valves, thermal insulation and accessories; fuel and water lines from source of supply to boilers; process and specialty piping and related equipment; pneumatic and electrical controls.
- If necessary, a new circuit may be added to the existing service panel or sub-panel. Excluded is the installation of a new service panel or sub-panel.
- C-77 PLUMBING INCLUDING SOLAR
 This classification allows the licensee to install, alter, ~~Installation, alteration,~~ and repair of all plumbing including solar, when performed solely within property lines and not on public easements or right-of-ways except as hereinafter provided.
- This classification also allows for installation ~~Installation, alteration,~~ and repair of all piping, fixtures and appliances related to water supply, including pressure vessels and tanks (excluding municipal or related water supply systems); venting and sanitary drainage systems for all fluid, semifluid, and organic wastes; septic tanks and leaching lines; roof leaders; lawn sprinkler systems; water conditioning equipment; piping and equipment for swimming pools.
- Also included are piping, fixtures, appliances, and pressure vessels for manufactured and natural gases, compressed air and vacuum systems, petroleum, fuel oil, nonpotable liquids, hot water heating and hot water supply systems operating at pressures not exceeding 30 PSIG or temperatures not exceeding 220° F; steam heating and steam supply systems not exceeding 15 PSIG operating pressure; gas or oil fired space heaters and furnaces excluding duct work. Piping for water cooling systems, excluding the refrigerant piping and equipment. Testing and balancing of hydronics systems.
- Sewer, gas, water lines, and connections from structure to the nearest point of public supply or disposal may cross public or private easements or be installed within private easements. Pipe installed across public property may not be increased in size or make any other connection between the point of exit from private property to point of connection at public supply or disposal. These lines shall not be installed parallel to main lines in public easements or right-of-ways.
- C-78 SOLAR PLUMBING LIQUID SYSTEMS ONLY
 This classification allows the licensee to install, alter, ~~Installation, alteration,~~ and repair of solar water heating systems operating at temperatures not exceeding 220° F, including thermosyphon, direct (open loop), and indirect (closed loop), but excludes air as a transfer medium.
- Includes installation of collectors, storage and expansion tanks, heat exchangers, piping valves, pumps, sensors and low voltage controls which connect to existing plumbing and electrical stubouts at the water tank location.
- Installation of solar water heating systems for swimming pools which tie into and operate from the conventional pool systems, but excludes all non-solar plumbing, electrical and mechanical systems and components.
- Installation of backup and auxiliary heating systems only when such systems are included in the original contract and when such systems are an integral part of the solar collector or storage equipment.
- C-79 AIR CONDITIONING AND REFRIGERATION, INCLUDING SOLAR



This classification allows the licensee to install, alter, ~~Installation, alteration,~~ and repair of refrigeration and evaporative cooling systems, including solar.

This classification also allows for installation ~~Installation,~~ alteration, and repair of heating systems of “wet”, “dry” or radiant type. “Wet” systems include steam, or hot water boilers and coils, or baseboard convectors and are limited to 30 PSIG operating pressure of 220° F for hot water and 15 PSIG operating pressure for steam. Dry systems include gas fired furnaces and space heaters.

This classification also allows for installation ~~Installation,~~ alteration, and repair of ventilation systems.

Installation of these systems include duct work, air filtering devices, water treatment devices, pneumatic or electrical controls, and control piping. Thermal and acoustical insulation, vibration isolation materials and devices, liquid fuel piping and tanks, and water and gas piping from service connection to equipment it serves. Testing and balancing of refrigerant, cooling and heating circuits, and air handling systems.

If necessary, a new circuit may be added to the existing service panel or sub-panel. Excluded is the installation of a new service panel or sub-panel.

R4-9-103. Residential Contractor License Classifications and Scopes of Work

A. Residential contracting license classifications. License classifications for residential contractors are as follows:

GENERAL RESIDENTIAL CONTRACTING

- B- No change
- B-3 No change
- B-4 General Residential Engineering Contractor
 - ~~B-4R Corrosion Control~~
 - B-4R Sport Court Accessories
 - ~~B-4R Soil Stabilization~~
- B-5 General Swimming Pool Contractor
 - B-5R Swimming Pool Covers
 - ~~B-5R Fiberglassing of Swimming Pools~~
 - ~~B-5R Reservoir Linings & Covers~~
 - B-5R Factory Fabricated Pools & Accessories
- B-6 No change
- B-10 No change

SPECIALTY RESIDENTIAL CONTRACTING

- R-1 Acoustical Systems
- R-2 No change
- R-3 Awnings, Canopies, Carports and Patio Covers
- R-4 Boilers, Including Solar Boilers, Steamfitting and Process Piping
- ~~R-4R Boilers~~
- R-6 No change
- R-7 Carpentry
- R-8 Floor Covering
- R-9 No change
- R-10 Drywall
- R-11 No change
- R-12 Elevators
- R-13 No change
- R-14 Fencing
- R-15 Blasting
- R-16 No change
- R-17 No change
- R-21 Hardscaping and Irrigation Systems
- R-22 No change
- R-24 Ornamental Metals
- R-31 Masonry
- R-34 Painting and Wall Covering
- R-36 Plastering
- R-37 No change
 - R-37R No change
- R-38 Signs
- R-39 Air Conditioning and Refrigeration, Including Solar
 - R-39R Air Conditioning and Refrigeration



- ~~R-39R~~ Gas Refrigeration
- R-39R Temperature Control Systems
- R-39R Warm Air Heating, Evaporative Cooling and Ventilating
- R-39R Evaporative Cooling and Ventilators
- ~~R-39R~~ Pre-Coolers
- R-40 Insulation
- R-41 Septic Tanks and Systems
- R-42 Roofing
- R-45 Sheet Metal
- R-48 Ceramic, Plastic and Metal Tile
- R-53 No change
- R-54 Water Conditioning Equipment
- R-56 Welding
- R-57 Wrecking
- R-60 Finish Carpentry
- R-61 Carpentry, Remodeling and Repairs
- R-62 No change
- R-63 Appliances
- R-65 Glazing
- R-67 Low Voltage Communication Systems
- R-70 Reinforcing Bar and Wire Mesh

B. RESIDENTIAL CONTRACTING SCOPES. The “R” designation after the license classification means that the licensee’s scope of work is restricted to the description stated in the license title. The scope of work which may be done under the residential contracting license classifications is as follows:

- B- GENERAL RESIDENTIAL CONTRACTOR
This classification allows the licensee to construct and repair ~~Construction of~~ all or any part of a residential structure or appurtenance. ~~Also included are the scopes of work allowed by the B-3 and CR-2 through CR-80 license classifications.~~ Work related to electrical, plumbing, air conditioning systems, boilers, swimming pools, spas and water wells must be subcontracted to an appropriately licensed contractor. This classification does not include work authorized by the A-, B-1, or B-2 scopes.
- B-3 GENERAL REMODELING AND REPAIR CONTRACTOR
This classification allows the licensee to remodel and repair ~~Remodeling or repair of~~ an existing residential structure or appurtenance except for electrical, plumbing, mechanical, boilers, swimming pools, spas and water wells, which must be subcontracted to an appropriately licensed contractor. The scope of work allowed under the ~~CR-7~~ R-7 carpentry classification is included within this scope.
 This classification does not include work authorized by the A-, B-1, or B-2 scopes.
- B-4 GENERAL RESIDENTIAL ENGINEERING CONTRACTOR
This classification allows the licensee to construct ~~Construction and repair of~~ appurtenances to residential structures. Work related to electrical, plumbing, air conditioning systems, boilers, and water wells must be subcontracted to an appropriately licensed contractor. This scope includes the CR-21, B-5, and all B-4R subclassifications.
 - ~~B-4R~~ Corrosion Control
 - B-4R Sport Court Accessories
 - ~~B-4R~~ Soil Stabilization
 Upon the effective date of these rules, no new applications for the B-4R license classifications will be accepted and no new B-4R licenses will be issued.
- B-5 GENERAL SWIMMING POOL CONTRACTOR
This classification allows the licensee to construct ~~Construction and repair of~~ swimming pools and spas. Installation of code-required pool barriers around the swimming pool or spa and installation of utilities from the point of service to the pool equipment. Construction of other structures or appurtenances is excluded. This scope includes all B-5R subclassifications.
 - B-5R Swimming Pool Covers
 - ~~B-5R~~ Fiberglassing of Swimming Pools
 - ~~B-5R~~ Reservoir Linings & Covers
 - B-5R Factory Fabricated Pools & Accessories
 Upon the effective date of these rules, no new applications for the B-5R classifications will be accepted and no new B-5R licenses will be issued.
- B-6 GENERAL SWIMMING POOL CONTRACTOR, INCLUDING SOLAR
This classification allows the licensee to perform the same scope of work permitted by the ~~The scope of work allowed in this classification is the same as B-5 (including all B-5R subclassifications) with the inclusion of but also includes installation and repair of solar heating devices.~~
- B-10 PRE-MANUFACTURED SPAS AND HOT TUBS
This classification allows the licensee to construct ~~Construction and repair of~~ spas and hot tubs. Installation of code-required pool barriers around the spa or hot tub and installation of utilities from the point of service to the spa equipment are included.
- R-1 ACOUSTICAL SYSTEMS
This classification allows the licensee to install and repair pre-manufactured acoustical ceiling and wall systems.



- R-2 This classification does not allow the licensee to install or repair electrical or mechanical systems.
EXCAVATING, GRADING AND OILSURFACING
No change
- R-3 AWNINGS, CANOPIES, CARPORTS AND PATIO COVERS
This classification allows the licensee to place concrete footings and concrete slabs as required for the licensee to install and repair:
 1. Window awnings
 2. Door hoods
 3. Freestanding or attached canopies
 4. Carport and patio covers constructed of metal, fabric, fiberglass, or plastic
 5. Screened and paneled enclosures, which are not intended for use as habitable spaces, using metal panels, plastic inserts, and screen doors. A minimum of 60% of the wall area of an enclosure shall be constructed of screening material.
 6. Fascia panels
 7. Flashing and skirting
 8. Exterior, detached metal storage units, not to exceed 200 square feet
- R-4 This classification does not allow the licensee to install or repair electrical, plumbing, or air conditioning systems.
BOILERS, INCLUDING SOLAR-BOILERS, STEAMFITTING AND PROCESS PIPING
Installation and repair of steam and hot water boilers.
If necessary, a new circuit may be added to the existing service panel or sub-panel. Excluded is the installation of a new service panel or sub-panel. This scope includes the C-4R subclassification.
R-4R Boilers
This classification allows the licensee to install, alter, and repair steam and hot water systems and boilers, including chimney connections, flues, refractories, burners, piping, fittings, valves, thermal insulation, and accessories; fuel and water lines from source of supply to boilers; process and specialty piping and related equipment; pneumatic and electrical controls.
If necessary, a new circuit may be added to the existing service panel or sub-panel. Excluded is the installation of a new service panel or sub-panel.
- R-6 SWIMMING POOL SERVICE AND REPAIR
This classification allows the licensee to service and perform minor repair Service and minor repair of residential pools and accessories, excluding plumbing connections to a potable water system, gas lines, gas chlorine systems, and electrical work beyond the first disconnect. This classification does not include a complete replacement of plaster or pebble pool interiors and decks.
This classification does not allow the licensee to perform a complete replacement of plaster or pebble pool interiors and decks.
- R-7 CARPENTRY
This classification allows the licensee to install and repair:
 1. Rough carpentry
 2. Finish carpentry
 3. Hardware
 4. Millwork
 5. Metal studs
 6. Metal doors or door frames
 7. Windows
- R-8 FLOOR COVERING
This classification allows the licensee to prepare a surface as required for the licensee to install and repair the following floor covering materials:
 1. Carpet
 2. Floor tile
 3. Wood
 4. Linoleum
 5. Vinyl
 6. Asphalt
 7. Rubber
 8. Concrete coatings
- R-9 CONCRETE
This classification allows the licensee to install ~~Installation~~ and repair ~~of~~ concrete, concrete products, and accessories common to the industry.
- R-10 DRYWALL
This classification allows the licensee to install and repair:
 1. Gypsum wall board
 2. Ceiling grid systems as supporting members for gypsum drywall
 3. Movable partitions
 4. Wall board tape and texture
 5. Non-load bearing, lightweight, steel wall partitions
- R-11 ELECTRICAL



