



Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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., and 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 page.

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This publication is available online for
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ADMINISTRATIVE CODE
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
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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 FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor’s Regulatory Review Council or the Attorney General’s Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

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

[R17-161]

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 both 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. The effective date of the rule:**
 November 5, 2017
- a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 Not applicable
- b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
 Not applicable
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
 Notice of Rulemaking Docket Opening: 23 A.A.R. 1639, June 16, 2017
 Notice of Proposed Rulemaking: 23 A.A.R. 1599, June 16, 2017
- 5. 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., Ste. 105
 Phoenix, AZ 85007
 Telephone: (602) 771-6710
 E-mail: jim.knupp@azroc.gov
 Web site: https://roc.az.gov
- 6. 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 Registrar’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. Specifically, the rulemaking reestablishes 28 commercial and 28 residential license classifications.

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 Registrar 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.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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:

Not applicable

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. A summary of the economic, small business, and consumer impact:

The Registrar 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 Registrar 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.

Depending on actual bond prices, on average, a current licensee holding a dual license classification would save \$485 per year by choosing to opt out of the dual classification in favor of a commercial-only license or \$355 per year if choosing to opt to a residential-only. Variance in savings occurs due to the Registrar’s Residential Recovery Fund assessment and differences in bond prices.

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 to minimal beneficial 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.

The C- and R-34 are also clarified to include “liquid floor and wall coatings.”

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 Registrar 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 Registrar 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 Registrar 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 Registrar; outweighing any cost related to need to submit such information.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

The proposed rulemaking amendments were crafted under the supervision of the Registrar’s previous Chief Counsel. On July 10, 2017, the Registrar hired a new Chief Counsel and the changes, listed below, represent stylistic or clarifying changes based on opinions offered by the new Chief Counsel. The first change, as recorded under the public comment summary section of this Notice of Final Rulemaking, is a correction to an omission made on a scope in the Notice of Proposed Rulemaking. The corrections are as follow:

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

Representing an oversight when recreating this residential scope, electrical wiring of 120 volts or less was omitted from the R-21. This was corrected after realized through public comment. This represents no expansion or reduction in current work permitted by scope under current rules and was not intended to be altered. No other changes.

R-21

9. Water features that are not attached to swimming pools; including any necessary: **electrical wiring of 120 volts or less, connec-**



tion 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

The following are clarifications that apply to the Sections below:

R4-9-106. Examinations

In Sections A and E, the proposed rulemaking previously referenced A.R.S. § 32-1122(F). In legislative changes that went into effect August 9, 2017, A.R.S. § 32-1122(F) was subsequently renumbered to A.R.S. § 32-1122(E). Therefore references in rulemaking to A.R.S. § 32-1122(F) have been changed to A.R.S. § 32-1122(E) to accurately reflect that renumbering. In Section E., the Registrar's Chief Counsel suggested further clarifying which examination may be waived by inserting "trade" throughout the section to precede each instance of "examination." No other changes.

R4-9-108. ~~Minimum Construction Workmanship Standards~~

In the title of the rule, the Registrar's Chief Counsel suggested "Minimum" remain, thus the final rulemaking would be altered to read, "Minimum Workmanship Standards." However, after further discussions between Agency attorneys and GRRC's staff attorney, the Agency decided to ultimately have "Minimum" removed from the title of R4-9-108. This decision would signify no change between the proposed and final rulemaking and is reflected in the rules approved by GRRC.

R4-9-111. ~~Repeated~~ Opting Out of Dual License Classification

Registrar's Chief Counsel suggested avoiding use of "notwithstanding" to increase clarity. Removed "Any other rule notwithstanding" in favor of "Unless prohibited by another rule." No other changes.

R4-9-118. ~~Reserved~~ Prehearing Disclosure Requirement

Registrar's Chief Counsel suggested several stylistic and clarifying changes within the proposed rule. No other changes.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Understanding the broad changes proposed, the Registrar sent email notification to all licensees for which it has an email address. This totaled 28,868 email contacts or approximately 77 percent of licensees. Additionally, the Registrar sent notification to 39 contracting associations statewide, for which it has email addresses.

During and before the comment period, the Registrar also spoke about the proposed rulemaking with the memberships and leadership of Arizona Landscape Contractors' Association, Arizona Roofing Contractors Association, Associated Minority Contractors of America – Arizona, Office of Administrative Hearings, and at two Licensed Contractor Forums hosted by the ROC.

During the comment period, ending on July 16, 2017, the Registrar received 23 comments by email and none by mail.

Seven (7) individuals expressed support for the rulemaking for various reasons. No one submitted comments opposed to the rulemaking. Six (6) of the comments submitted did not relate to current proposals for rulemaking and each were informed their suggestion would be taken under advisement and considered for future rulemaking or related to statutory language. Nine (9) individuals posed questions as to the impact of the rulemaking and were satisfied with the answers provided. One of the nine questions, however, revealed an oversight by the Registrar in the rulemaking related to work permitted under the R-21. The proposed language mistakenly omitted permitting "electrical wiring of 120 volts or less" under portions of the scope and this oversight has been corrected within the final rulemaking within this submission.

Comment #1 – Mr. Vane Embry of Shaw Industries

We have been directed in the past by ROC that the CR-21 classification is required to provide installation services for synthetic turf. We would like to verify that these services will fall under the new pending licensing classifications of C-21 and R-21 just like they did for CR- 21? Clarification is being sought since it was not specifically mentioned in the revised wording of the new classifications (C-21 & R-21) and we anticipated it would be. Thank you advance for looking into this.

Response: The Agency called and answered his question as to whether synthetic turf falls under the -21 licenses; affirmatively.

Comment #2 – Chris Botta at Affordable Cabinet Refinishing

Good luck on the clarity part

Response: The Agency replied soliciting ideas on how to improve clarity. He replied asking if he, other contractors and the Agency could meet to discuss code and standards. The Agency replied accepting but clarifying the Registrar does not write code. He appreciated the clarification on code and iterated his offer to help if the opportunity arises to have input on the process.

Comment #3 – Mr. Mark Liebsch of Adove Garage Doors

(1) The 2014 regulation allowed many contractors to work in areas they were unqualified for thus creating the atmosphere for substandard work. In the construction field this could cause potential damage or injury as a result of the ROC arbitrarily qualifying a company with no background experience in a specific trade.

(2) Please change back to the old rules when I became a Licensed Contractor in Arizona. I qualified for only a residential license and when the state changed it my bond went from



\$50.00/year to \$175.00/year = More cost of doing business.

Response: The Agency expressed appreciation for support of reestablishing residential-only and commercial-only classifications.

Comment #4 – Mr. Tom Francois

I'm not real happy about having to pay more for my bond to include commercial when **I'm only licensed to do residential**. I think this is an unfair burden for a one man operation like myself. It really hurt me as business is slow for a while. My Registrar 2 year fee went up from \$540 to \$650 **My BOND for 3 years went up from \$100 all the way to \$525 to include commercial! \$425 increase! OUCH!** Just doesn't seem fair to us little guys!

Response: The Agency expressed appreciation for submitting comments and informed him that much of what he described is why this administration is looking to reverse the 2014 rulemaking. He replied stating, "JIM Thank you! I HOPE SO! This is a burden on me and I'm sure many other small operations."

Comment #5 – Mr. Lee Harr of H&H Yard Service, Inc.

Under the proposed changes, for R-21 "electrical wiring of 120 volts or less" is left out. Will need the ability for "electrical wiring of 120 volts or less" hook up in residential work.

Response: The Agency expressed appreciation for catching the error and inserted the language into the R-21 for the Final Rulemaking.

Comment #6 – Mr. Jason Thibodeau of Rescue One Air

Does this effect a CR-39 license?

Response: The Agency replied stating there are only conforming language changes proposed for the 39. By that, the Agency means there are no changes to the scope. The changes will make the scope's language match language used by other scopes, I.e. "This classification allows the licensee to install" rather than "Installation of" and eliminates restricted classifications no one holds anymore, I.e. R-39R has refrigeration and R-39R PreCoolers.

Comment #7 – Mr. Raul Rodriguez of Dezert Designs & Displays

So if I am reading this right I will be able to opt out of the dual license and submit as commercial only and carry only a bond for Commercial when they expire this November?

Response: The Agency answered his question affirmatively and informed that the only issue would be the effective date of the rulemaking amendments...they might not be effective by the time you renew this time around.

The Agency called him to explain the potential timeline of the rulemaking and explained his thoughts were correct, but the Agency couldn't guarantee the timeline would align with his renewal. In working with the Director and Licensing Department at the Agency, it agreed anyone in Mr. Rodriguez's situation would be allowed to renew for one year; rather than the two year and the Agency informed Mr. Rodriguez of this fact.

Comment #8 – Mr. John Jackson of Dirt Cheap Tile, Inc.

Is this allowing sub contractors to go back to having a residential Lic than to be forced to have a dual Lic?

Response: Email: The Agency sought clarification as to what license classification he was inquiring of and stated the answer is very likely yes but subcontractors is too broad for the Agency to answer accurately. Phone: After returning to the office, the Agency learned Mr. Jackson's company holds a CR-48 Ceramic, Plastic and Metal Tile and then followed-up by phone to explain he would be able to opt out of the dual classification in favor of a commercial-only or residential-only after the proposed rulemaking became effective if his company decided to do so.

Comment #9 – Mr. Ivan Moreno of Divine Desert Landscape, LLC

Thanks Jim, so what exactly does that mean for guys like me who have a CR 21? It will turn from a CR 21 to an R 21, meaning I will be out of the commercial side? just need little bit of help understanding The Proposal.

Response: The Agency informed Mr. Moreno that his business's dual license will remain a dual, unless he wants to change it to a R-21 or C-21 at time of renewal. He was further informed that at the time of renewal, he can choose to do nothing except renew and you'll remain a CR- 21. The rulemaking reestablishes the R-21 and C-21 license classifications and enables moving to one of them if his company wants, but it in no way forces it away from its current classification.

Comment #10 – Henry Staggs of Preferred Roof Consultants of Arizona

Rule - every investigator should have a working knowledge of the trade they are investigating. My recent experience tells me they don't.

Response: Unrelated to current rulemaking.

Comment #11 – Scott West of West Construction and Development

It would be nice if they also addressed opting back into dual status from single status talked about: Section R4-9-111 Opting Out of a Dual License represents 1) a mechanism to - upon renewal - allow (not force) licensees to retain their dual classification, switch to a residential-only license, or switch to a commercial-only license and by doing so 2) increases flexibility for a business to choose what is most appropriate for their business.

I.E. we want to switch our license from a B to KB-1 but have been told we cannot keep our same license and would need a new license number. It seems ridiculous that we wouldn't be able to switch while maintaining the same number but can change from



dual to single.

Response: The Agency expressed appreciation for submitting comments and informed him they will be submitted as part of our next step in this process. The Agency further informed him that the mechanism to enable what he wants to do already exists and it is to simply apply for a new license, as it seems he's been advised. As identified, the current proposal doesn't seek to amend what you're asking but we can keep it in mind for future rulemaking.

Comment #12 – Tom Ford of Liberty Plumbing AZ

Is there something that can be done to un-licensed contractors advertising and selling jobs over their dollar limit on FB and other social media?

Response: The Agency informed him that it just recently hired an unlicensed investigator for just this idea. It was a recent initiative and, to be honest, the Agency will have to work through how best to handle these cases.

Comment #13 – Dan Sherwood of Alpine Construction & Development LLC

Per some of the info I have shared with you previously and a couple of my experiences during my 30+ years also a licensed contractor, I would like to see a provision that anyone of the general public who uses a non licensed entity to do work during a licensed contractor doing work on a job, or the correction of work done by a licensed contractor, automatically forfeits their ability to file a claim with the roc on a licensed contractor.

Until such time that the general public has to pay a price for using unlicensed contractors, the practice will continue. If Az is really wanting to curb that happening, there has to be some kind of penalty or those hiring the unlicensed folks, just as there is for employers hiring those who are in the US illegally.

That's my thoughts, from what I've experienced and what I continue to see around Az.

Response: The Agency informed him the suggestions would be beyond rulemaking, as the Agency understands what he is describing his thoughts would seem to be creating a prohibition of citation when a licensee corrects and unlicensed entity's work and regulation of consumers to penalize them for hiring unlicensed entities. Both would require statutory changes.

The Agency expressed appreciation for submitting comments and directed him to his legislator for the changes he is seeking.

Comment #14 – Chris Tortorello of Torel Custom Homes

One thing I think needs to be addressed is when a warrantee should start. It should be from the CO not when some one moves in. I had a client that moved in 18 months after completion-CO and no one lived in the house, There was a roof leak no one was aware of because of the clients vacancy. It was a mess. I repaired it but I don't think the law is correct on when a warrantee should start. Upon move in isn't fir to anyone and I believe the state should change.

Response: The Agency informed him that his suggestions would be beyond rulemaking. The ROC's jurisdiction to investigate a complaint comes from ARS 32-1155(A), which states: A. On the filing of a written complaint with the registrar charging a licensee with the commission, within two years before the date of filing the complaint, of an act that is cause for suspension or revocation of a license, including an act that is in violation of title 44, chapter 11, article 11, the registrar after investigation, in its sole discretion, may issue a citation directing the licensee, within ten days after service of the citation on the licensee, to appear by filing with the registrar the licensee's written answer to the citation and complaint showing cause, if any, why the licensee's license should not be suspended or revoked. Service of citation on the licensee shall be fully effected by personal service or by mailing a true copy thereof, together with a true copy of the complaint, by registered mail in a sealed envelope with postage prepaid and addressed to the licensee at the licensee's latest address of record in the registrar's office. Service of the citation and complaint shall be complete at the time of personal service or five days after deposit in the mail. The two-year period prescribed by this subsection shall commence on the earlier of the close of escrow or actual occupancy for new home or other new building construction and otherwise shall commence on completion of the specific project. To change this, you'll need to contact your state legislative members.

Comment #15 – Chris Powers of Unknown

R4-9-111, does this mean do we need 2 license 1 for res. and 1 for com.? I work in both.

Response: The Agency informed him that rule 111 would enable a licensee to choose to move away from the dual classification; enables, and further informed him that since he works in both, it means nothing to him. If at some point in the future, however, his company wanted to get out of commercial and continue working in residential, or vice versa, the rule would allow him to do that upon renewal.

Comment #16 – Glenn Parham

Speaking from my position as a 30 year painting contractor I think you have some great ideas, which I am all for.

I have the dual and at first was not impressed, probably because I had no say in the matter. Although, I have never had to tighten finances to the point of carrying only one license, residential or commercial. Their are many not so fortunate as myself and with just one license he maybe able to stay legal and be another example of Arizona craftsmanship.

Response: The Agency expressed appreciation for submitting comments and further appreciated his understanding of other licensees (and applicants just starting out, for that matter) who may not be able to or simply do not wish to pay to keep up both residential and commercial requirements.

Comment #17– Duane Yourko, Exec. Dir. of Arizona Roofing Contractors Association

ARCA is fully aware of the proposed changes impacting the CR-42 license classification and fully support the rulemaking. The changes will clarify the extent to which roofers can perform ancillary but necessary repairs to substrate. It will allow them to com-



ply and maintain a high degree of workmanship standards and install a water impermeable membrane that meets and / or exceeds expected standards without the delays of subcontracting out replacement / repairs work.

Response: The Agency expressed appreciation for submitting comments.

Comment #18 – Tracy Ann Strickland, Research Coord., of Satellite Broadcasting and Comms Association

Called to seek clarification for any impact to low voltage licenses and followed-up by email. Please find my contact information below and feel free to reach out to me anytime regarding electrical licensing for our industry. Thank you for getting back to me so quickly on the current rule. I greatly appreciate it.

Response: Informed of reestablishing R and C – 67 and of R4-9-111 to opt out of the forced dual.

Comment #19 – Joe Booth of Booth Construction LLC

Subject: ? Are the B dual license subject to change I have a B 2 Joe booth

Response: There are some changes to language but nothing significant compared to the change effective on June 11 increasing the limit to \$2M.

Comment #20 – Ron Brown of JBS Roofing

Thank you for submitting the new rule changes for our industry, this will clear up a lot of confusion for us. I totally approve of these changes, thank you again.

Response: The Agency expressed appreciation for submitting comments and informed him they will be submitted as part of our next step in this process.

Comment #21 – Craig Cavolo of Redwall Construction Inc.

Please add my name and Redwall Construction Inc. name to any list or tally you may have going in support of the rule changes listed for review closing July 16, 2017.

Response: The Agency expressed appreciation for submitting comments and informed him they will be submitted as part of our next step in this process.

Comment #22 – David Landis of Creative Finishing Services, Inc.