- This classification allows the licensee to install ~~Installation~~ and repair of residential electrical systems.
- R-12** ELEVATORS
This classification allows the licensee to install and repair:
1. Elevators
 2. Dumbwaiters
 3. Escalators
 4. Moving walks and ramps
 5. Stage and orchestra lifts
- R-13** ASPHALT PAVING
This classification allows the licensee to install ~~Installation~~ and repair of paved areas using materials and methods common to the industry, including asphalt curbs, concrete bumper curbs, headers, and striping.
- R-14** FENCING
This classification allows the licensee to install and repair:
1. Metal, wood, and cement block fencing
 2. Automatic gates
 3. Fire access strobes
 4. Cattle guards
 5. Low voltage U.L. approved electrical fence protective devices of less than 25 volts and 100 watts
- This classification does not allow the licensee to install or repair retaining walls.
- R-15** BLASTING
This classification allows the licensee to drill, bore, move earth, and build temporary shelters or barricades, as required for the licensee's use of explosives and explosive devices for:
1. Excavation
 2. Demolition
 3. Construction related blasting
- R-16** FIRE PROTECTION SYSTEMS
This classification allows the licensee to install ~~Installation~~ and repair of approved types of fire prevention and fire protection systems including all mechanical apparatus, devices, piping, low voltage signaling systems, and equipment common to the fire protection industry. Installation and repair of low voltage signaling systems are also permitted by the R-16 but ~~Installation~~ installation and repair of all other electrical devices, apparatus, and wiring must be subcontracted to a properly licensed contractor.
- R-17** STRUCTURAL STEEL AND ALUMINUM
This classification allows the licensee to install ~~Installation~~ and repair of architectural and structural ~~shapes and members~~ steel and aluminum materials common to the industry, ~~including reinforcing steel which may be used as structural members for buildings, equipment, and structures.~~
This classification also includes reinforcing steel and field layout, cutting, assembly, and erection by welding, bolting, wire tying or riveting.
- R-21** HARDSCAPING AND IRRIGATION SYSTEMS
This classification allows the licensee to install, alter, and repair:
1. Non-loadbearing concrete
 2. Uncovered patios, walkways, driveways made of brick, stone, pavers or gravel
 3. Wooden decks no higher than 29 inches above finish grade
 4. Decorative garden walls up to six feet from finish grade
 5. Fences and screens up to six feet from finish grade
 6. Retaining walls up to three feet from the finish grade of the lower elevation
 7. Free standing fire pits, fireplaces, or barbeques – electric, plumbing, and gas must be subcontracted to a properly licensed contractor
 8. Low voltage landscape lighting
 9. Water features that are not attached to swimming pools; including any necessary: connection to potable water lines, backflow prevention devices, hose bibs, excavating, trenching, boring, backfilling, or grading
 10. Irrigation systems, including any necessary: connection to potable water lines, backflow prevention devices, hose bibs, excavating, trenching, boring, backfilling, or grading
 11. Residential outdoor misting systems. Freestanding or attached to existing appurtenance, not more than 1000 PSI.
 12. Free standing and uncovered outdoor kitchens – electric, plumbing, and gas must be subcontracted to a properly licensed contractor
- With the exception of free standing fire pits, fireplaces, or barbeques, this classification does not allow the licensee to install, contract for, or subcontract new electrical service panels, gas or plumbing lines, blasting, covered outdoor kitchens, gazebos, room additions, swimming pools, pool deck coatings, barbeques, concrete driveways, load bearing walls, or perimeter fencing.
- R-22** HOUSE MOVING
This classification allows the licensee to disconnect ~~Disconnection~~ of utilities is permitted, but connection of utilities and construction of foundations are not permitted.
- R-24** ORNAMENTAL METALS
This classification allows the licensee to install, alter, or repair non-structural ornamental metal, such as:
1. Metal folding gates



- 2. Guard and hand rails
- 3. Wrought iron fencing and gates
- 4. Window shutters and grilles
- 5. Room dividers and shields
- 6. Metal accessories common to the industry

This classification does not allow the licensee to install fire escapes or stairs.

R-31 MASONRY

This classification allows the licensee to grout, caulk, sand blast, tuckpoint, mortar wash, parge, clean and weld reinforcing steel as required for the licensee to install and repair:

- 1. Masonry
- 2. Brick
- 3. Concrete block
- 4. Insulating concrete forms
- 5. Adobe units
- 6. Stone
- 7. Marble
- 8. Slate
- 9. Mortar-free masonry products

R-34 PAINTING AND WALL COVERING

This classification allows the licensee to perform surface preparation to install, apply, and repair:

- 1. Wallpaper
- 2. Wall covering cloth
- 3. Wall covering vinyl
- 4. Decorative texture
- 5. Paint
- 6. Liquid floor and wall coatings

R-36 PLASTERING

This classification allows the licensee to install laths, metal studs, metal grid systems, or other bases as required for the licensee to coat surfaces by trowel or spray with combinations of:

- 1. Sand mixtures (e.g. stucco)
- 2. Gypsum plaster
- 3. Cement
- 4. Acoustical plaster
- 5. Swimming pool interiors (excluding tile)

R-37 PLUMBING, INCLUDING SOLAR

This classification allows the licensee to install ~~Installation~~ and repair of water and gas piping systems, fire protection as it relates to water sprinkler systems, and sewage treatment systems. Included are all fixtures, vents, and devices common to the industry, as well as solar applications. This scope includes all ~~C-37R~~ R-37R subclassifications.

- R-37R Plumbing
- R-37R Built-in Central Vacuum Systems
- R-37R Kitchen and Bathroom Fixture Refinishing
- R-37R Swimming Pool Plumbing and Equipment
- R-37R Gas Piping
- R-37R Sewers, Drains and Pipe Laying
- R-37R Solar Plumbing Liquid Systems Only

Upon the effective date of these rules, no new applications for the R-37R Built-in Central Vacuum Systems, Kitchen and Bathroom Fixture Refinishing, Swimming Pool Plumbing and Equipment, Gas Piping, Sewers, Drains and Pipe Laying, and Solar Plumbing Liquid Systems Only license classifications will be accepted and no new R-37R licenses in these classifications will be issued.

R-38 SIGNS

This classification allows the licensee to install and repair posts, poles, supports, paint, and electrical wiring as required for the licensee to install and repair:

- 1. Signs
- 2. Displays
- 3. Flagpoles

R-39 AIR CONDITIONING AND REFRIGERATION, INCLUDING SOLAR

This classification allows the licensee to install ~~Installation~~ and repair of comfort air conditioning systems, including refrigeration, evaporative cooling, ventilating, and heating with or without solar equipment. Installation and repair of machinery, units, accessories, refrigerator rooms, and insulated refrigerator spaces, and controls in refrigerators.

If necessary, a new circuit may be added to the existing service panel or sub-panel. Excluded is the installation of a new service panel or sub-panel. This scope includes all ~~C-39R~~ R-39R subclassifications.

- R-39R Air Conditioning and Refrigeration
- ~~R-39R Gas Refrigeration~~
- R-39R Temperature Control Systems
- R-39R Warm Air Heating, Evaporative Cooling and Ventilating
- R-39R Evaporative Cooling and Ventilators

R-39R Pre-Coolers

Upon the effective date of these rules, no new applications for the R-39R Gas Refrigeration, Temperature Control Systems, Warm Air Heating, Evaporative Cooling and Ventilating, Evaporative Cooling and Ventilators, and Pre-Coolers license classifications will be accepted and no new R-39R licenses in these classifications will be issued.

R-40 INSULATION

This classification allows the licensee to install and repair:

1. Insulation materials, including radiant barriers
2. Preformed architectural acoustical materials
3. Insulation protecting materials

R-41 SEPTIC TANKS AND SYSTEMS

This classification allows the licensee to excavate, install and repair pipe, backfill, and compact soil as required for the licensee to install and repair:

1. Septic tanks
2. Aerobic digesters
3. Leaching fields

R-42 ROOFING

This classification allows the licensee to apply, repair, or install weatherproofing (i.e. asphaltum, pitch, tar, felt, glass fabric, flax, or other commonly used materials or systems) or roof accessories (i.e. flashing, valleys, gravel stops, or sheet metal) as required for the licensee to install and repair:

1. Roof tile
2. Shingles
3. Shakes
4. Slate
5. Metal roofing systems
6. Urethane foam
7. Roof insulation or coatings on or above the roof deck

This classification allows the licensee to replace up to 10 percent of the total roof substrate square footage as it relates to issues with substrate discovered after execution of the initial contract. Replacing more than 10 percent of the roof substrate square footage as it relates to issues with substrate discovered after execution of the initial contract requires licensee to subcontract work to a properly licensed contractor.

This classification also allows the licensee to install new or replace existing skylights where it does not require changes to the roof framing or roof structure and replace fascia not to exceed 24 linear feet.

Licensee may lift HVAC equipment to allow for proper installation of roofing material. However, the licensee must subcontract work to a properly licensed contractor if HVAC equipment ducting requires any modification to allow for proper installation of roofing material.

R-45 SHEET METAL

This classification allows the licensee to install and repair:

1. Sheet metal
2. Cornices
3. Flashings
4. Gutters
5. Leaders
6. Pans
7. Kitchen equipment
8. Duct work
9. Skylights
10. Patented chimneys
11. Metal flues
12. Metal roofing systems

R-48 CERAMIC, PLASTIC AND METAL TILE

This classification allows the licensee to prepare a surface as required for the licensee to install and repair the following tile products on horizontal and vertical surfaces:

1. Ceramic
2. Clay
3. Faience
4. Metal
5. Mosaic
6. Glass mosaic
7. Paver
8. Plastic
9. Quarry and stone tiles such as marble or slate
10. Terrazzo

Installation of shower doors and tub enclosures are included when a part of the original contract.

R-53 DRILLING

This classification allows the licensee to install ~~Installation~~ and repair of wells, including test boring, exploratory drilling and all materials and devices common to the industry.



- R-54 WATER CONDITIONING EQUIPMENT
This classification allows the licensee to perform trenching, backfilling, and grading; and install and repair piping, fittings, valves, concrete supports, and electrical control panels of less than 25 volts and required grounding devices; as required for the licensee to install and repair:
 1. Water conditioning equipment
 2. Misting systems
 3. Exchange tanks
 4. Indirect waste pipe carrying brine, backwash and rinse water to the point of disposal
- R-56 WELDING
This classification allows the licensee to weld metals.
- R-57 WRECKING
This classification allows the licensee to install and repair temporary ramps, barricades, and pedestrian walkways as required for the licensee to demolish, dismantle, or remove structures not intended for reuse.
This classification does not allow the licensee to use explosives.
- R-60 FINISH CARPENTRY
This classification allows the licensee to install and repair millwork such as:
 1. Cabinets
 2. Counter tops
 3. Case sash
 4. Door trim
 5. Metal doors
 6. Automatic door closers
 7. Wood flooring
- R-61 CARPENTRY, REMODELING AND REPAIRS
For projects of \$50,000 or less including labor and materials, this classification allows the licensee to perform all general remodeling, additions, replacements, and repairs to existing structures.
Work related to electrical, plumbing, air conditioning systems, and boilers must be subcontracted to an appropriately licensed contractor.
- R-62 MINOR HOME IMPROVEMENTS
For projects of \$5,000 or less including labor and materials, this classification allows the licensee to perform remodeling, repairs, and improvements to existing structures or appurtenances not to exceed \$5,000 for labor and materials per project per dwelling or appurtenance. The minor home improvement contractor shall not perform structural work to any existing structures or appurtenances, including load bearing masonry or concrete work (with the exception of on-grade flat work), and load bearing carpentry work (with the exception of patio or porch covers). All electrical, plumbing, air conditioning, heating, boiler, and roofing work shall be performed by an appropriately licensed contractor.
Any work related to electrical, plumbing, air conditioning systems, and boilers must be subcontracted to an appropriately licensed contractor.
- R-63 APPLIANCES
This classification allows the licensee to install and repair appliances.
This classification does not allow the licensee to install or repair gas, electrical, or plumbing lines.
- R-65 GLAZING
This classification allows the licensee to install and repair weatherproofing, caulking, sealants, and adhesives as required for the licensee to assemble, install and repair:
 1. Glass products
 2. Window film
 3. Window treatments, such as blinds or shutters
 4. Steel and aluminum glass holding members
- R-67 LOW VOLTAGE COMMUNICATION SYSTEMS
This classification allows the licensee to build antenna towers on existing structures as required for the licensee to install, service and repair:
 1. Alarm systems
 2. Telephone systems
 3. Sound systems
 4. Intercommunication systems
 5. Public addressing systems
 6. Television or video systems
 7. Low voltage signaling devices
 8. Low voltage landscape lighting that does not exceed 91 volts
 9. Master and program clocks (only low voltage wiring and needed equipment)
- R-70 REINFORCING BAR AND WIRE MESH
This classification allows the licensee to install and repair:
 1. Reinforcing bar
 2. Post-tension
 3. Wire mesh

R4-9-104. Dual Contractor License Classifications and Scopes of Work



A. Dual license contracting classifications. License classifications for dual contractors are as follows:

GENERAL DUAL ENGINEERING CONTRACTING

- KA- No change
- KA-5 No change
- KA-6 No change
- KE- (As restricted by Registrar)

GENERAL DUAL LICENSE CONTRACTING

- KB-1 No change
- KB-2 No change
- KO- No change

SPECIALTY DUAL LICENSE CONTRACTING

- CR-1 No change
- CR-2 No change
- CR-3 No change
- CR-4 No change
- CR-5 No change
- CR-6 No change
- CR-7 No change
- CR-8 No change
- CR-9 No change
- CR-10 No change
- CR-11 No change
- CR-12 No change
- CR-14 No change
- CR-15 No change
- CR-16 No change
- CR-17 No change
- CR-21 ~~Landscaping~~ HARDSCAPING and Irrigation Systems
- CR-24 No change
- CR-29 No change
- CR-31 No change
- CR-34 No change
- CR-36 No change
- CR-37 No change
- CR-38 No change
- CR-39 No change
- CR-40 No change
- CR-41 No change
- CR-42 No change
- CR-45 No change
- CR-48 No change
- CR-53 No change
- CR-54 No change
- CR-56 No change
- CR-57 No change
- CR-58 No change
- CR-60 No change
- CR-61 No change
- ~~CR-62 Reinforcing Bar and Wire Mesh~~
- CR-63 No change
- CR-65 No change
- CR-66 No change
- CR-67 No change
- CR-69 No change
- CR-70 Reinforcing Bar and Wire Mesh
- CR-74 No change
- CR-77 No change
- CR-78 No change
- CR-79 No change
- CR-80 No change

B. Dual license contracting scopes. The scope of work which may be done under the dual license contracting classifications allow a contractor to combine commercial and residential contracting licenses in one license. These classifications are as follows:

- KA- DUAL ENGINEERING
This classification allows the scopes ~~scope~~ of work permitted by the commercial A- General Engineering and the B-4 General Residential Engineering licenses.
- KA-5 DUAL SWIMMING POOL CONTRACTOR



- This classification allows the ~~scopes~~ scope of work permitted by the commercial A-9 Swimming Pools and the residential B-5 General Swimming Pool licenses.

KA-6 DUAL SWIMMING POOL CONTRACTOR, INCLUDING SOLAR
 This classification allows the ~~scopes~~ scope of work permitted by the commercial A-19 Swimming Pools, Including Solar and the residential B-6 General Swimming Pools, Including Solar licenses.
- KE- (AS RESTRICTED BY REGISTRAR)
 No change
- KB-1 DUAL BUILDING CONTRACTOR
 This classification allows the ~~scopes~~ scope of work permitted by the B-1 General Commercial Contractor and the B- General Residential Contractor licenses.
- KB-2 DUAL RESIDENTIAL AND SMALL COMMERCIAL
 This classification allows the ~~scopes~~ scope of work permitted by the B-2 General Small Commercial and the B- General Residential Contractor licenses.
- KO- (AS RESTRICTED BY REGISTRAR)
 No change
- CR-1 ACOUSTICAL SYSTEMS
~~This classification allows the licensee to install or repair pre-manufactured acoustical ceiling and wall systems. This classification does not allow the licensee to install or repair electrical or mechanical systems.~~
This classification allows the scopes of work permitted by the commercial C-1 Acoustical Systems and the residential R-1 Acoustical Systems licenses.
- CR-2 EXCAVATING, GRADING AND OIL SURFACING
 This classification allows the ~~scopes~~ scope of work permitted by the commercial A-5 Excavating, Grading, and Oil Surfacing and the residential R-2 Excavating, Grading, and Oil Surfacing licenses.
- CR-3 AWNINGS, CANOPIES, CARPORTS AND PATIO COVERS
~~This classification allows the licensee to place concrete footings and concrete slabs as required for the licensee to install or repair:~~
 1. Window awnings
 2. Door hoods
 3. Freestanding or attached canopies
 4. Carport and patio covers constructed of metal, fabric, fiberglass, or plastic
 5. Screened and paneled enclosures, which are not intended for use as habitable spaces, using metal panels, plastic inserts, and screen doors. A minimum of 60% of the wall area of an enclosure shall be constructed of screening material.
 6. Fascia panels
 7. Flashing and skirting
 8. Exterior, detached metal storage units~~This classification does not allow the licensee to install or repair electrical, plumbing, or air conditioning systems.~~
This classification allows the scopes of work permitted by the commercial C-3 Awnings, Canopies, Carports and Patio Covers and the residential R-3 Awnings, Canopies, Carports and Patio Covers licenses.
- CR-4 BOILERS, STEAMFITTING AND PROCESS PIPING
 This classification allows the ~~scopes~~ scope of work permitted by the commercial C-4 Boilers, Steamfitting and Process Piping and the residential ~~R-4 Boilers~~ R-4 Boilers, Steamfitting and Process Piping licenses.
- CR-5 (AS RESTRICTED BY REGISTRAR)
 No change
- CR-6 SWIMMING POOL SERVICE AND REPAIR
 This classification allows the ~~scopes~~ scope of work permitted by the commercial C-6 Swimming Pool Service and Repair and the residential R-6 Swimming Pool Service and Repair licenses.
- CR-7 CARPENTRY
~~This classification allows the licensee to install or repair:~~
 1. Rough carpentry
 2. Finish carpentry
 3. Hardware
 4. Millwork
 5. Metal studs
 6. Metal doors or door framesThis classification allows the scopes of work permitted by the commercial C-7 Carpentry and the residential R-7 Carpentry licenses.
- CR-8 FLOOR COVERING
~~This classification allows the licensee to prepare a surface as required for the licensee to install or repair the following floor covering materials:-~~
 1. Carpet
 2. Floor tile
 3. Wood
 4. Linoleum
 5. Vinyl
 6. Asphalt



- 7. Rubber
 - 8. Concrete coatings
- This classification allows the scopes of work permitted by the commercial C-8 Floor Covering and the residential R-8 Floor Covering licenses.
- CR-9 CONCRETE
This classification allows the ~~scopes~~ scope of work permitted by the commercial C-9 Concrete and the residential R-9 Concrete licenses.
- CR-10 DRYWALL
This classification allows the licensee to install or repair:
- 1. Gypsum wall board
 - 2. Ceiling grid systems as supporting members for gypsum drywall
 - 3. Movable partitions
 - 4. Wall board tape and texture
 - 5. Non-load bearing, lightweight, steel wall partitions
- This classification allows the scopes of work permitted by the commercial C-10 Drywall and the residential R-10 Drywall licenses.
- CR-11 ELECTRICAL
This classification allows the ~~scopes~~ scope of work permitted by the commercial C-11 Electrical and residential R-11 Electrical licenses.
- CR-12 ELEVATORS
This classification allows the licensee to install or repair:
- 1. Elevators
 - 2. Dumbwaiters
 - 3. Escalators
 - 4. Moving walks and ramps
 - 5. Stage and orchestra lifts
- This classification allows the scopes of work permitted by the commercial C-12 Elevators and the residential R-12 Elevators licenses.
- CR-14 FENCING
This classification allows the licensee to install or repair:
- 1. Metal, wood, and cement block fencing
 - 2. Automatic gates
 - 3. Fire access strobes
 - 4. Highway guard rails
 - 5. Cattle guards
 - 6. Low voltage U.L. approved electrical fence protective devices of less than 25 volts and 100 watts
- This classification does not allow the licensee to install or repair retaining walls.
This classification allows the scopes of work permitted by the commercial C-14 Fencing and the residential R-14 Fencing licenses.
- CR-15 BLASTING
This classification allows the licensee to drill, bore, move earth, and build temporary shelters or barricades, as required for the licensee's use of explosives and explosive devices for:
- 1. Excavation
 - 2. Demolition
 - 3. Geological exploration
 - 4. Mining
 - 5. Construction related blasting
- This classification allows the scopes of work permitted by the commercial C-15 Blasting and the residential R-15 Blasting licenses.
- CR-16 FIRE PROTECTION SYSTEMS
This classification allows the ~~scopes~~ scope of work permitted by the commercial C-16 Fire Protection Systems and the residential R-16 Fire Protection licenses.
- CR-17 STEEL AND ALUMINUM ERECTION
This classification allows the ~~scopes~~ scope of work permitted by the commercial A-11 Steel and Aluminum Erection and the residential R-17 Structural Steel and Aluminum licenses.
- CR-21 LANDSCAPING HARDSCAPING AND IRRIGATION SYSTEMS
This classification allows the licensee to treat, condition, prepare, and install:
- 1. Topsoil
 - 2. Plants and decorative vegetation
 - 3. Non-loadbearing concrete
 - 4. Uncovered patios, walkways, driveways made of brick, stone, pavers or gravel
 - 5. Wooden decks no higher than 29 inches above finish grade
 - 6. Decorative garden walls up to six feet from finish grade
 - 7. Fences and screens up to six feet from finish grade
 - 8. Retaining walls up to three feet from the finish grade of the lower elevation
 - 9. Wood burning fire pit no higher than 16 inches above finish grade
 - 10. Low voltage landscape lighting



- 11. Water features that are not attached to swimming pools; including any necessary: electrical wiring of 120 volts or less, connection to potable water lines, backflow prevention devices, hose bibs, excavating, trenching, boring, backfilling, or grading
- 12. Irrigation systems, including any necessary: electrical wiring of 120 volts or less, connection to potable water lines, backflow prevention devices, hose bibs, excavating, trenching, boring, backfilling, or grading

This classification does not allow the licensee to install, contract for, or subcontract new electrical service panels, gas or plumbing lines, blasting, outdoor kitchens, gazebos, room additions, swimming pools, pool deck coatings, barbecues, concrete driveways, load bearing walls, or perimeter fencing.

This classification allows the scopes of work permitted by the commercial C-21 Hardscaping and Irrigation Systems and the residential R-21 Hardscaping and Irrigation Systems licenses.

Upon the effective date of these rules, existing CR-21 Landscaping and Irrigation Systems licenses will be reclassified as CR-21 Hardscaping and Irrigation Systems.

CR-24 ORNAMENTAL METALS

This classification allows the licensee to fabricate, install, or repair non-structural ornamental metal, such as:

- 1. Metal folding gates
- 2. Guard and hand rails
- 3. Wrought iron fencing and gates
- 4. Window shutters and grilles
- 5. Room dividers and shields
- 6. Metal accessories common to the industry

This classification does not allow the licensee to install fire escapes and stairs.

This classification allows the scopes of work permitted by the commercial C-24 Ornamental Metals and the residential R-24 Ornamental Metals licenses.

CR-29 MACHINERY (AS RESTRICTED BY THE REGISTRAR)

CR-31 MASONRY

This classification allows the licensee to grout, caulk, sand blast, tuckpoint, mortar wash, parge, clean and weld reinforcing steel as required for the licensee to install or repair:

- 1. Masonry
- 2. Brick
- 3. Concrete block
- 4. Insulating concrete forms
- 5. Adobe units
- 6. Stone
- 7. Marble
- 8. Slate
- 9. Mortar-free masonry products

This classification allows the scopes of work permitted by the commercial C-31 Masonry and the residential R-31 Masonry licenses.

CR-34 PAINTING AND WALL COVERING

This classification allows the licensee to perform surface preparation, caulking, drywall patching, drywall taping, sanding, and cleaning as required for the licensee to install, apply or repair:

- 1. Wallpaper
- 2. Wall covering cloth
- 3. Wall covering vinyl
- 4. Decorative texture
- 5. Paint

This classification allows the scopes of work permitted by the commercial C-34 Painting and Wall Covering and the residential R-34 Painting and Wall Covering licenses.

CR-36 PLASTERING

This classification allows the licensee to install laths, metal studs, metal grid systems, or other bases as required for the licensee to coat surfaces by trowel or spray with combinations of:

- 1. Sand mixtures (e.g. stucco)
- 2. Gypsum plaster
- 3. Cement
- 4. Acoustical plaster
- 5. Swimming pool interiors (excluding tile)

This classification allows the scopes of work permitted by the commercial C-36 Plastering and the residential R-36 Plastering licenses.

CR-37 PLUMBING

This classification allows the ~~scopes~~ scope of work permitted by the commercial C-37 Plumbing and the residential R-37R Plumbing licenses.