I have revised my comments and have resent them in this up to date attachment. I looked for the draft and see that the draft was already sent to you. Thank you for your interest. I will also use this revised attachment as an exhibit in my up-coming hearing. Attached please find my comments to Section R4-9-118 as it has applied to my case. I am a very hard working contractor who has hundreds of repeat customers. I love my work and go out of my way to make all my customers happy and satisfied one hundred percent of the time. I do not advertise, and I have a waiting list for certain projects, but also work with the public. To date, I have been a victim of the lack of proper prehearing disclosure, along with the lack of proper efficiency between the ROC and the OAH regarding my case. Both sides of the story must be addressed, not just the complaint against the contractor. There are fraudulent cases being claimed by customers. I have been assured of this by your legal department. My case is definitely one of them! I do work in multi-million dollar homes for customers who have numerous homes in the state of Arizona. In my next hearing, which is not yet scheduled, I will have affidavits from many of them. I will be stating why the recovery fund should not pay the customer after being falsely accused of poor workmanship. The decisions made did not include the proper information. Thank you for taking the time to properly review my comments and make the necessary changes in the rulings and statutes to protect the contractor; the ROC; the OAH; and the State of Arizona, from customer fraudulent claims and false accusations, for occasionally, they do occur. Also it is of the utmost importance that transparency and efficiency take place between the ROC and the OAH regarding these cases. I had an unjust telephonic hearing, and when I requested a rehearing, I was denied a rehearing. Now I have to prove that a very large payout should not be made from the recovery fund. Thank you for taking the time and effort to review my comments as I am a great example of the feedback that you are looking for. Hope this helps you make some very necessary and important decisions regarding these kinds of issues. If you would like any additional feedback please feel free to contact me anytime.

Response: The Agency expressed appreciate for submission of comments and clarified the prehearing disclosure requirements would apply to the Registrar in own motion cases; where the Registrar is bringing a case against a respondent.

In the majority of cases, however, including the example provided with case 2016-1138, the complainant and his company as the respondent would be the parties responsible for disclosing all witness and document information intended to be presented in the hearing.

The section is proposed to increase efficiency and effectiveness in case and to reduce/eliminate last minute information that would have otherwise eliminated the need for a hearing all together. The Agency will keep his comments in mind especially if the ROC decides to rework rehearing portion of the rules.

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:

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



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

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

None

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. 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

This classification does not allow the licensee to install or repair electrical, plumbing, or air conditioning systems.

C-4 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 wattsThis 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 gradingWith 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

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

C-27

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

C-49 Installation of shower doors and tub enclosures are included when a part of the original contract.
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. This classification does not allow the licensee to install or repair electrical or mechanical systems.

R-2 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

This classification does not allow the licensee to install or repair electrical, plumbing, or air conditioning systems.

R-4 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: 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
 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~~ 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~~ 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 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 frames~~This 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. Terrazzo

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

This classification allows the scopes 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-53 WATER WELL DRILLING

This classification allows the ~~scopes scope~~ of work permitted by the commercial C-53 Water Well Drilling and the residential R-53 Drilling 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(E)(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(E)(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 Trade 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(E) to waive the examination requirement for a qualifying party in this state, the Registrar may waive the trade examination requirement for the qualifying party for a licensee in another state.
 - b. Conditions for Waiver. The Registrar may waive the trade 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 Trade Examination Requirement for Any Qualifying Party. Waiver of Trade Examination Permitted. The Registrar may waive the trade 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(E); 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:
- The licensee’s official name of record, and
 - 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:
- The licensee holds a separate license with a scope that is included, referenced, or suggested by the licensee’s name; or
 - The licensee:
 - Does not use the official name of record to do business as a contractor, and
 - 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:
- The issued license would violate this Rule; or
 - 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:
- There has been No change in the legal form of the licensee;
 - There has been No change in the ownership of the licensee;
 - The licensee provides a bond rider;
 - Every requested name is printed on the bond rider exactly;
 - The licensee provides the fee for the name change; and
 - 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.** Unless prohibited by another rule, if a contractor holds a dual license, then that contractor may, at the time of the license’s renewal, choose:
- To retain the dual license;
 - To designate the license as commercial; or
 - 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:
- Administrative completeness review time frame: 40 calendar days
 - Substantive review time frame: 20 calendar days
 - 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:
- By mutual agreement, an applicant and the Registrar may agree to extend the substantive review and overall time frames by 15 calendar days.
 - 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 infor-



mation. 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, including the witnesses’ contact information and a brief description of the subject matter of the witnesses’ expected testimony; 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 of Service and Filing. The service and filing requirement in (B)(1) of this section must be performed in accordance with Arizona Administrative Code R2-19-108 Filing Documents.



aid the Department in the detection and assessment of impacts, positive or negative, to native wildlife and habitat. The Department's Wildlife Health Program receives and responds to reports of wildlife mortality across the state. In the past 10 years, the Department has detected multiple outbreaks of trichomonas in mourning doves and pigeon paramyxovirus in Eurasian collared doves. This virus also affects mourning doves. The Department has also identified psittacosis in nonnative rosy-cheeked lovebirds in the Phoenix area. Additional diseases known to occur in captive pen-reared game birds are avian influenza, avian cholera, duck cholera, quail bronchitis, and ulcerative enteritis. The impact of the introduction of these diseases into a wild population is unknown; however, researchers have examined the impact of the introduction of nonnative species and identified disease, hybridization, and competition as risks for the native populations.

On April 7, 2017, as a result of a rulemaking petition, the Commission directed the Department to work with identified stakeholders to develop rule amendments that result in an improved process and customer friendly approach for administering game bird licenses.

The Commission proposes to amend the rule to make the rule more understandable. The last rulemaking combined four game bird licenses into one over-arching game bird rule that addressed all of the activities authorized under the original four rules: Game Bird Shooting Preserve, Game Bird Field Trial, Game Bird Field Training, and Game Bird Hobby. Members of the public and the Department have stated the rule is confusing as written and should be amended to speak more clearly to the different species of game bird and different activities allowed under each type of license.

The Commission proposes to amend the rule to clarify the Game Bird License only authorizes the license holder to use captive pen-reared game birds for any of the activities authorized under the license. As written, the rule could be interpreted to mean wild-caught game birds may be possessed under the license, which is not the intent of the rule.

The Commission proposes to amend the rule to establish a person conducting activities under a Game Bird Field Training license is not required to possess a hunting license in order to take captive pen-reared game birds to increase consistency between the activities authorized under the rule. Currently, a person taking a captive pen-reared game bird under a valid Game Bird Shooting Preserve or Game Bird Field Trial license is not required to possess a hunting license when taking a captive pen-reared game bird under the license. The Commission believes that because the taking of captive pen-reared game birds is authorized under the license, a hunting license should not be required when training dogs with captive pen-reared game birds.

The Commission proposes to amend the rule to offer a Game Bird Field Training license that is valid until December 31 of the year in which it was issued. The last rulemaking reduced the period of time in which the license was valid to ten consecutive days to increase consistency between the Game Bird Field Trial and Field Training licenses. In reviewing information provided on previous years Game Bird Field Training license applications, the ten day time-frame appeared to be consistent with the time-frames indicated on the applications. However, persons who petitioned the Commission requested the rule be amended to revert back to the December 31 expiration date.

The Commission proposes to amend the rule to remove the requirement that an applicant submit a separate application when applying for a Game Bird Shooting Preserve, Game Bird Field Training, or Game Bird Hobby license when the applicant proposes to use more than one location to conduct activities authorized under the license. The Commission anticipates revising the Game Bird License Application to allow an applicant to list multiple locations on one application. The Game Bird Field Trial license applicant will continue to submit a separate application for each location. This is because the Game Bird Field Trial license is only valid for a specific field trial event.

The Commission proposes to amend the rule to remove the requirement that an applicant provide the game bird supplier's Federal Tax Identification Number and the applicant's Federal Tax Identification Number on the application when the applicant will use the captive pen-reared game birds for a commercial purpose. The Commission has determined this information, while helpful, is not essential to the application review.

The Commission proposes to amend the rule to clarify that only a person applying for a Game Bird Hobby or Game Bird Shooting Preserve License provide a detailed description or diagram of the facilities where the applicant will hold game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section. Game birds possessed by Game Bird Field Trial and Training License holders are typically housed in boxes at the site where the event or training will take place and the requirements for transporting an animal humanely are addressed under R12-4-428 (Captivity Standards).

The Commission proposes to amend the rule to remove the requirement that a Game Bird License holder have their facility inspected by a veterinarian at least once every year. Because the Arizona Model Veterinary Practice Act requires a veterinarian to visit a facility regularly in order to stay within practice act rules and the captivity standards rule (R12-4-428) requires a special license holder who possesses an animal for more than one-year to have their facility inspected annually by a veterinarian licensed to practice in Arizona, the Commission determined it is not necessary to include this requirement in the Game Bird License rule.