CR-38 SIGNS

This classification allows the licensee to install or repair posts, poles, supports, paint, and electrical wiring as required for the licensee to fabricate, install or repair:

- 1. Signs
- 2. Displays
- 3. Flagpoles



- This classification allows the scopes of work permitted by the commercial C-38 Signs and the residential R-38 Signs licenses.
- CR-39 AIR CONDITIONING AND REFRIGERATION
This classification allows the ~~scopes~~ scope of work permitted by the commercial C-39 Air Conditioning and Refrigeration and the residential R-39R Air Conditioning and Refrigeration licenses.
- CR-40 INSULATION
~~This classification allows the licensee to install supports, fastening systems, adhesives, mastics, or plastics as required for the licensee to install or repair:~~
 - ~~1. Insulation materials~~
 - ~~2. Preformed architectural acoustical materials~~
 - ~~3. Insulation protecting materials~~This classification allows the scopes of work permitted by the commercial C-40 Insulation and the residential R-40 Insulation licenses.
- CR-41 SEPTIC TANKS AND SYSTEMS
~~This classification allows the licensee to excavate, install or repair pipe, backfill, and compact soil as required for the licensee to install or repair:~~
 - ~~1. Septic tanks~~
 - ~~2. Aerobic digesters~~
 - ~~3. Leaching fields~~This classification allows the scopes of work permitted by the commercial C-56 Welding and the residential R-56 Welding licenses.
- CR-42 ROOFING
~~This classification allows the licensee to apply or install weatherproofing (i.e. asphaltum, pitch, tar, felt, glass fabric, or flax) or roof accessories (i.e. flashing, valleys, gravel stops, or sheet metal) as required for the licensee to install or repair:~~
 - ~~1. Roof tile~~
 - ~~2. Shingles~~
 - ~~3. Shakes~~
 - ~~4. Slate~~
 - ~~5. Metal roofing systems~~
 - ~~6. Urethane foam~~
 - ~~7. Roof insulation or coatings on or above the roof deck~~This classification allows the licensee to replace up to three sheets (96 square feet) of plywood on the roof substrate; and install new or replace existing skylights where it does not require changes to the roof framing or roof structure.
This classification allows the scopes of work permitted by the commercial C-42 Roofing and the residential R-42 Roofing licenses.
- CR-45 SHEET METAL
~~This classification allows the licensee to cut, fabricate, install or repair:~~
 - ~~1. Sheet metal~~
 - ~~2. Cornices~~
 - ~~3. Flashings~~
 - ~~4. Gutters~~
 - ~~5. Leaders~~
 - ~~6. Pans~~
 - ~~7. Kitchen equipment~~
 - ~~8. Duct work~~
 - ~~9. Skylights~~
 - ~~10. Patented chimneys~~
 - ~~11. Metal flues~~
 - ~~12. Metal roofing systems~~This classification allows the scopes of work permitted by the commercial C-45 Sheet Metal and the residential R-45 Sheet Metal licenses.
- CR-48 CERAMIC, PLASTIC AND METAL TILE
~~This classification allows the licensee to prepare a surface as required for the licensee to install or repair the following tile products on horizontal and vertical surfaces:~~
 - ~~1. Ceramic~~
 - ~~2. Clay~~
 - ~~3. Faience~~
 - ~~4. Metal~~
 - ~~5. Mosaic~~
 - ~~6. Glass mosaic~~
 - ~~7. Paver~~
 - ~~8. Plastic~~
 - ~~9. Quarry~~
 - ~~10. Stone tiles such as marble or slate~~
 - ~~11. Ferrazzo~~Installation of shower doors and tub enclosures are included when a part of the original contract.



- CR-53 WATER WELL DRILLING
 This classification allows the scopes ~~scope~~ of work permitted by the commercial C-48 Ceramic, Plastic and Metal Tile and the residential R-48 Ceramic, Plastic and Metal Tile licenses.
- CR-54 WATER CONDITIONING EQUIPMENT
 This classification allows the licensee to perform trenching, backfilling, and grading; and install and repair piping, fittings, valves, concrete supports, and electrical control panels of less than 25 volts and required grounding devices; as required for the licensee to install or repair:

 1. Water conditioning equipment
 2. Misting systems
 3. Exchange tanks
 4. Indirect waste pipe carrying brine, backwash and rinse water to the point of disposal
 This classification allows the scopes of work permitted by the commercial C-54 Water Conditioning Equipment and the residential R-54 Water Conditioning Equipment licenses.
- CR-56 WELDING
 This classification allows the licensee to weld metals.
 This classification allows the scopes of work permitted by the commercial C-56 Welding and the residential R-56 Welding licenses.
- CR-57 WRECKING
 This classification allows the licensee to install or repair temporary ramps, barricades, and pedestrian walkways as required for the licensee to demolish, dismantle, or remove structures not intended for reuse. This classification does not allow the licensee to use explosives.
 This classification allows the scopes of work permitted by the commercial C-57 Wrecking and the residential R-57 Wrecking licenses.
- CR-58 COMFORT HEATING, VENTILATING, EVAPORATIVE COOLING
 This classification allows the scopes ~~scope~~ of work permitted by the commercial C-58 Comfort Heating, Ventilating, Evaporative Cooling and the residential R-39R Warm Air Heating, Evaporative Cooling, and Ventilating licenses.
- CR-60 FINISH CARPENTRY
 This classification allows the licensee to install or repair millwork such as:

 1. Cabinets
 2. Counter tops
 3. Case sash
 4. Door trim
 5. Metal doors
 6. Automatic door closers
 7. Wood flooring
 This classification allows the scopes of work permitted by the commercial C-60 Finish Carpentry and the residential R-60 Finish Carpentry licenses.
- CR-61 CARPENTRY, REMODELING AND REPAIRS
 For projects of \$50,000 or less, this classification allows the licensee, on existing structures, to install or repair:

 1. Rough carpentry
 2. Finish carpentry
 3. Roofing
 4. Hardware
 5. Millwork
 6. Metal studs
 7. Metal doors or door frames
 Work related to electrical, plumbing, air conditioning systems, boilers, swimming pools, spas and water wells must be sub-contracted to an appropriately licensed contractor.
 This classification allows the scopes of work permitted by the commercial C-61 Carpentry, remodeling and Repairs and the residential R-61 Carpentry, remodeling and Repairs licenses.
- CR-62 REINFORCING BAR AND WIRE MESH
 This classification allows the licensee to install or repair:

 1. Reinforcing bar
 2. Post-tension
 3. Wire mesh
 Upon the effective date of these rules, no new applications for the CR-62 Reinforcing Bar and Wire Mesh license classifications will be accepted, no new CR-62 licenses will be issued, and existing CR-62 licenses will be reclassified as CR-70 Reinforcing Bar and Wire Mesh.
- CR-63 APPLIANCES
 This classification allows the licensee to install and repair appliances. This classification does not allow the licensee to install or repair gas, electrical, or plumbing lines.
 This classification allows the scopes of work permitted by the commercial C-63 Appliances and the residential R-63 Appliances licenses.
- CR-65 GLAZING



This classification allows the licensee to install or repair weatherproofing, caulking, sealants, and adhesives as required for the licensee to assemble, install or repair:

1. Glass products
2. Window film
3. Window treatments
4. Steel and aluminum glass holding members

This classification allows the scopes of work permitted by the commercial C-65 Glazing and the residential R-65 Glazing licenses.

CR-66 SEAL COATING

This classification allows the ~~scopes~~ scope of work permitted by the commercial A-15 Seal Coating and the residential R-13 Asphalt Paving licenses.

CR-67 LOW VOLTAGE COMMUNICATION SYSTEMS

This classification allows the licensee to build antenna towers on existing structures as required for the licensee to install, service or repair:

1. Alarm systems
2. Telephone systems
3. Sound systems
4. Intercommunication systems
5. Public addressing systems
6. Television or video systems
7. Low voltage signaling devices
8. Low voltage landscape lighting that does not exceed 91 volts
9. Master and program clocks (only low voltage wiring and needed equipment)

This classification allows the scopes of work permitted by the commercial C-67 Low Voltage Communication Systems and the residential R-67 Low Voltage Communication Systems licenses.

CR-69 ASPHALT PAVING

This classification allows the ~~scopes~~ scope of work permitted by the commercial A-14 Asphalt Paving and the residential R-13 Asphalt Paving licenses.

CR-70 REINFORCING BAR AND WIRE MESH

This classification allows the scope of work permitted by the commercial C-70 Reinforcing Bar and Wire Mesh and the residential R-70 Reinforcing Bar and Wire Mesh licenses.

CR-74 BOILERS, STEAMFITTING AND PROCESS

PIPING, INCLUDING SOLAR

This classification allows the ~~scopes~~ scope of work permitted by the commercial C-74 Boilers, Steamfitting and Process Piping, Including Solar and the residential R-4 Boilers Including Solar licenses.

CR-77 PLUMBING INCLUDING SOLAR

This classification allows the ~~scopes~~ scope of work permitted by the commercial C-77 Plumbing Including Solar and the residential R-37 Plumbing, Including Solar licenses.

CR-78 SOLAR PLUMBING LIQUID SYSTEMS ONLY

This classification allows the ~~scopes~~ scope of work permitted by the commercial C-78 Solar Plumbing Liquid Systems Only and the residential R-37R Solar Plumbing Liquid Systems Only licenses.

CR-79 AIR CONDITIONING AND REFRIGERATION

INCLUDING SOLAR

This classification allows the ~~scopes~~ scope of work permitted by the commercial C-79 Air Conditioning and Refrigeration Including Solar and the residential R-39 Air Conditioning and Refrigeration Including Solar licenses.

CR-80 SEWERS, DRAINS AND PIPE LAYING

This classification allows the ~~scopes~~ scope of work permitted by the commercial A-12 Sewers, Drains, and Pipe Laying and the residential R-37R Sewers, Drains and Pipe Laying licenses.

R4-9-106. Examinations

- ~~A. Examinations are given weekly or more often as prescribed by the Registrar or the contracted vendor.~~
- ~~B. The applicant's qualifying party must take and pass the appropriate examination with a passing grade of at least 70% for each examination taken.~~
- ~~C. A person is allowed to retake a failed examination subject to the following limitations:~~
- ~~1. Waiting 30 calendar days after a first failed attempt;~~
 - ~~2. Waiting 30 calendar days after a second failed attempt; and~~
 - ~~3. Waiting 180 calendar days after the third and any subsequent failed attempts.~~
- ~~D. Pursuant to A.R.S. §§ 32-1122(A)(4) and 32-1122(F) the Registrar may decide a trade exam is not required where the qualifying party has been the qualifying party within the preceding five years for a license in good standing in the same classification in this state, or a classification the Registrar deems comparable in another state.~~

A. Definitions.

1. Business Management Examination. The term "business management examination" means the examination required in A.R.S. § 32-1122(F)(2) addressing the qualifying party's general knowledge of the contracting business in Arizona. The business management examination addresses the qualifying party's general knowledge of:
 - a. The building, safety, health, and lien laws of the state;
 - b. Administrative principles of the contracting business;
 - c. The rules adopted by the Registrar; and



- d. Any other matters deemed appropriate by the Registrar to determine that the qualifying party meets the requirements of Chapter 10, Title 32.
- 2. Trade Examination. The term “trade examination” means the examination required in A.R.S. § 32-1122(F)(2) addressing the qualifying party’s knowledge of the particular kind of work performed in the license classification. The trade examination addresses the qualifying party’s:
 - a. Qualification in the kind of work for which the applicant proposes to contract;
 - b. Knowledge and understanding of construction plans and specifications applicable to the particular industry or craft;
 - c. Knowledge and understanding of the standards of construction work and techniques and practices in the particular industry or craft;
 - d. General understanding of other related construction trades; and
 - e. Any other matters deemed appropriate by the Registrar to determine that the qualifying party meets the requirements of Chapter 10, Title 32.
- B. Frequency of Examinations. The Registrar, or a contracted private testing service, must administer business examinations and trade examinations at least once a week.
- C. Passing Grade. On each required examination, the qualifying party must receive a grade of at least 70%.
- D. Retaking Examinations after Failure. If the qualifying party fails to receive a grade of at least 70% on an examination, the qualifying party may retake the examination only after waiting:
 - 1. 30 calendar days from the first failure;
 - 2. 30 calendar days from the second failure; and
 - 3. 180 days from any other failure.
- E. Waiver of the Examination Requirement in A.R.S. § 32-1122.
 - 1. Waiver of Examination Requirement for a Qualifying Party from Another State.
 - a. Authority for Waiver. In addition to the Registrar’s authority in A.R.S. § 32-1122(F) to waive the examination requirement for a qualifying party in this state, the Registrar may waive the examination requirement for the qualifying party for a licensee in another state.
 - b. Conditions for Waiver. The Registrar may waive the examination requirement if records reflect that the qualifying party is currently or has previously been a qualifying party for a licensee in the other state in the same classification, or in a comparable classification, within the preceding five years.
 - 2. Extent of Waiver of Examination Requirement for Any Qualifying Party. Waiver of Trade Examination Permitted. The Registrar may waive the examination requirement with respect to the trade examination if:
 - a. A qualifying party for a license in this state meets the conditions for waiver in A.R.S. § 32-1122(F); or
 - b. A qualifying party for a license in another state meets the conditions for waiver in Section (E)(1) of this Rule.