The Commission proposes to amend the rule to remove the requirement that a Game Bird License holder retain records of copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the game bird activity because having this language in rule implies the Department verifies that the applicant possesses all of the necessary approvals and/or permits in place and that those approvals and/or permits are valid. The Department believes it is the applicant's responsibility to ensure they apply for and obtain all required licenses, permits, and authorizations.

The Commission proposes to amend the rule to clarify that any activities authorized under the license may occur only at the locations and dates specified on the license and require a license holder who wishes to conduct activities authorized under the license at a new location or a different date to submit an application to the Department. Because the special license administrator needs to determine whether training a dog will conflict with other activities or projects occurring in that area, it is necessary for the applicant to submit an application providing the information required to determine whether the Game Bird License may be amended to include the new location and date.



7. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not 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 did not rely on any study in its evaluation of or justification for the rule.

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

Not applicable

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

The Commission's rule protects native wildlife in many ways, including preventing the spread of disease, reducing the risk of released animals competing with native wildlife, discouraging illegal trade of native wildlife, and preventing interactions between humans and wildlife that may threaten public health or safety. The Wildlife Health Program in the Department receives and responds to reports of wildlife mortality across the state. In the past 10 years, the Department has detected multiple outbreaks of trichomonas in mourning doves and pigeon paramyxovirus in Eurasian collared doves. This virus also affects mourning doves. The Department has also identified psittacosis in nonnative rosy-cheeked lovebirds in the Phoenix area. Additional diseases known to occur in captive pen-reared game birds are avian influenza, avian cholera, duck cholera, quail bronchitis, and ulcerative enteritis. The impact of introduction of these diseases into a wild population is unknown; however, researchers have examined the impact of the introduction of nonnative species and identified disease, hybridization, and competition as risks for the native populations.

The Commission anticipates the rulemaking will benefit the Department by increasing efficiency in administering game bird licenses.

The Commission anticipates the rulemaking will result in an overall benefit to the persons regulated by the rule by reducing the burdens and costs associated with the rule and providing better customer-service to persons seeking to conduct activities with Game Birds in Arizona.

The Commission anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions; or state revenues.

The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Other than the regular cost of rulemaking, there are no costs associated with the rulemaking. Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Department posted the proposed rules to the Department's website on May 12, 2017 and the official public comment period began on June 2, 2017 and ended on July 2, 2017. The Department received 7 written public or stakeholder comments in response to the proposed rulemaking (this includes comments received prior to June 2). The written public or stakeholder comments and the agency's responses are provided below.

Written Comment: May 8, 2017. A great effort by all involved. This is a great example of partnerships at work for a good outcome.

Agency Response: The Department appreciates your participation and support.

Written Comment: May 10, 2017. As one of the people that petitioned the Department to amend the Commission rule, I support the rule changes to R12-4-414. The new rule makes it much easier to comply and eliminates a lot of unnecessary paper work for the public and the Department.

Agency Response: The Department appreciates your participation and support.

Written Comment: May 10, 2017. I like the proposed change to the field training license and recommend it be adopted. The present rule is too cumbersome and hard to understand. It puts an unneeded burden on those wanting to train their dogs and Department personnel.

Agency Response: The Department appreciates your participation and support.

Written Comment: May 10, 2017. I would like to express my support for the latest revisions on R12-4-414. Having a GPS coordinates as a general reference point will allow for the flexibility to move in the field if an unforeseen situation arises. And going back to an annual license with multiple locations will help to eliminate unnecessary processing. I can support the annual reporting requirement considering these other modifications. I thank you and the others that work to fast track these rule changes.

Agency Response: The Department appreciates your participation and support.

Written Comment: May 10, 2017. Looks like an improvement over the original to me. I especially appreciate the "user friendly" changes and the reduction of so many restrictions. Seems to me like this could be a win-win for bird users and the native birds if it becomes the way going forward. Generating timely data serves everyone and increased participation by all will help do that. Thank you for the work you do. I have been very proud of Arizona's Game and Fish Department for a long time and this goes to show another reason why.

Agency Response: The Department appreciates your participation and support.

Written Comment: May 11, 2017. Years ago I raised chukar and bob whites; I had the hobby license and perhaps I was breaking the rules. I know I submitted my pen plans, veterinary details, and paid for the license, I had a 600 square foot aviary and raised 250 to 300 bobwhite or 150 chukar each summer. When you are training a puppy, you need birds. Perhaps there is another way or



license to do it these days, but 50 birds is not going to help a guy train his dog. For a hobbyist or a dog trainer, maybe there could be a limit on the birds you keep based on a per square foot basis. Putting 50 bobwhites in a 50 square foot area might be okay, but would not work at all for 50 pheasants.

Agency Response: The hobby permit is not directly tied to the training permit and is more geared toward the person who wants to keep a few captive pen-reared game birds for personal use (meat, eggs, pets, etc.). Under your scenario, the Private Game Farm License may apply satisfy your needs as it allows a person to keep as many birds as they wish and also allows a person to sell the captive pen-reared commercially, if desired.

Written Comment: July 2, 2017: The Arizona Sportsmen for Wildlife Conservation (AZSFWC) would like to comment on the impending Rule change for R12-4-414 relative to field training dogs using live birds, like quail and chukar. AZSFWC and 21 of our member organizations support the following comments, and a list of those supporting groups follows the commentary. We understand the potential biological implications of introduced birds on the landscape, that are pen raised and possibly non-native species. However due consideration should be given to where these birds might be used in training, the season they are used in, along with the likelihood any of them would survive should they be fortunate to live through the training exercise! We have concerns with the existing rule that was going to be enforced. This rule may be needlessly onerous to the dog trainers and might be an attempt to apply a solution to a nonexistent problem. The weekend bird trainers should be distinguished from the shooting preserves or hunting clubs. Training licenses should be consistent state-wide and not Region specific. In other words, allow the weekend bird trainers to have the ability to complete one application wherever they live, applicable to any or all other Regions. If there are potentially conflicts with native birds during certain times of the year, those issues and concerns should be spelled out and specifically addressed. If there are potential or imminent disease issues, specify what and where they might be and be specific with any limitations, issues or areas. Coordination with land management agencies can follow accordingly based on need and necessity. We believe notification to land management agencies regarding any training events should be the responsibility of the event organizer versus the Department. If the Department has concerns regarding the location and timing of such events, they could then work out any issues with the respective land managers. Finally, we believe an annual permit for amateur dog handlers should be sufficient. That would allow the Department to readily identify who has such a permit, and if there is a Region specific, or disease specific issue they need to focus on or direct attention to, they can look to those license holders accordingly. In addition, the administrative costs and handling of annual permits for these amateur trainers would not only be a benefit to them, but would eliminate any onerous administrative expenses for the Department. AZSFWC, the Department and HAWHG have all recognized the importance of small game hunting as an important recruiting tool. Simplifying the rules and regulations for training matters such of this, would go a long way in reducing regulations and unneeded barriers towards this effort. (The written comment included following list of AZSFWC Member Organizations Supporting Recommendations on Proposed Rule Changes for R12-4-414: Anglers United, AZ Bass Nation, AZ Big Game Super Raffle, AZ Chapter of NWTf, AZ Deer Association, AZ Desert Bighorn Sheep Society, AZ Elk Society, AZ Flycasters Club, AZ Houndsmen, AZ Outdoor Sports, AZ Shooting Sports Education Foundation, AZ State Council of Trout Unlimited, Christian Hunters of America, Coconino Sportsmen, Mohave Sportsmen Club, Outdoor Experience 4 All, Southwest Wildlife Foundation, SRT Outdoors, The Bass Federation, Valley of the Sun Quail Forever, and Xtreme Predator Callers).

Agency Response: The Department appreciates your support.

12. All agency's 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:

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

The Game Bird License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).The rule complies with A.R.S. § 41-1037.

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:

Federal law is not directly applicable to the subject of the rule. The rule is based on state 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:

The agency has not received an analysis that compares the rule's impact of competitiveness of business in this state to the impact on business in other states.