R4-9-108. Minimum Construction Workmanship Standards

- A. A contractor shall perform all work in a professional and workmanlike manner.
- B. A contractor shall perform all work in accordance with any applicable building codes and professional industry standards. For work to be performed in accordance with professional industry standards, a contractor shall use such skills, prudence, and diligence in performing and completing tasks undertaken that the completed work meets the standards of a similarly licensed contractor possessing ordinary skill and capacity.
- C. All work performed by a contractor in a county, city, or town that has not adopted building codes or where any adopted building codes do not contain specific provisions applicable to that aspect of construction work shall be performed in accordance with professional industry standards.

R4-9-109. Name of Licensee or Applicant

- A. A licensee shall do business under the name on the license issued and ensure that the same name is used on the license bond.
- B. If a corporation is doing business in the name of a division or using a trade name, the corporation shall ensure that all names are shown on any application.
- C. If applying for a license or a name change, a corporation shall submit written evidence that it is in good standing or that the new name has been filed with the Arizona Corporation Commission.
- D. The Registrar shall grant a request for name change if there is No change in the legal entity, the name is available, and the request is submitted in writing, together with the required license fee and a cash deposit or bond rider that reflects the name change.
- E. The Registrar may elect to reject an application, refuse to issue a license, or deny the name change of an existing license, based on a review of whether the proposed name is identical or so similar to that of an existing licensee or license applicant that it may cause confusion.
- F. The Registrar shall not accept an application or issue a license if it contains the name of a building trade or craft for which the contractor is not qualified.

A. Definitions.

- 1. Official Name of Record. The term “official name of record” means either:
 - a. The name of the licensee on file at the Arizona Corporation Commission, if the licensee is a corporation or a limited liability company;
 - b. The name of the licensee on file at the Secretary of State’s Office, if the licensee is a partnership; or
 - c. The name of the licensee on a government-issued identification card, if the licensee is an individual operating as a sole proprietorship.
- 2. Trade Name and DBA. The terms “trade name” and “DBA” each mean the name in which the licensee actually does business as a contractor.

B. General Rules about the Licensee’s Name.

- 1. Names on a License. On any license issued by the Registrar, the Registrar must include:



- a. The licensee's official name of record, and
 - b. Any trade name used with that license.
 - 2. Name on the Bond. Every name on the licensee's license must be on the license bond exactly as it appears on the license.
 - 3. Licensee's Name and the License Scope. Neither a licensee's official name of record nor its trade name may include, reference, or suggest a scope of work that is not included in the scope of the license issued by the Registrar. This prohibition does not apply if:
 - a. The licensee holds a separate license with a scope that is included, referenced, or suggested by the licensee's name; or
 - b. The licensee:
 - i. Does not use the official name of record to do business as a contractor, and
 - ii. Uses instead a trade name that does not include, reference, or suggest a scope of work that is not included in the scope of the license.
 - 4. Conducting Business Using a Name on the License. Any time a licensee conducts business in Arizona as a contractor, the licensee must conduct that business using either the official name of record or the trade name on the license issued by the Registrar.
- C. Rules about the Licensee's Name at the Time of a License Application.**
- 1. Evidence of Official Name of Record. When applying for a license, the applicant must provide the Registrar with satisfactory evidence of the applicant's official name of record.
 - 2. Applicant's Name as Basis for Denial. The Registrar may deny an application for a license if:
 - a. The issued license would violate this Rule; or
 - b. Conducting business as a contractor using any name on the license would, under A.R.S. § 32-1154(A)(15), constitute any false, misleading, or deceptive advertising whereby any member of the public may be misled and injured.
- D. Rules about the Licensee's Request to Change Its Name on a License.** If a licensee requests in writing that the Registrar change one or more names on a license, the Registrar must grant the request if:
- 1. There has been No change in the legal form of the licensee;
 - 2. There has been No change in the ownership of the licensee;
 - 3. The licensee provides a bond rider;
 - 4. Every requested name is printed on the bond rider exactly;
 - 5. The licensee provides the fee for the name change; and
 - 6. The requested name does not violate this Rule or any provision in Chapter 10, Title 32.

R4-9-111. Repealed Opting Out of Dual License Classifications

- A.** Any other rule notwithstanding, if a contractor holds a dual license, then that contractor may, at the time of the license's renewal, choose:
- 1. To retain the dual license;
 - 2. To designate the license as commercial; or
 - 3. To designate the license as residential.
- B.** If a license is designated as either commercial or residential under this Rule, that designation is permanent.

R4-9-113. Application Process

- A.** In accordance with the provisions of A.R.S. § 32-1122 an applicant for licensure shall submit a verified application on form prescribed by the Registrar of Contractors.
- B.** For the purposes of A.R.S. § 41-1073, the Registrar establishes the following time frames for the issuance of a contractor license:
- 1. Administrative completeness review time frame: 40 calendar days
 - 2. Substantive review time frame: 20 calendar days
 - 3. Overall agency time frame: 60 calendar days
- C.** During the administrative completeness review time frame the Registrar shall review an application for administrative completeness and either issue the license or mail a written notice of completeness or deficiencies within 40 days from the date of receipt. If deficiencies are found in the application, the Registrar shall mail the applicant a written notice containing a comprehensive list of the specific deficiencies. The 40 day time frame for the Registrar to finish the review for completeness shall be suspended from the date the notice of deficiencies is mailed until the Registrar receives all requested information.
- D.** During the substantive review time frame the Registrar shall complete a substantive review of the applicant's qualifications and grant, deny, or mail a final comprehensive notice of deficiencies within 20 days after expiration of the administrative completeness review time frame.
- If the Registrar finds deficiencies during the substantive review of the application, the Registrar shall mail one final comprehensive request for additional information to the applicant. The 20 day time frame for the Registrar to finish the substantive review shall be suspended from the date the request for additional information is mailed until the Registrar receives all requested information.
- E.** Compliance with the administrative completeness review, substantive review and overall time frames:
- 1. By mutual agreement, an applicant and the Registrar may agree to extend the substantive review and overall time frames by 15 calendar days.
 - 2. The Registrar may return an application if it does not receive the information it requests during the administrative completeness review or substantive review periods within 30 calendar days from the date the registrar mailed the request for additional information. The return of a license application shall result in the forfeiture of the application fee, but all other license fees shall be returned to the applicant. An applicant shall pay an application fee each time it submits a returned license application.
- F.** For the purpose of this Section, 1st class mail sent to the address on the application shall serve as legal notice.
- G.** In computing any period of time prescribed or allowed by this Section, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a



Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

H. Notwithstanding any provisions of this Section the applicant may apply to the Registrar in writing to withdraw a license application. The withdrawal of a license application shall result in the forfeiture of the application processing fee, but all other license fees shall be returned to the applicant.

A. Time Frames for New Licenses.

1. Overall Time Frame for Issuing New Licenses. When deciding whether to grant or deny a new contractor’s license, the Registrar must operate within an overall time frame of 60 calendar days.
2. Administrative Completeness Review Time Frame. During the overall time frame of 60 calendar days, the Registrar must perform the administrative completeness review within 20 days.
3. Substantive Review Time Frame. During the overall time frame of 60 calendar days, the Registrar must perform the substantive review within 40 days.

B. Return of License Application.

1. Registrar’s Right to Return Application. The Registrar may return an application if the Registrar:
 - a. Issues either:
 - i. A written notice of deficiencies under A.R.S. § 41-1074; or
 - ii. A comprehensive written request for additional information under A.R.S. § 41-1075; and
 - b. Does not receive within 30 calendar days information sufficiently responsive to either the notice or the request.
2. Consequences for Fees. If the Registrar returns an application, then:
 - a. The applicant forfeits the application fee; but
 - b. The Registrar must return all other license fees.
3. Resubmission Requires New Fee. If the applicant resubmits a license application that has been returned, then the applicant must pay a new application fee.

C. Withdrawal of the License Application.

1. Applicant’s Right to Withdraw. An applicant may withdraw its license application at any time.
2. Written Request. The applicant’s request for withdrawal must be in writing.
3. Consequences for Fees. If the applicant withdraws its application, then:
 - a. The applicant forfeits the application fee; but
 - b. The Registrar must return all other license fees.

R4-9-115. Posting

- A.** The Registrar shall not issue a license until expiration of the posting period in A.R.S. § 32-1104(C).
- B.** The Registrar may waive part of the posting period for applicants and personnel of applicants who have previously undergone the 20-day posting period.
- C.** The Registrar may increase the posting period beyond 20 days, but no more than 60 days for applicants who have been on a license that was disciplined.
- D.** Posting shall be done on the Registrar’s web site.
- A.** Expiration of Posting Period. The Registrar cannot issue a license until the posting period required by A.R.S. § 32-1104(C) expires, unless the Registrar waives the requirement as provided in that statute or in this Rule.
- B.** Additional Waiver. In addition to the waiver permitted in A.R.S. § 32-1104(C) for the applicant and the qualifying party, the Registrar may also waive part of the posting period if all other personnel named on the application for the license have previously been posted for some other license.
- C.** Website Publication. The Registrar may satisfy the posting requirement in A.R.S. § 32-1104(C) by publication on the Registrar’s website.

R4-9-117. Prior Record

In any disciplinary proceeding the Administrative Law Judge and the Registrar may consider the licensee’s entire license file including the record of prior warning letters, complaints, cease and desist orders, citations and final administrative decisions or orders, or both. In determining the appropriate discipline for a licensed contractor, the Administrative Law Judge and the Registrar may consider not only facts in the current case, but also facts in prior cases and any documents regarding the contractor on file with the Registrar.

R4-9-118. Reserved Prehearing Disclosure Requirement

- A.** Disclosure Statement. Before the hearing, a party must prepare a disclosure statement. The disclosure statement must contain:
 1. A list of all the witnesses the party will call to testify; and
 2. A list of all the exhibits that the party will use at the hearing.
- B.** Exchanging Disclosure Statements and Exhibits.
 1. Contents. A party to the hearing must serve on every other party and file with the Office of Administrative Hearings a copy of:
 - a. The disclosure statement; and,
 - b. Any exhibit that the party will use at the hearing.
 2. Manner. The disclosure statement and the exhibits must be served on every other party and filed with the Office of Administrative Hearings. The service and filing must be performed in accordance with Arizona Administrative Code R2-19-108 Filing Documents.
 3. Timing. The disclosure statement and the exhibits must be served not less than seven calendar days before the date of the hearing.
- C.** Consequences for Failing to Disclose.



1. Timely Disclosure Required for Use at Hearing. Witnesses and exhibits may be used at the hearing only if they are contained in the disclosure statement and timely disclosed in accordance with Section B of this Rule, except for impeachment purposes or for good cause shown.
2. Administrative Law Judge’s Authority. If there is neither an impeachment purpose nor good cause for using a witness or an exhibit that was not timely disclosed, then the administrative law judge may:
 - a. Order that certain witnesses or exhibits not be used at the hearing;
 - b. Order that a particular fact is or is not established for the record; or
 - c. Order that a charge, a defense, a claim, or some portion thereof, be dismissed.
3. Administrative Record. Nothing in this Rule prohibits the administrative law judge from considering anything contained in the administrative record.

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

**CHAPTER 3. DEPARTMENT OF ECONOMIC SECURITY
UNEMPLOYMENT INSURANCE**

[R17-94]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**

R6-3-51140	Amend
R6-3-5205	Amend
R6-3-5240	Amend
R6-3-52235	Amend
R6-3-55460	Amend
2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 41-1954(A)(3)
 Implementing statutes: A.R.S. §§ 23-771 and 23-773
3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rulemaking:**
 Notice of Rulemaking Docket Opening: 22 A.A.R. 2084, August 12, 2016
4. **The agency’s contact person who can answer questions about the rulemaking:**
 Name: Christian J. Eide
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-9199
 Fax: (602) 542-6000
 E-mail: ceide@azdes.gov mailto:rhuememann@azdes.gov
5. **An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
 The Unemployment Insurance rules contain requirements relating to misappropriation of funds and falsification of employment records; ability to and availability for work; attendance at school or training course; health or physical condition; and type of compensation. The Department front-line Deputies and the Administrative Law Judges rely on the rules as their primary authority. The rules require revision to reflect technology advancements and state and federal law revisions, that have changed the employment environment. These changes have led to confusion on the part of claimants, employers, Deputies, and Administrative Law Judges. This rulemaking reflects statutory changes that will properly inform the parties of requirements relating to Unemployment Insurance.
 These amendments will provide employers and claimants with knowledge of the actual processes used by the Department. This rulemaking will make the rules more clear, concise, and understandable.
 R6-3-51140 currently fails to address theft and falsification of time and work records. This lack of clarity creates a burden on the adjudicatory process by making the Deputies and parties seek answers outside the rules. The amendments will create clarity, reducing time spent searching for the applicable regulations.
 R6-3-5205 defines the terms “able to work” and “available to work.” The amendment makes the rule consistent with the federal Americans with Disabilities Act.
 R6-3-5240 covers attendance at school and training courses. The amendment addresses the current state of education by recognizing some employees’ ability to attend school or training courses while still being “available” in the job market.



R6-3-52235 includes provisions covering pregnant Unemployment Insurance claimants and their ability to work. The amendment makes the rule consistent with the federal Americans with Disabilities Act.

R6-3-55460 currently provides that severance pay is not considered a wage. The statutes were amended to state that severance pay is considered a wage. This amendment makes the rule consistent with the statutes.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study relevant to the rules.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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

The Department does not anticipate any significant changes to the overall economic impact of rules. The changes are minor and add no requirements for participants; no additional costs of administration; and no need for additional equipment, supplies, or personnel. The changes will align the rules with current practice to clarify the process to stakeholders.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Christian J. Eide
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-9199
Fax: (602) 542-6000
E-mail: ceide@azdes.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department does not plan to conduct an oral proceeding on the proposed rules unless a written request for an oral proceeding is submitted to the person named in item 4 within 30 days after this notice is published. The Department will accept written public comments on the proposed rules for 30 days after this notice is published.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters are prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The Americans With Disabilities Act applies and the amendments make the rules consistent with federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

**TITLE 6. ECONOMIC SECURITY
CHAPTER 3. DEPARTMENT OF ECONOMIC SECURITY
UNEMPLOYMENT INSURANCE**

ARTICLE 51. DISCHARGE BENEFIT POLICY

Section
R6-3-51140. Misappropriation of Funds; Falsification of Employment Records

ARTICLE 52. ABLE AND AVAILABLE BENEFIT POLICY

Section



- R6-3-5205. General (~~Able and Available 5~~)
 R6-3-5240. Attendance at School or Training Course
 R6-3-52235. Health or physical condition (~~Able and Available 235~~)

ARTICLE 55. TOTAL AND PARTIAL UNEMPLOYMENT BENEFIT POLICY

Section

- R6-3-55460. Type of compensation (~~Total and Partial Unemployment 460~~)

ARTICLE 51. DISCHARGE BENEFIT POLICY

R6-3-51140. Misappropriation of Funds; Falsification of Employment Records

- A. Cash shortage or misappropriation of funds or property (~~Misconduct 140.15~~). ~~To determine whether a claimant's misappropriation of company funds or property is misconduct which that will disqualify the claimant from receipt of unemployment benefits, the Department shall consider the employer's practices regarding the handling of funds and whether the claimant knew that the claimant was misappropriating funds.~~
- ~~21. A claimant who is discharged for knowingly misappropriating company funds is discharged for misconduct connected with employment. Misappropriation includes misusing credit cards, checks, or other financial instruments owned or controlled by the employer.~~
 - ~~32. A claimant who retains is discharged for retaining funds to which the claimant honestly believes the claimant is entitled, and makes adjustment or restitution upon notification, is discharged for reasons other than misconduct relating to such funds.~~
 - ~~3. A claimant who is discharged for engaging in the misappropriation, theft, or conversion of the employer's property is discharged for misconduct.~~
- B. Falsification of records. A claimant who is discharged for falsification of an employment application or for falsification of a written document related to the claimant's obtaining or retaining employment or for falsification of work or time records is discharged for misconduct related to employment when the available evidence establishes that the falsification was or is:
1. No change
 2. No change

ARTICLE 52. ABLE AND AVAILABLE BENEFIT POLICY FOR WORK

R6-3-5205. General (~~Able and Available 5~~)

A.R.S. § 23-771 of the Employment Security Law of Arizona provides in part: "An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that: . . . 3. He is able to work, and is available for work An unemployed claimant is eligible to receive benefits under A.R.S. § 23-771 for a work week if the Department finds that the claimant was able and available to work during that week.

- ~~1. In order to conform to and carry out the meaning and intent of A.R.S. § 23-771, the word "is" as used in paragraph (3) of that section should be construed to mean "was" with respect to the week in question.~~
- ~~21. Availability for work is defined as the readiness of a claimant to accept suitable work when offered. To fulfill this requirement all the following criteria must be met: To be available for work, a claimant shall be:~~
 - a. ~~He must be accessible~~ Accessible to a labor market;
 - b. ~~He must be ready~~ Ready to work on a full-time basis;
 - c. ~~His personal circumstances must leave him free~~ Free from personal circumstances that interfere with the claimant's ability to accept and undertake some form of full-time work; and
 - d. ~~He must be actively~~ Actively seeking work or following a course of action reasonably designed to result in his the claimant's prompt reemployment in full-time work.
- ~~32. The criterion is availability for work, rather than availability of work. The willingness or unwillingness of employers an employer to hire is not relevant to the issue irrelevant.~~
- ~~43. The term "work" means suitable work that is in a recognized occupation, for which the claimant is reasonably fitted qualified and which that he the claimant does not have good cause to refuse.~~
- ~~54. "Availability for work" is a relative term. The objective of availability is to determine if whether a claimant is genuinely and regularly attached to the labor market. "Availability for work" also is the relationship between the restrictions imposed upon by a claimant and the job requirements of the work which that he the claimant is qualified to perform. It implies that restrictions do not unduly lessen the possibilities of his the claimant accepting suitable work. Unreasonable restrictions which that substantially limit employment opportunities result in unavailability. Whether the restrictions are unreasonable depends upon on their source, as well as their effect upon on the possibilities of employment.~~
- ~~65. A claimant's eligibility is not impaired when he the claimant is physically unable to work, or engaged in activities which that would prevent his the claimant from working, provided:~~
 - a. No change
 - b. The inability or activities do not reduce or jeopardize his the claimant's opportunities for employment.
- ~~6. A claimant who is unable to work full-time because of an established disability is not ineligible as long as the claimant is:~~
 - a. Seeking work up to the limit of the claimant's disability; and
 - b. Is not completely unable to work.
- ~~7. Only The Department shall consider only the working days in the claimant's customary occupation are to be considered in when applying the one day's inability to work or unavailability for work. "One working day" is defined to mean means a normal work shift. A normal shift for any claimant is what is normal in for his the claimant's occupation. If the claimant is not able or available for more than a full shift, he the claimant is ineligible for benefits. Whether a claimant's activities have reduced or jeopardized his employment opportunities must be determined objectively and in retrospect. For example, under any of the following situations, a claimant's activities on the day in question may have reduced or jeopardized his employment opportunities:~~



- a. ~~The claimant refused a job or referral;~~
 - b. ~~The claimant failed to comply with his union registration or referral regulations;~~
 - e. ~~The Job Service or the claimant’s union tried to contact the claimant for possible referral, but was unable to do so;~~
 - d. ~~An employer made an effort to contact the claimant for a job offer or interview, but was unable to do so.~~
8. The Department shall determine whether a claimant’s activities during a working day have reduced or jeopardized the claimant’s employment opportunities. This determination must be made objectively. For example, under any of the following situations, a claimant’s activities on the day in question may have reduced or jeopardized the claimant’s employment opportunities:
- a. The claimant refused a job or referral;
 - b. The claimant failed to comply with the claimant’s union registration or referral regulations;
 - c. The Department or the claimant’s union tried to contact the claimant for possible referral but was unable to do so; or
 - d. An employer made an effort to contact the claimant for a job offer or interview, but was unable to do so.
89. In applying this policy rule, the nature of the claimant’s activities is not a factor. It is immaterial whether the activities resulted from compelling circumstances or from normal activities of people in general.

R6-3-5240. Attendance at School or Training Course

- A. No change
 - 1. No change
 - 2. No change
 - 3. Would be considered a full-time student under (1) or (2) and is enrolled in online courses that require the student to attend online lectures, participate in “blackboard” discussions, or be involved in other activities at a specific time that falls within the normal work day, unless the claimant meets one of the exceptions in (B)(1).
- B. No change
 - 1. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - c. No change
 - d. The claimant is enrolled in online courses that allow the student to complete the courses at any time including evenings and weekends. The Department considers a claimant taking full time classes that fall into this category a “night” student and claimant may be eligible if the claimant is willing to accept full time work that falls during the claimant’s normal occupation work hours, and claimant is seeking this type of work.
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- D. No change
 - 1. No change
 - 2. No change

R6-3-52235. Health or physical condition (Able and Available 235)

- A. General (Able and Available 235.05)
 - 1. ~~Ability to work, a requisite for eligibility for benefits, generally means the physical and mental capacity of an individual to work under circumstances that ordinarily exist. Thus, ability to work is defined as the possession of~~ A claimant is able to work if the claimant possesses the physical and mental capabilities necessary for the performance of suitable work for which one the claimant is reasonably fitted qualified. Conversely, inability to work refers to a lack of physical or mental ability to such a degree as to prevent the acceptance of work for which one is reasonably fitted which renders him unemployable.
 - 2. ~~The above definition does not restrict the term “work”~~ “Work for which a claimant is qualified” is not restricted to the usual customary occupation of the claimant. It includes any type of work for which the claimant is reasonably fitted qualified and which that he the claimant can perform under normal conditions of employment. He may be prevented entirely by his disability A disability may entirely prevent a claimant from pursuing his the claimant’s usual customary occupation and yet the claimant may retain sufficient physical and mental ability to perform some gainful full-time work for which he the claimant is reasonably fitted qualified. For the claimant to be considered able to work, it is not necessary that he compete successfully with able bodied men or that he establish the willingness of employers to hire him. Therefore, a physical or mental disability, although lessening or even canceling a claimant’s employment opportunities because of the unwillingness of employers to engage him, does not negate his ability to work. The question is The Department shall determine a claimant’s “ability to work” on the basis of whether the claimant is able to work and not whether he the claimant can obtain work.