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

Not applicable

14. Whether the rule previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-4-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rule was not previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

**TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION**



ARTICLE 4. LIVE WILDLIFE

Section
R12-4-414. Game Bird License

ARTICLE 4. LIVE WILDLIFE

R12-4-414. Game Bird License

- A. A game bird license authorizes a person to ~~display for sale, export, give as a gift, import, offer for sale, possess, propagate, purchase, sell, trade, and transport only~~ conduct certain activities with the captive pen-reared game birds specified on the license and only at the location or locations specified on the license, as described below. A person who possesses a game bird license may conduct any of the following activities when stipulated on the person's game bird license:
1. ~~Year-round possession of live captive-reared game birds at the site specified on the license;~~ Game Bird Hobby:
 - a. ~~Authorizes a license holder shall possess to:~~
 - i. ~~Possess no more than 50 captive pen-reared game birds at any one time; and~~
 - ii. ~~Export, gift, import, kill, possess, propagate, purchase, and transport the captive pen-reared game birds specified on the license for personal, noncommercial purposes only.~~
 - b. ~~The following captive pen-reared game bird species may be possessed by a Game Bird Hobby license holder:~~
 - i. ~~*Alectoris chukar*, Chukar;~~
 - ii. ~~*Callipepla californica*, California or valley quail;~~
 - iii. ~~*Callipepla gambelii*, Gambel's quail;~~
 - iv. ~~*Callipepla squamata*, Scaled quail;~~
 - v. ~~*Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);~~
 - vi. ~~*Cyrtonyx montezumae*, Montezuma or Mearn's quail; and~~
 - vii. ~~*Dendragapus obscurus*, Dusky grouse.~~
 - ~~b-c.~~ ~~The Game Bird Hobby license expires on December 31 each year.~~
 2. ~~Take of game birds by a person who may be charged a fee;~~ Game Bird Shooting Preserve:
 - a. ~~Authorizes a license holder to:~~
 - i. ~~Release captive pen-reared game birds for the purpose of hunting or shooting.~~
 - ii. ~~Export, display, gift, import, kill, offer for sale, possess, propagate, purchase, trade, and transport the captive pen-reared game birds specified on the license.~~
 - b. ~~The following captive pen-reared game bird species may be possessed by a Game Bird Shooting Preserve license holder:~~
 - i. ~~*Alectoris chukar*, Chukar;~~
 - ii. ~~*Anas platyrhynchos*, Mallard duck;~~
 - iii. ~~*Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D); and~~
 - iv. ~~*Phasianus colchicus*, Ringneck and Whitewing pheasant.~~
 - ~~a-c.~~ ~~The license holder shall restrict the release and take of the live captive pen-reared game birds on private lands to an area not more than 1,000 acres.~~
 - d. ~~The license holder may charge a fee to allow persons to take captive pen-reared game birds on the shooting preserve.~~
 - e. ~~A person is not required to possess a hunting license when taking a captive pen-reared game bird released under the provisions of this Section.~~
 - f. ~~A captive pen-reared game bird released under a Game Bird Shooting Preserve license may be taken with any method designated under R12-4-304.~~
 - b. ~~A person is not required to possess a hunting license when taking a game bird released under a game bird license.~~
 - ~~e-g.~~ ~~The Game Bird Shooting Preserve license expires on December 31 each year.~~
 3. ~~Conduct a competition to test the performance of hunting dogs for no more than 10 consecutive days;~~ Game Bird Field Trial:
 - a. ~~Authorizes a license holder to:~~
 - i. ~~Release and take captive pen-reared game birds for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event;~~
 - ii. ~~Import, kill, possess, purchase within the State, and transport the captive pen-reared game birds specified on the license for one field trial event; and~~
 - iii. ~~Export, gift, kill, or transport any captive pen-reared game bird held after the field trial event.~~
 - b. ~~The following captive pen-reared game bird species may be possessed by a Game Bird Field Trial license holder:~~
 - i. ~~*Alectoris chukar*, Chukar;~~
 - ii. ~~*Anas platyrhynchos*, Mallard duck;~~
 - iii. ~~*Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D); and~~
 - iv. ~~*Phasianus colchicus*, Ringneck and Whitewing pheasant.~~
 - c. ~~A person is not required to possess a hunting license in order to participate in a field trial event held under the provisions of this Section.~~
 - d. ~~A captive pen-reared game bird released under a Game Bird Field Trial license may be taken with any method designated under R12-4-304.~~
 - e. ~~The Game Bird Field Trial license is valid for no more than ten consecutive days.~~
 4. ~~Train a dog or raptor to hunt game birds for no more than 10 consecutive days;~~ Game Bird Field Training:
 - a. ~~Authorizes a license holder to:~~
 - i. ~~Release and take released live captive pen-reared game birds specified on the license for the purpose of training a dog or raptor to hunt game birds; and~~
 - ii. ~~Import, possess, purchase within the State, and transport the captive pen-reared game birds specified on the license; and~~



2. ~~If the applicant will use the game birds for a commercial purpose, the applicant's business:~~
 - a. ~~Name;~~
 - b. ~~Federal Tax Identification Number;~~
 - e. ~~Mailing address; and~~
 - d. ~~Telephone number;~~
 3. ~~If the applicant will use the game birds for an activity affiliated with a sponsoring organization, the organization's:~~
 - a. ~~Name;~~
 - b. ~~Mailing address; and~~
 - e. ~~Telephone number of the organization chair or local chapter;~~
 - 4.2. For captive pen-reared game birds to be used under the license:
 - a. Common name of game bird species;
 - b. Number of animals for each species; and
 - c. When the applicant is renewing ~~the game bird~~ a Game Bird Hobby or Shooting Preserve license, the species and number of animals for each species currently held in captivity under the license;
 - 5.3. ~~A description of how the applicant intends to use the game birds~~ The type of game bird license:
 - a. ~~For personal possession only~~ Game Bird Hobby;
 - b. ~~Charge a person a fee to take game birds~~ Game Bird Shooting Preserve;
 - c. ~~Conduct a competition to test the performance of hunting dogs~~ Game Bird Field Trial; or
 - d. ~~Train a dog or raptor to hunt~~ Game Bird Field Training;
 - 6.4. For each location where captive pen-reared game birds will be used held, the owner's:
 - a. Name;
 - b. Mailing address, when applicable;
 - c. Telephone number; and
 - d. Physical address or general location description ~~to include the~~ and Global Positioning System location ~~or Universal Transverse Mercator coordinates, when available;~~
 - 7.5. For each location where captive pen-reared game birds will be released, the land owner's or agency's:
 - a. Name;
 - b. Mailing address, when applicable;
 - c. Telephone number; and
 - d. Physical address or general location description ~~to include the~~ and Global Positioning System location ~~or Universal Transverse Mercator coordinates, when available;~~ and
 8. ~~A detailed description or diagram of the facilities where the applicant will hold game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;~~
 - 9.6. For each captive pen-reared game bird supplier from whom the applicant will obtain game birds, the supplier's:
 - a. Name;
 - b. ~~Federal Tax Identification Number;~~
 - e.b. Mailing address; and
 - d.c. Telephone number;
 7. An applicant who is applying for a Game Bird Shooting Preserve or Field Trial license and intends to use the captive pen-reared game birds for a commercial purpose shall also provide the applicant's business:
 - a. Name;
 - b. Mailing address; and
 - c. Telephone number;
 8. An applicant who intends to use the captive pen-reared game birds for an activity affiliated with a sponsoring organization shall also provide the organization's:
 - a. Name;
 - b. Mailing address; and
 - c. Telephone number of the organization chair or local chapter;
 9. An applicant who is applying for a Game Bird Field Trial license shall also specify the range of dates within which the field trial event will take place, not to exceed a 10-day period;
 10. An applicant who is applying for a Game Bird Hobby or Game Bird Shooting Preserve license shall also provide a detailed description or diagram of the facilities where the applicant will hold captive pen-reared game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
 - 10.11. Any other information required by the Department; and
 - 11.12. The certification required under ~~R12-4-409(C)~~ R12-4-409(B).
- ~~G.E.~~ An applicant for a game bird license shall pay all applicable fees established under R12-4-412.
- ~~H.G.~~ A game bird license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
 3. ~~Ensure each facility is inspected by the attending veterinarian at least once every year.~~
 - 4.3. Possess the license or legible copy of the license while conducting any activity authorized under the game bird license and ~~presents present~~ it for inspection upon the request of any Department employee or agent.
 - 5.4. Ensure each shipment of captive pen-reared game birds imported into the state is accompanied by a health certificate.
 - a. The certificate shall be issued no more than 30 days prior to the date on which the game birds are shipped.



- b. A copy of the certificate shall be submitted to the Department prior to importation.
- ~~6-5.~~ Provide each person ~~that~~ who transports captive pen-reared game birds taken under the game bird license with documentation that includes all of the following:
 - a. Name of the game bird license holder;
 - b. Game bird license number;
 - c. Date the captive pen-reared game bird was ~~purchased, traded, or given as a gift~~ obtained;
 - d. Number of captive pen-reared game birds, by species; and
 - e. When the captive pen-reared game birds are being shipped:
 - i. Name of the person or common carrier transporting the shipment, and
 - ii. Name of the person receiving the shipment.
- ~~7-6.~~ Maintain records of all captive pen-reared game birds possessed under the license for a period of three years. In addition to the information required under subsections ~~(H)(5)(a)~~ (G)(5)(a) through ~~(H)(5)(d)~~ (G)(5)(b), the records shall also include:
 - a. The game bird license holder's:
 - i. Name;
 - ii. Mailing address;
 - iii. Telephone number; and
 - iv. Special license number;
 - ~~b. Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the game bird activity;~~
 - ~~e-b.~~ Copies of the annual report required under subsection ~~(H)~~ (H);
- ~~8-7.~~ Dispose of captive pen-reared game birds only as authorized under this Section or as directed by the Department.
- ~~8.~~ Conduct license activities solely at the locations and within the time-frames approved by the Department. A Game Bird License holder may request permission to amend the license to conduct activities authorized under the license at an additional location by submitting the application required under subsection (E) to the Department.
- ~~I-H.~~ A game bird license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
 - 1. A report is required regardless of whether or not activities were performed during the previous year.
 - 2. The game bird license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
 - 3. The Department ~~will~~ shall not process the special license holder's renewal application until the annual report is received by the Department.
 - 4. The annual report shall include all of the following information, as applicable:
 - a. Number of all captive pen-reared game birds, by species and the date ~~it was~~ obtained;
 - b. Source of all captive pen-reared game birds and the date ~~the game bird was~~ obtained;
 - c. Number of offspring propagated by all captive pen-reared game birds; and
 - d. For all captive pen-reared game birds disposed of by the license holder:
 - i. Number, species, and date of disposition; and
 - ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.
- ~~J-I.~~ A game bird license holder shall comply with the requirements established under R12-4-428.
- ~~K.~~ ~~A game bird released under a game bird license may be taken with any method designated under R12-4-304.~~
- ~~L-J.~~ A game bird released under a game bird license and found outside of the location specified on the license shall become property of the State and is subject to the requirements prescribed under A.R.S. Title 17 and 12 A.A.C. 4, Article 3.

NOTICE OF FINAL RULEMAKING
TITLE 13. PUBLIC SAFETY
CHAPTER 5. LAW ENFORCEMENT MERIT SYSTEM COUNCIL

[R17-163]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R13-5-101	Amend
R13-5-102	Amend
R13-5-402	Amend
R13-5-701	Amend
R13-5-702	Amend
R13-5-703	Amend
R13-5-704	Amend
R13-5-706	New Section

2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):
 Authorizing statute: A.R.S. § 14-1830.12(A)(3)
 Implementing statute: Not applicable

**3. The effective date of the rules:**

November 5, 2017

4. 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. 1489, June 2, 2017

Notice of Proposed Rulemaking: 23 A.A.R. 1478, June 2, 2017

5. The agency's contact person who can answer questions about the rulemaking:

Name: Jennifer Despain, Captain
Address: Law Enforcement Merit System Council
2102 W. Encanto Blvd.
Mail Drop 1290
Phoenix, AZ 85009-6638
Telephone: (602) 223-2286
Fax: (602) 223-2096
E-mail: jdespain@azdps.gov
Web site: <http://www.azdps.gov/About/LEMSC/>

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

The Law Enforcement Merit System Council (LEMSC) initiates this rulemaking to amend existing rules and add new rules to reflect statutory changes, to provide a clear distinction between rules intended for employees of the Department of Public Safety and the Arizona Peace Officer Standards and Training Board and rules for other state agency peace officers, and to ensure overall that the rules are clear, concise, and understandable.

During the 2012 legislative session, the Governor enacted personnel reform for certain state employees by amending A.R.S. § 41-1830. The LEMSC previously had personnel oversight for employees of the Arizona Department of Public Safety and the Arizona Peace Officer Standards and Training Board. Under the reform, the LEMSC was given additional personnel oversight of covered peace officers in other state agencies.

On October 15, 2012, the Governor's Office issued a rulemaking moratorium waiver to the LEMSC authorizing rulemaking related to the personnel reform legislation. The LEMSC formed a rulemaking committee consisting of members of the Department of Public Safety and the Arizona Peace Officer Standards and Training Board, on February 26, 2014 to draft this Notice of Proposed Rulemaking by reviewing the legislation and existing rules. Due to numerous interconnected statute changes (A.R.S. Title 41, A.R.S. § 38-1101, A.R.S. § 41-1830.12, A.R.S. § 41-1830.13, A.R.S. § 41-1830.16, A.R.S. § 38-1110) enacted by the Legislature that affected these rules, the time necessary to complete the Notice of Proposed Rule Making was greatly extended. On October 31, 2016, the LEMSC approved the rule changes.

The statutes do provide specific instructions to LEMSC, the agencies, and the employees regarding personnel actions. However, the LEMSC determined that a consolidation of the numerous statutes and incorporated additions from the committee into a concise rule set will reduce the burden on the employees and agencies by providing a single, concise source of information. This statute-to-rule consolidation is in keeping with the consolidation employed for existing LEMSC rules.

7. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not 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:

Agency did not review or rely on any study relevant to the rule.

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

Not applicable

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

Currently under A.R.S. § 41-1830.12, the Law Enforcement Merit System Council (LEMSC), adopts rules pursuant to recognized merit principles of public employment it deems necessary for Department of Public Safety and Arizona Peace Officer Standards and Training Board personnel.

Under A.R.S. § 41-1830.16, the fiftieth legislative session directed LEMSC to adopt rules it deems necessary for the administration of hearings and the review of appeals for a covered employee in the state personnel system who is a full authority peace officer as certified by the Arizona Peace Officer Standards and Training Board, is appointed to a position that requires such a certification in the covered service and who has completed the employee's original probationary period of service as provided by state personnel rules.

The statutes and rules currently cover approximately 2,106 Department of Public Safety and 23 Arizona Peace Officer Standards and Training Board employees. The recent Governor's personnel reform initiative added approximately 352 employees from agencies other than the Department of Public Safety and the Arizona Peace Officer Standards and Training Board, all of which the LEMSC sits in oversight.

The economic impact is extremely small, with the added expense being approximately \$6500.00 per year to pay the council members a stipend after each council meeting/hearing. Since the personnel reform was in 2012, this amount is already in the LEMSC's current budget.



- 10. **A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**
Not applicable
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**
The Department did not receive any public or stakeholder comments in response to the proposed rulemaking.
- 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:**
 - a. **Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:**
The rule does not require a general 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:**
Federal law is not applicable to the subject of the rules.
 - 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. **Whether the rule previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-4-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**
The rule was not previously made, amended, or repealed as an emergency rule.
- 15. **The full text of the rules follows:**

**TITLE 13. PUBLIC SAFETY
CHAPTER 5. LAW ENFORCEMENT MERIT SYSTEM COUNCIL**

ARTICLE 1. GENERAL PROVISIONS

- Section
- R13-5-101. Definitions
- R13-5-102. Law Enforcement Merit System Council

ARTICLE 4. ASSIGNMENTS

- Section
- R13-5-402. Uncovered Appointments

ARTICLE 7. DISCIPLINE AND APPEALS

- Section
- R13-5-701. Causes for Discipline
- R13-5-702. Disciplinary Procedures
- R13-5-703. Appeal to the Council by Employees
- R13-5-704. Rehearing of Council ~~Decisions~~ Decision Regarding Employees
- R13-5-706. Appeal to the Council by Covered Employees

ARTICLE 1. GENERAL PROVISIONS

R13-5-101. Definitions

In this Chapter, unless otherwise specified, the following terms mean:

- “Abandonment of position” means failure of an employee to report to work for a period of five consecutive working days without authorization from the employee’s supervisor or manager and without good cause.
- “Abilities” means general traits or capabilities an individual possesses when beginning the performance of a task.
- “Agency” means any governmental organization subject to the rules of the Law Enforcement Merit System Council.
- “Agency head” means the chief executive officer or director of any agency placed under the rules of the Law Enforcement Merit System Council.
- “Allocate or allocation” means the placement of a position to a classification based on the duties and responsibilities of the position.
- “Annual leave” means the leave time accrued biweekly by an employee based on the number of years of state service and may include holiday leave and recognition leave.
- “Appeal” means an employee’s request for Council review of a disciplinary action.
- “Applicant” means a person who has applied for an opportunity to compete for a position.



“Appointment” means the placement of a candidate or employee into a classified position.