3. ~~“Ability Able to work” does not include a claimant’s appearance or any other personal characteristic which that might prejudice employers an employer against employing him-the claimant. However, the term “ability to work” does include the fact that To determine whether a claimant is able to work, the Department shall consider whether:~~
 - a. ~~the The work for which the claimant is qualified must exist exists as a recognized part of the labor market; and that~~
 - b. ~~the The claimant must be is capable of performing such work without endangering the lives and well-being of himself, his fellow workers, the claimant, coworkers, the public, or his the employer.~~
 4. ~~Ordinarily, The Department considers a skilled workers worker who can no longer follow their the worker’s trades trade are considered more able to work than an unskilled workers worker since because the former a skilled worker:~~
 - a. ~~Typically possess possesses a number of skills which that can be transferred to a larger number of related fields; and~~
 - b. ~~usually Usually can assume more positions of responsibility. Counseling services of the Job Service may succeed in revealing additional types of work for which the claimant is qualified.~~
- B. Age (Able and Available 235.1)**
1. ~~Age, in itself, does not create a presumption that a claimant is unable to work. Additional factors, such as the claimant’s separation from employment because of inability to produce or his retirement, must be present in order to raise a question of inability. Similarly, a Δ statement that a claimant was separated or retired because he the claimant was unable “to maintain his the claimant’s production” raises just as much of a question as to the effect of the employer’s requirements for the job as it does on the claimant’s ability to perform work. If the claimant can show that the claimant is able to perform other suitable work for which the claimant is qualified and reasonably fitted, or that the claimant could still meet the production standards of other employers, the claimant would be able to work.~~
 2. ~~In either event it requires additional evidence of its import. If the claimant can show that he is able to perform other suitable work for which he is qualified and reasonably fitted, or that he could still meet the production standards of other employers, he would not be unable to work.~~
- C. Communicable disease (Able and Available 235.15)**
1. ~~In determining whether The Department may consider a claimant who suffers from some physical impairment, an infectious or communicable disease is to be able to work, it is not only necessary to determine whether the claimant can physically perform the tasks for which he states he is available, but also, whether he can do so without substantially endangering the health and well-being of himself, his fellow workers, the public, or the employer. if the claimant is able to work in an occupation for which the claimant is reasonably qualified and:~~
 2. ~~A claimant who suffers from an infectious or communicable disease may be considered able to work-~~
 - a. ~~if he The claimant is qualified for and willing to accept work in an occupation where the disease would not be a hazard; or~~
 - b. ~~When the The claimant is under medical treatment and his a physician certifies that the disease is in a noncommunicable state, the claimant is able to work in an occupation for which he is reasonably fitted.~~
 2. ~~However, Except, a claimant is not able to work until a physician certifies that the claimant is able to work without endangering others when:~~
 - a. ~~the The claimant’s physician states that the claimant should not work because of the danger of infecting others; or~~
 - b. ~~when the The law of the community prohibits his the claimant’s employment because of the disease the claimant is unable to work until his physician certifies that he is able to work without endangering others.~~
- D. Illness or injury (Able and Available 235.25)Seizures-**
1. ~~An individual’s ability to work may be restricted by illness or injury which results in temporary, partial, or total disability. Again it is stressed that a claimant’s ability is judged solely on the basis of his capability to perform work for which he is qualified and not on the willingness of employers to hire him.~~
 2. ~~When a claimant is subject to periodic seizures or attacks (such as epileptic seizures) which that render him the claimant unable to work during the seizure or attack, he may be presumed the Department may consider the claimant able to work if, during the intervals between seizures or attacks, he the claimant is able to perform work for which he the claimant is qualified and which does not involve unusual hazards.~~
- E. Pregnancy (Able and Available 235.4)**
1. ~~Although pregnancy of itself may not render a woman unable to work, a claimant who is pregnant is presumed to be unable to work for a period of 8 weeks prior to the calculated date of delivery and for 6 weeks immediately following delivery. Such presumption may however be rebutted by medical evidence or other proof to the contrary. Pregnancy does not affect a woman’s ability to work unless her physician restricts her from working in any occupation for which she is qualified.~~
 2. ~~A pregnant woman who leaves employment because it is too difficult for her to perform work in her customary occupation may be considered able to work if there is medical evidence that she is able to do less strenuous work for which she is reasonably qualified and she is ready to accept such work. However, if the claimant is not qualified to perform less strenuous work, or if her physician recommends that she should not work, she may be presumed unable to work.~~
 3. ~~A pregnant woman who The Department shall consider a woman unavailable for work if the woman, because she is pregnant, voluntarily leaves suitable employment which that she could have continued to perform and which that did not adversely affect her health may be presumed unavailable for work. However, when a claimant~~
 4. ~~When a woman was unable to work in the early months of pregnancy; but and has now recovered sufficiently to be able to return to work, she may be presumed, the Department shall consider her able to work; if her physician agrees that she is physically able to return to work.~~
 45. ~~When a pregnant woman restricts her availability for employment to work which that will does not require her to stand, lift heavy objects, or travel great distances, etc., she may be presumed the Department may consider her able to work only if it is shown she shows that work for which she is reasonably fitted qualified:~~
 - a. ~~does Does not require these conditions; and~~
 - b. ~~when there There is a reasonable possibility of her obtaining such work within the restrictions imposed with those restrictions.~~



5. If a claimant states that she is able to work only part time because of her pregnancy, she may be presumed unable to work.

F. Disability

- 1. A claimant with a disability may not be able to work full-time because of that disability. So long as the claimant is not completely restricted from all work, the Department may find the claimant able to work.
- 2. If the claimant will be restricted in the claimant’s ability to work or availability for work because of a disability, the Department may consider the claimant able to work if the claimant is seeking work up to the limit of the claimant’s disability. Example: A claimant cannot work longer than four hours each day because of chronic pain. So long as that claimant is looking for and willing to work part time up to four hours per shift, the claimant is still able to work.
- 3. A claimant who is completely disabled and cannot work at all is ineligible.
- 4. A claimant shall substantiate the claimant’s disability by appropriate documentation such as doctor’s notes, military papers, or a judgment from a court.

ARTICLE 55. TOTAL AND PARTIAL UNEMPLOYMENT BENEFIT POLICY

R6-3-55460. Type of Compensation (~~Total and Partial Unemployment 460~~)

A. Dismissal or separation pay Separation Pay (T.P.U. 460.35)

- 1. ~~Dismissal payments include~~ A separation payment includes, but are not limited to, wages in lieu of notice, dismissal payments, and severance payments, and may be in accordance with the contract of employment made under an employment contract or an unilateral policy of the employer under A.R.S. § 23-621.
- 2. ~~Payments~~ A payment may be made;
 - a. ~~as~~ As a lump sum at the time of termination of services; or
 - b. ~~in other instances, the~~ The employer may continue to include the worker on ~~his~~ the employer’s payroll for one or more pay periods following the termination of the worker’s services.
- 3. ~~Section 23-621 of the Employment Security Law of Arizona provides that an employee is unemployed with respect to any week in which he performs no services and with respect to which no wages are payable to him. Therefore, dismissal or separation payments, as shown above, are considered to be payments for past services and shall not be allocated to any period after the separation from work.~~

B. Vacation, holiday or sick pay (T.P.U. 460.75)

- 1. No change
- 2. The appropriate period to which vacation, ~~sick, or holiday, or sick~~ pay is allocable will be determined in one of the following ways:
 - a. ~~If there was is a written or verbal contract, written or verbal, in effect~~ between the employer and the claimant ~~in effect~~ at the time of separation, allocate to the appropriate period in accordance with the contract, continuing for the number of work days which the pay would cover at the regular wage rate.
 - b. ~~If there is no written or verbal contract, written or verbal, was in effect, allocate to the appropriate period following the last day of performance of services, continuing for work through~~ the number of work days ~~which that~~ the pay would cover at the regular wage rate.
- 3. If in a particular situation the agreement was made for a purpose other than to establish a vacation period (e.g., to prevent payment of UI benefits for an extended period which the pay would not cover at the worker’s pay rate), the appropriate period will be determined as in subsection ~~(B)~~ (B)(2)(b) above.

C. No change

- 1. No change
- 2. For purposes of A.R.S. §§ 23-621, 23-771(6) and 23-779(A) and (B), back pay awards are wages for the period for which the payment is made, ~~irrespective~~ regardless of when paid. This shall not affect the manner in which wages are reported for contribution purposes.
- 3. For the purpose of this ~~policy rule~~, back pay awards include, but are not limited to, awards
 - a. No change
 - b. No change



described in ARS §36-2901.08(A) for State Fiscal year ending June 30, 2018.

As required by A.R.S. § 36-2901.08(B), the assessment has been established in a manner consistent with federal regulations at 42 C.F.R. Part 433 Subpart B so that the assessment does not cause a reduction in federal financial participation.

7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were conducted relevant to the rule.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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

The Administration estimates that \$290 million will be necessary to be collected from Arizona hospitals to fund the cost required by statute for State Fiscal Year (SFY) 2018 ending June 30, 2018. The assessment amount currently in rule reflects the amount needed in SFY 2017 to cover the estimated cost of care, approximately \$265 million. The amendment adjusts the rates upward to reflect the estimated need of \$290 million for SFY 2018.

The AHCCCS program is jointly funded by the State and the federal government through the Medicaid program. Depending on the eligibility category of the individual, the federal government provides between two-thirds and 100% of the cost of care for persons described in A.R.S. § 36.2901.08(A). The Administration will use the amounts collected from the assessment combined with the federal financial participation to fund the cost of health care coverage for an estimated 430,000 persons described in A.R.S. § 36.2901.08(A) through direct payments to health care providers and capitation payments to managed care organizations that, in turn, make payments to health care providers that render care to AHCCCS members. Many of the providers of that medical care are considered small businesses located in Arizona.

A.R.S. § 36-2901.08 prohibits the assessed hospitals from passing the cost of the assessment on to patients or third parties who pay for care in the hospital. In the aggregate, the Administration expects to return millions more in SFY 2018 in incremental payments for hospital services than will be collected through the assessment. Along with a copy of this proposed exempt rule making, the Administration has posted to its website information regarding the fiscal impact of this amendment to hospitals:

<https://azahcccs.gov/PlansProviders/CurrentProviders/State/proposedrules.html>

10. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Gina Relkin
Address: AHCCCS Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4232
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Website: www.azahcccs.gov

11. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Proposed rule language will be available on the AHCCCS website www.azahcccs.gov May 26, 2017. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., June 26, 2017.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters have been prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rulemaking must be established consistent with 42 CFR Part 433 Subpart B. The rule is not more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

14. The full text of the rules follows:



TITLE 9. HEALTH SERVICES
CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION

ARTICLE 7. STANDARDS FOR PAYMENTS

Section
 R9-22-730. Hospital Assessment

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-730. Hospital Assessment

- A. For purposes of this Section, the following terms are defined as provided below unless the context specifically requires another meaning:
1. "2011 Medicare Cost Report" means:
 - a. The Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 as reported in the CMS Healthcare Provider Cost Reporting Information System (HCRIS) release dated December 31, 2012; or
 - b. For hospitals not included in that CMS HCRIS report, the "as filed" Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 submitted by the hospital to the Administration.
 2. "2011 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of December 19, 2012.
 3. "2012 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of August 2, 2013.
 4. "Quarter" means the three month period beginning January 1, April 1, July 1, and October 1 of each year.
- B. Beginning January 1, 2014, for each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F). For the period beginning ~~July 1, 2016~~ July 1, 2017, the assessment shall be calculated by multiplying the number of discharges reported on the hospital's 2011 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges" by the following rates based on the hospital's peer group:
1. ~~\$440.00~~ \$483.00 per discharge for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
 2. ~~\$440.00~~ \$483.00 per discharge for hospitals designated as type: hospital, subtype: critical access hospital.
 3. ~~\$110.00~~ \$120.75 per discharge for hospitals designated as type: hospital, subtype: long term.
 4. ~~\$110.00~~ \$120.75 per discharge for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2011 Medicare Cost Report.
 5. ~~\$352.00~~ \$386.50 per discharge for hospitals designated as type: hospital, subtype: short-term with 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
 6. ~~\$396.00~~ \$434.75 per discharge for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
 7. ~~\$440.00~~ \$483.00 per discharge for hospitals designated as type: hospital, subtype: short-term not included in another peer group.
- C. Peer groups for the four quarters beginning July 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website ~~April 1, 2016~~ April 1, 2017.
- D. Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of ~~\$110.00~~ \$120.75 for each discharge from the psychiatric sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).
- E. Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of \$0 for each discharge from the rehabilitative sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).
- F. Notwithstanding subsection (B), for any hospital that reported more than ~~28,800~~ 28,200 discharges on the hospital's 2011 Medicare Cost Report, discharges in excess of ~~28,800~~ 28,200 are assessed a rate of ~~\$44.00~~ \$48.25 for each discharge in excess of ~~28,800~~ 28,200. The initial ~~28,800~~ 28,200 discharges are assessed at the rate required by subsection (B).
- G. Assessment notice. On or before the 15th day of the first month of the quarter or upon CMS approval, whichever is later, the Administration shall send to each hospital a notification that the assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.
- H. Assessment due date. The assessment must be received by the Administration no later than:
1. The 15th day of the second month of the quarter or
 2. In the event CMS approves the assessment after the 15th day of the first month of the quarter, 30 days after notification by the Administration that the assessment invoice is available.
- I. Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's 2011 Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for ~~April 1, 2017~~ April 1, 2016:



1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
 2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning “SH”.
 3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the 2011 Medicare Cost Report.
 4. Hospitals designated as type: hospital, subtype; rehabilitation.
 5. Hospitals designated as type: hospital, subtype: children’s.
 6. Hospitals designated as type: med-hospital, subtype: special hospitals.
 7. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2011 Medicare Cost Report are reimbursed by Medicare.
- J.** New hospitals. For hospitals that did not file a 2011 Medicare Cost Report because of the date the hospital began operations:
1. If the hospital was open on the April 1 preceding the July assessment start date, the hospital assessment will begin on July 1 following the date the hospital began operating.
 2. If the hospital began operating between April 2 and June 30, the assessment will begin on July 1 of the following calendar year.
 3. A hospital is not considered a new hospital based on a change in ownership.
 4. Until the first full year of data is available, the assessment will be based on the annualized number of discharges from the date hospital operations began through April 30 preceding the July assessment start date. The hospital shall submit the discharge data and all other data requested by the Administration necessary to determine the appropriate assessment to the Administration no later than May 15 preceding the assessment start date for the new hospitals. Thereafter, the assessment will be based on the discharges reported in the hospital’s first Medicare Cost Report and Uniform Accounting Report which includes 12 months worth of data; however, when a new hospital shares a Medicare Identification Number with an existing hospital, the assessment amount will be based on self reported data from the new hospital instead of the Medicare Cost Report. The data shall include the number of discharges and all other data requested by the Administration necessary to determine the appropriate assessment. No later than August 15, 2017, new hospitals shall also submit to the Administration discharge data and all other data requested by the Administration necessary to determine the appropriate assessment beginning July 1, 2018.
 5. For hospitals providing self-reported data:
 - a. Psychiatric discharges will be annualized to determine if subsections (B)(4) or (I)(3) apply to the assessment amount.
 - b. Discharges will be annualized to determine if subsection (F) applies to the assessment amount.
- K.** Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. The assessed amount will continue at the same amount applied to the prior owner. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.
- L.** Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.
- M.** Required information. For any hospital that has not filed a 2011 Medicare Cost report, or if the 2011 Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the assessment, the Administration shall use data reported on the 2011 Uniform Accounting Report filed by the hospital in place of the 2011 Medicare Cost report to calculate the assessment. If the 2011 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2011 Medicare Cost report to calculate the assessment.
- N.** The Administration will review and update as necessary rates and peer groups periodically to ensure the assessment is sufficient to fund the state match obligation to cover the cost of the populations as specified in 36-2901.08.
- O.** Enforcement. If a hospital does not comply with this section, the director may suspend or revoke the hospital’s provider agreement. If the hospital does not comply within 180 days after the hospital’s provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital’s license.