“Background investigation” means an inquiry to determine the character of a potential employee and may include verification and review of identity, education, employment history, personal references, credit rating, criminal history, and driving record.

“Break-in-service” means a period of absence from agency service of more than 240 consecutive working hours resulting from an employee’s resignation, retirement, suspension, layoff, or leave of absence without pay.

“Business day” means the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding observed state holidays.

“Business manager” means the individual responsible for administering the affairs of the Council.

“Candidate” means an applicant who qualifies for a place on an eligibility list.

“Certified list” means the names of qualified candidates on an eligibility list who are willing to accept an appointment.

“Civilian employee” means a person who is appointed to a classification that does not require peace officer status.

“Classification” means one or more positions requiring the same minimum qualifications, knowledge, skills, and abilities that have the same title and pay range.

“Classification date” means the effective date of an employee’s appointment to a classification.

“Classification specification” means the classification’s title or rank, classification code, typical duties and responsibilities, essential functions, minimum qualifications, required knowledge, skills and abilities.

“Classified position” means a position that is allocated to a classification.

“Commissioned employee” means a person who is appointed to a classification that requires Arizona Peace Officer Standards and Training Board certification as a peace officer.

“Compensation” means the amount of money paid for each hour worked and paid leave taken and includes time off received for overtime and holidays worked or accrued.

“Compensatory time” means leave received for overtime worked.

“Competitor” means an applicant who has met the minimum qualifications for a classification and is competing in an employment or promotional examination.

“Contested case” has the same meaning as in A.R.S. § 41-1001 (4).

“Council” means the Arizona Law Enforcement Merit System Council.

“Covered employee” means a full authority peace officer as certified by the Arizona Peace Officer Standards and Training Board and who is appointed to a position (outside of Department of Public Safety and Arizona Peace Officers Standards and Training Board) that requires such a certification in the covered service, as defined in A.R.S. § 41-741(5)(c)(e) and who have completed their original probationary period.

“Covered position” means any position within an agency that is not appointed by the Governor or by the agency head with the concurrence of the Governor and is subject to the rules of the Council.

“Covered service” means that employment status conferring rights of appeal as prescribed in A.R.S. § 41-782 and A.R.S. § 41-783 or A.R.S. § 41-1830.16, as applicable, as defined in A.R.S. § 41-741(6).

“Days” means full calendar days unless otherwise specified in the text of a rule.

“Demotion” means the disciplinary appointment of an employee to a classification with a lower pay range.

~~“Disabled person” means anyone who has a physical or mental impairment that substantially limits one or more major life activities, or who has a record of an impairment, or is regarded as having an impairment.~~

“Dismissal” means an agency-initiated removal of an employee from state service.

“Duties” means actions or tasks required under the circumstances by an employee’s position or classification.

“Eligibility list” means the names of candidates for a classification in descending order of their final scores in preparation for a selection process.

“Employee” means a person who is appointed to a position, subject to the terms and conditions of the appointment within the Department of Public Safety or the Arizona Peace Officers Standards and Training Board.

“Employing agency” means the agency in the state personnel system where the covered employee is, or in the case of dismissal, was employed as prescribed in A.R.S. § 41-1830.16(H)(3).

“Entrance rate” means the lowest rate of pay within the pay range of a classification.

“Examination” means an evaluation or test to determine if an applicant’s qualifications comply with the specifications for a classification.

“Examination plan” means a description of each phase of an examination, the weight applied to each phase of the examination, the criteria for moving from one phase of the examination to another and any limitations as to the number of names to appear on the eligibility list.

“Exempt employee” means an employee who is not subject to the overtime provisions of the Fair Labor Standards Act, Title 29 U.S.C Chapter 8.

“External employment list” means an eligibility list of candidates seeking employment with an agency.

“Fair Labor Standards Act” (FLSA) means those federal statutes at Title 29 U.S.C. 201-219 and 251-262.



“Family and Medical Leave Act FMLA leave” means a leave of absence, with or without pay, taken by an employee under a policy adopted by an agency head from options authorized in the Family and Medical Leave Act. 29 U.S.C. 2611, et. seq.

“For cause” means disciplinary action or dismissal for any reason listed in A.R.S. § 41-1830.15 or this Chapter.

“Full authority peace officer” means a peace officer whose authority to enforce the laws of this state is not limited by the rules adopted by the Arizona Peace Officer Standards and Training Board as prescribed in A.R.S. § 41-1830.16(H)(4).

“Full-time employee” means an employee appointed to work 40 hours a week or 160 hours in a 28 day cycle.

“Grievance” means a work-related complaint by an employee regarding classification, compensation, performance evaluation, or violation of law or Council rules.

“Holiday leave” means the leave time accrued by working a state holiday or accrued when the holiday falls on a day the employee is not scheduled to work or is on paid sick leave. Holiday leave may be included in annual leave time.

“Human Resources” means an agency department responsible for personnel administration.

“Individual with a disability” means anyone who has a physical or mental impairment that substantially limits one or more major life activities, or who has a record of an impairment, or is regarded as having an impairment.

“Initial probation” means a probationary period required of a new employee to an agency, an employee appointed to a classification as a special limited term employee, or an employee appointed to the classification of officer who has completed the terms of a special limited term appointment.

“Intermittent appointment” means the appointment of an employee to work on an irregular basis.

“Internal list” means an eligibility list of internal candidates seeking promotional positions or reassignments.

“Just Cause” means all of the following:

The employing agency informed the employee of the possible disciplinary action resulting from the employee’s conduct through agency manuals, employee handbooks, the employer’s rules and regulations or other communications to the employee, or the conduct on which disciplinary action was based such that the employee should have reasonably known disciplinary action could occur;

The disciplinary action is reasonably related to the standards of conduct for a professional law enforcement officer, the mission of the agency, the orderly, efficient or safe operation of the agency or the employee’s fitness for duty;

The discipline is supported by a preponderance of the evidence establishing that the conduct on which the disciplinary action was based occurred; and

The discipline is not excessive and is reasonably related to the seriousness of the offense and the employee’s service record.

“Knowledge” means a body of information, usually of a factual or procedural nature, that makes for successful performance of a task.

“Limited duty” means a short-term assignment to a physically less demanding position while the employee recovers from a temporary medical condition or disability.

“Limited-term appointment” means an appointment to a position that is designated as temporary.

“Limited-term employee” means an employee in a limited-term appointment who has not achieved the status of a regular-employee.

“Manifest error” means an erroneous act or failure to act in administering the provisions of Article 3 of this Chapter.

“Non-exempt employee” means an employee who is subject to the overtime provisions of the Fair Labor Standards Act, Title 29 U.S.C Chapter 8.

“Original probationary period” means the specified period following initial appointment to covered service as defined in A.R.S. § 41-741(10).

“Overtime” means time worked by a non-exempt employee in excess of 40 hours in a work week or in excess of 160 hours in a 28-day cycle.

“Part-time appointment” means the appointment of an employee to work a schedule of less than 40 hours per week.

“Part-time employee” means an employee appointed to work less than 40 scheduled hours per week.

“Pay range” means the difference between the lowest and highest pay rates for a classification.

“Pay status” means an employee’s right to receive compensation for time worked or leave taken, except when absent on leave-without-pay or suspension without pay.

“Permanent employee” means an employee who has successfully completed an initial probation with an agency.

“Permanent status” means the employment rights achieved after satisfactorily completing the probationary period for a classification.

“Personnel Rules” means the rules adopted by the Arizona Department of Administration, human resources division as prescribed in A.R.S. § 41-1830.16(H)(7).

“Position” means a job or function, whether occupied or vacant, that is assigned a number, classification, funding source, pay range, and location code.

“Position audit” means an examination of the duties and responsibilities of a position to determine the appropriate classification.

“Promotional Probation” means a period of 12 months established for evaluating an employee’s performance to determine if the employee should be retained in a classification.

“Promotion” means the appointment of an employee to a position in another classification with a higher maximum pay level.