14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

Not applicable

15. The full text of the rule follows:

**TITLE 7. EDUCATION
CHAPTER 2. STATE BOARD OF EDUCATION**

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

Section
R7-2-318. K-3 Reading Program

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

R7-2-318. K-3 Reading Program

A. In this section, unless the context otherwise requires:

1. “Intensive reading instruction” is a proactive instructional approach used to reduce the likelihood of future reading problems by addressing severe and persistent difficulties with learning to read through the use of evidence-based instruction in smaller-group settings, increased instructional time, and increased intensity that is aligned to individual student needs or deficiencies and is driven by ongoing student performance data from a valid assessment tool.
2. “Interventions” are instructional supports provided to students with the purpose of preventing and remediating reading difficulties. These supports are organized in tiers which provide increasing instructional intensity and support with each level.
3. “Motivational assessments” are measures of motivation or attitudes toward reading and produce information to monitor student progress.
4. “Prevention” is instructional support provided to students before students have experienced failure in learning to read.
5. “Remediation” is instructional support provided to students after a student has experienced significant and persistent difficulties in learning to read.
6. “Universal screeners” are very brief measures based on established standardized benchmarks or performance targets developed through extensive research designed to improve accuracy of identifying students who will likely need additional support for meeting grade level reading standards.

B. Prior to the release of monies generated by the K-3 reading support level weight, a school district or charter school assigned a letter grade of C, D or F, or that has more than ten percent of its pupils in grade three who do not demonstrate sufficient reading skills as established by the Board, shall submit to the Department on or before October 1, a comprehensive local education agency K-3 reading program plan, using the format prescribed by the Department. Each school district or charter school assigned a letter grade of A or B shall submit its plan to the Department on or before October 1 in odd numbered years only beginning in 2016-2017.

C. Pursuant to A.R.S. §§ 15-211, 15-701 and 15-704, the K-3 reading program plan submission shall contain the following components for pupils in half-day and full-day kindergarten programs and grades one through three:

1. School literacy contacts, literacy team members and master reading schedules;
2. A list of the staff who reviewed and approved the individual school K-3 reading program plans;
3. Program expenditures for the prior school year and a budget for the current school year regarding the monies used only on instructional purposes intended to improve reading proficiency from the K-3 support level weight and the K-3 reading support level weight;
4. An analysis of the effectiveness of the local education agency’s K-3 reading program for the previous school year and plans for improvement for the current school year;
5. Core reading programs which teach the essential components of reading instruction including explicit and systematic phonics pursuant to A.R.S. § 15-704(H)(1), with a description of the frequency and duration of the instruction;
6. Date of last K-3 reading curriculum review for standards alignment;
7. Tier II and Tier III intensive reading intervention programs, including frequency and duration;
8. A sample template of a parental notification letter;
9. Evidence-based intervention and remedial services provided to students; and
10. Evidence of ongoing teacher training based on evidence-based reading research.

D. The local education agency shall submit universal screening data on October 1, winter benchmark data on February 1 and end of year assessment data on June 1 for pupils in kindergarten programs and grades one through three.

E. Each school district or charter school governing body shall submit data for the prior school year on the total number of pupils that were subject to retention, the total number that were promoted, the total number actually retained and the interventions administered pursuant to A.R.S. § 15-701 to the Department no later than October 1 and prior to the release of monies generated by the K-3 reading support level weight.



NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

**NOTICE OF RULEMAKING DOCKET OPENING
REGISTRAR OF CONTRACTORS**

[R17-98]

- | | |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. <u>Title and its heading:</u> | 4, Professions and Occupations |
| <u>Chapter and its heading:</u> | 9, Registrar of Contractors |
| <u>Article and its heading:</u> | 1, General Provisions |
| <u>Section numbers:</u> | R4-9-102 through R4-9-104, R4-9-106, R4-9-108 through R4-9-109, R4-9-111, R4-9-113, R4-9-115, R4-9-117 through R4-9-118
<i>(Sections may be added, deleted, or modified as necessary.)</i> |

- 2. The subject matter of the proposed rule:**
 This docket opening is being prepared to address clarity, effectiveness, and other opportunities to improve the Agency’s rules as identified in the 5-Year-Rule-Review Report approved by the Governor’s Regulatory Review Council on May 2, 2017. This rulemaking docket opening is being submitted following the Agency’s September 30, 2015 receipt of approval for a rulemaking exemption from the Governor’s Office.

As stated, much of the rulemaking represents amendments to clarify language to improve effectiveness of the rule. This is true of R4-9-102, R4-9-103, R4-9-104, R4-9-106, R4-9-108, R4-9-109, R4-9-113, R4-9-115, R4-9-117. Changes in license classifications, as seen in proposed rulemaking for R4-9-102, R4-9-103, and R4-9-104, represent a reversal of 2014 rulemaking that eliminated many commercial and residential classifications and improve consistency within the rules.

Section R4-9-111 received Governor’s Office rulemaking exemption on Dec. 21, 2016 and represents 1) a mechanism to reverse 2014 rulemaking that forced contractors into dual license classifications when the agency eliminated many commercial and residential licenses and 2) increases flexibility for a business to choose to opt out of dual license classification and move to a residential-only or commercial-only license once in the license’s lifetime.

Section R4-9-118 received Governor’s Office rulemaking exemption on Nov. 30, 2016 and increases transparency and efficiency in cases pending hearings at the Office of Administrative Hearings. By introducing prehearing disclosure requirements, cases set for hearing will be more effective and efficient.

- 3. A citation to all published notices relating to the proceeding:**
 Notice of Proposed Rulemaking: 23 A.A.R. 1599, June 16, 2017 *(in this issue)*

- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
 Name: Jim Knupp, Legislative Liaison
 Address: Registrar of Contractors
 1700 W. Washington St., Ste. 105
 Phoenix, AZ 85007
 Telephone: (602) 771-6710
 E-mail: jim.knupp@azroc.gov

- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 The Agency will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. E-mail comments will be accepted. The agency does not intend to hold public hearings on this rule, unless a public hearing is requested within 30-days of the publication of this rule.

- 6. A timetable for agency decisions or other action on the proceeding, if known:**
 The Notice of Proposed Rulemaking is published along with this notice.



NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA CRIMINAL JUSTICE COMMISSION

[R17-99]

- 1. Title and its heading: 10, Law
Chapter and its heading: 4, Arizona Criminal Justice Commission
Article and its heading: 1, Crime Victim Compensation Program
2, Crime Victim Assistance Program
Section numbers: R10-4-101 through R10-4-111 and R10-4-201 through R10-4-204
2. The subject matter of the proposed rule: The current rules were made in a rulemaking that went into effect in January 2013.
3. A citation to all published notices relating to the proceeding: None
4. The name and address of agency personnel with whom persons may communicate regarding the rule: Name: Larry Grubbs
Address: Arizona Criminal Justice Commission
1110 W. Washington St., Suite 230
Phoenix, AZ 85007
Telephone: (602) 364-1154
Fax: (602) 364-1175
E-mail: LGrubbs@azcjc.gov
5. The time during which the agency will accept written comments and the time and place where oral comments may be made: The Commission will accept comments during business hours at the address listed in item 4.
6. A timetable for agency decisions or other action on the proceeding, if known: To be determined



GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the Register shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2017-02**Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies**

[M17-23]

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2017, as a notice to the public regarding state agencies' rulemaking activities.

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, job creators and entrepreneurs are especially hurt by red tape and regulations;

WHEREAS, all government agencies of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
 - a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
 - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace, or safety.
 - d. To avoid violating a court order or federal law that would result in sanctions by a court of the federal government against an agency for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
 - f. To comply with a state statutory requirement.
 - g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
 - j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. All directors of state agencies subject to this Order shall engage their respective regulated or stakeholder communities to solicit comment on which rules the regulated community believes to be overly burdensome and not necessary to protect consumers, public health, or public safety. Each agency shall submit a report regarding the aforementioned information to the Governor's Office no later than September 1, 2017.
4. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
5. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule," and "rulemaking" have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.



6. This Executive Order expires on December 31, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Eleventh day of January in the Year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

ATTEST:

Michele Reagan
SECRETARY OF STATE



REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
 PM = Proposed amended Section
 PR = Proposed repealed Section
 P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
 SPM = Supplemental proposed amended Section
 SPR = Supplemental proposed repealed Section
 SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
 FM = Final amended Section
 FR = Final repealed Section
 F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

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 PSMM = Proposed Summary amended Section
 PSMR = Proposed Summary repealed Section
 PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
 FSMM = Final Summary amended Section
 FSMR = Final Summary repealed Section
 FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section
 PEM = Proposed Expedited amended Section
 PER = Proposed Expedited repealed Section
 PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
 SPEM = Supplemental Proposed Expedited amended Section
 SPER = Supplemental Proposed Expedited repealed Section
 SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
 FEM = Final Expedited amended Section
 FER = Final Expedited repealed Section
 FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT PROPOSED**

PXN = Proposed Exempt new Section
 PXM = Proposed Exempt amended Section
 PXR = Proposed Exempt repealed Section
 PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
 SPXR = Supplemental Proposed Exempt repealed Section
 SPXM = Supplemental Proposed Exempt amended Section
 SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
 FXM = Final Exempt amended Section
 FXR = Final Exempt repealed Section
 FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
 EM = Emergency amended Section
 ER = Emergency repealed Section
 E# = Emergency renumbered Section
 EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
 TM = Terminated proposed amended Section
 TR = Terminated proposed repealed Section
 T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired
 See also “*emergency expired*” under *emergency rulemaking*

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RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

Table with 12 columns: January, February, March, April, May, June. Each month has sub-columns for Date Filed and Effective Date. Rows list dates from 1/1 to 1/31 and corresponding effective dates.



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
March 3, 2017	March 24, 2017	April 24, 2017
March 10, 2017	March 31, 2017	May 1, 2017
March 17, 2017	April 7, 2017	May 8, 2017
March 24, 2017	April 14, 2017	May 15, 2017
March 31, 2017	April 21, 2017	May 22, 2017
April 7, 2017	April 28, 2017	May 30, 2017
April 14, 2017	May 5, 2017	June 5, 2017
April 21, 2017	May 12, 2017	June 12, 2017
April 28, 2017	May 19, 2017	June 19, 2017
May 5, 2017	May 26, 2017	June 26, 2017
May 12, 2017	June 2, 2017	July 3, 2017
May 19, 2017	June 9, 2017	July 10, 2017
May 26, 2017	June 16, 2017	July 17, 2017
June 2, 2017	June 23, 2017	July, 24, 2017
June 9, 2017	June 30, 2017	July 31, 2017
June 16, 2017	July 7, 2017	August 7, 2017
June 23, 2017	July 14, 2014	August 14, 2017
June 30, 2017	July 21, 2017	August 21, 2017
July 7, 2017	July 28, 2017	August 28 2017
July 14, 2014	August 4, 2017	September 5, 2017
July 21, 2017	August 11, 2017	September 11, 2017
July 28, 2017	August 18, 2017	September 18, 2017
August 4, 2017	August 25, 2017	September 25, 2017
August 11, 2017	September 1, 2017	October 2, 2017
August 18, 2017	September 8, 2017	October 10, 2017
August 25, 2017	September 15, 2017	October 16, 2017
September 1, 2017	September 22, 2017	October 23, 2017
September 8, 2017	September 29, 2017	October 30, 2017
September 15, 2017	October 6, 2017	November 6, 2017
September 22, 2017	October 13, 2017	November 13, 2017



GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and Register deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2017

[M16-300]

Table with 4 columns: DEADLINE FOR PLACEMENT ON AGENDA, FINAL MATERIALS SUBMITTED TO COUNCIL, DATE OF COUNCIL STUDY SESSION, DATE OF COUNCIL MEETING. Rows list dates from November 2016 to January 2018.

*Materials must be submitted by 5 P.M. on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.