- “Provisional appointment” means an appointment to a position in a classification for which there is no eligibility list.
- “Qualifications Appraisal Board” means a group of raters who evaluate a competitor’s qualifications based upon the competitor’s written or oral responses.
- “Qualifying pay period” means a pay period for qualifying service in which an employee is in pay status for at least one-half of the employee’s normally scheduled work week.
- “Qualifying service” means part-time or full-time service as an employee of an agency, excluding any break-in-service.
- “Reallocation” means a change in the classification of a position, based upon an analysis of the duties and responsibilities of the position.
- “Reappointment” means appointment to a classification previously held by an employee who was reassigned to a different classification.
- “Reassignment” means an appointment, at the employee’s request, to a position in a different classification with the same or a lower pay range.
- “Recall” means the appointment of a former employee who was separated by a reduction in force.
- “Reclassification” means the change in classification of an employee due to the employee’s movement to a position in a different classification or a reallocation of the employee’s position to a different classification.
- “Recognition leave” means leave time given an employee under a formal awards program as an incentive for continued superior performance. Recognition leave is added to annual leave.
- “Reduction in force” means an action taken by an agency head to involuntarily transfer, reclassify, or lay-off an employee as a result of a legislative or executive mandate; reduction of funds; or decrease in the number of authorized positions, service area, or program responsibilities.
- “Regular-employee” means an employee, except a limited term-employee, who achieves permanent status.
- “Reinstatement” means an appointment of a former employee to the classification or a similar classification held when the employee separated from the agency.
- “Rejection of probation” means an action taken by an agency head to reclassify an employee on a promotional probation or to separate an employee on an initial probation for failure to achieve and sustain the required level of performance for the classification.
- “Responsibilities” means actions or tasks for which an employee is accountable in a position or classification.
- “Retirement” means a voluntary separation from an agency by an employee who is eligible for an immediate disbursement from a retirement plan.
- “Separation” means the close of an employee’s term of employment with an agency.
- “Skill” means an individual’s level of proficiency or competency in performing a specific task.
- “Special duty assignment” means an employee’s temporary assignment of more responsibilities or duties or an assignment to a position with special work or living requirements.
- “Special limited term appointment” means an appointment to the classification of cadet officer or officer trainee pending the completion of requirements for the classification of officer.
- “State” means the State of Arizona.
- “Standard performance” means a rating given to an employee who meets the expected level of performance needed to accomplish the objectives of a position.
- “State personnel system” means all state agencies and employees of those agencies that are not exempted by this article as prescribed in A.R.S. § 41-741(17).
- “Standardized scoring” means a statistical method used to ensure that the various components of a multi-phased examination receive their proper weights.
- “Suspension of pay” means the disciplinary action of withholding an employee’s pay for a specified period.
- “Telecommuting” means an employee performing assigned work at a location other than the employee’s regular work location.
- “Time-in-grade” means time spent in a classification.
- “Transfer” means the movement of an employee from the employee’s current position to another position in the same classification.
- “Uncovered appointment” means an appointment to a job or function by the Governor or by an agency head with the concurrence of the Governor.
- “Uncovered employee” means an employee who serves at the pleasure of the Governor.
- “Veteran” means an individual who served in the armed forces of the United States and was discharged from military service under honorable conditions after more than six months of active duty and as defined in 37 U.S.C. 101 and A.R.S. § 38-492.
- “Working day” means the same as business day.
- “Work week” means the 40-hour time period an employee works between Saturday and Friday, including any leave time taken.

R13-5-102. Law Enforcement Merit System Council

- A. Authority. The statutory authority of the Law Enforcement Merit System Council is found in A.R.S. § 41-1830.11 through § 41-1830.15~~16~~.
- B. Decisions of the business manager are subject to review by the Council.



- C. Selection of officers. The Council shall select a Chair and Vice-Chair from its members at a regular meeting in November or December of even-numbered years. The Chair and Vice-Chair shall hold office for a period of two years, or until their successors are selected.
- D. Meetings. The Chair, or in the Chair’s absence the Vice-Chair, shall call a meeting of the Council when a meeting is needed. The Council shall hold meetings at a location convenient to the participants whenever possible. Except for the Council’s executive sessions, the Council’s meetings shall remain open to the public and the Chair shall give interested parties an opportunity to be heard.
- E. Quorum. ~~Two~~Three members are required for a quorum, and concurring members must equal a majority of those voting in order to take action.
- F. Minutes. The Council shall keep minutes of its proceedings and official actions. The Council’s records and minutes are open to public review during normal business hours.
- G. Council rules. An agency shall provide employees with a copy of the Council’s rules.

ARTICLE 4. ASSIGNMENTS

R13-5-402. Uncovered ~~Appointment~~Appointments

- A. Authorization. An agency head may authorize an employee to temporarily accept an uncovered appointment within:
 - 1. The agency,
 - 2. Another state agency,
 - 3. The Governor’s office,
 - 4. The Legislature, or
 - 5. Another government agency.
- B. Employee rights. ~~A~~ An ~~classified~~ employee in an uncovered appointment shall retain all employee rights of a ~~covered employee~~ except for the right to appeal removal from the uncovered appointment.
- C. Returning to regular duty. Upon completion of an uncovered appointment, the agency head shall reassign the employee to the previously held position or to a similar position in the same classification.
- D. Leave policy for an uncovered employee accepting a covered position: An uncovered employee of a state agency or any state budget unit may transfer accrued annual and sick leave when accepting a covered position with an agency under the jurisdiction of the Council.
 - 1. Annual leave.
 - a. Up to 360 hours of annual leave may be transferred at the gaining agency’s discretion.
 - b. Annual leave in excess of 360 hours shall be paid off by the losing agency.
 - c. An employee shall be paid for any annual leave that is not accepted by the gaining agency.
 - 2. Sick leave. All accrued sick leave hours shall be accepted by and transferred to the agency.

ARTICLE 7. DISCIPLINE AND APPEALS

R13-5-701. Causes for Discipline-

~~The causes for discipline are found in A.R.S. § 41-1830.15.~~

- A. The causes for discipline for employees are found in A.R.S. § 41-1830.15.
- B. The causes for discipline for covered employees are found in A.R.S. § 41-773.

R13-5-702. Disciplinary Procedures

- A. Receiving a complaint. A person may file a complaint with an agency asserting that an employee engaged in activity constituting cause for discipline and requesting that the agency head take appropriate disciplinary action against the employee or covered employee.
- B. Initiating disciplinary action. An agency head may take appropriate disciplinary action against an employee for any cause listed in A.R.S. § 41-1830.15 or against a covered employee for any cause listed in A.R.S. § 41-773.
- C. Interview of an employee. In conducting an interview of an employee being investigated for possible disciplinary action, an agency shall comply with A.R.S. § ~~38-1101(A) and (B)~~ 38-1104.
- D. Time limit for filing a disciplinary action. An agency shall not file a disciplinary action later than ~~420~~ 180 days after the date the agency discovers or should have discovered that the employee engaged in alleged activity constituting cause for discipline. The disciplinary action is deemed to be filed when the notice is filed with the Council.
- E. Exceptions to the ~~420~~ 180-day rule.
 - 1. The time limit in subsection (D) does not run:
 - a. During a criminal investigation by a law enforcement or prosecutorial agency; the time that any criminal investigation or prosecution is pending in connection with the act, omission or other allegation of misconduct; or
 - b. During any period of time the employee who is the subject of an investigation is absent from the agency on leave, if the absence prevents the agency from proceeding with the normal investigation and disciplinary review process; the period of time in which an employee or covered employee who is involved in the investigation is incapacitated or otherwise unavailable; or
 - c. During the period prescribed in a written waiver of the limitation by the employee or covered employee; or
 - d. During emergencies or natural disasters during the time period in which the governor has declared a state of emergency within the jurisdictional boundaries of the concerned employer; or
 - e. During a multijurisdictional investigation, the time limit may be extended for a period of time reasonably necessary to facilitate the coordination of the employers involved.
 - 2. At the request of an agency, the Council may, upon a showing of good cause, extend the time for an agency to file a disciplinary action up to a maximum of 90 days beyond the original ~~420~~ 180-day period.



3. If a manager or supervisor is aware of an employee's alleged actions that constitute a criminal offense but fails to act, the time limit does not run during the period of the manager or supervisor's inaction if the supervisor or manager is disciplined for failure to act and:
 - a. The offense is a misdemeanor involving theft or moral turpitude and is discovered within ~~420~~180 days after the ~~420~~180-day period for taking disciplinary action, or
 - b. The offense is a felony.
 4. The agency shall maintain documentation to support any exception to the ~~420~~180-day time limit, including the dates during which the time limit does not run.
- F.** Notice of disciplinary action. An agency head shall serve a written notice on the employee or covered employee within 10 days after the agency files the notice of disciplinary action with the Council. Service shall be completed in accordance with R13-5-104(D). The agency head's notice shall include:
1. A statement of the nature of the disciplinary action;
 2. Any prior disciplinary action on which the current discipline is based;
 3. The effective date of the action;
 4. A specific statement of the causes; and
 5. A statement of the employee's or covered employee's right to appeal and the time limit in which the employee or covered employee must file an appeal with the Council under R13-5-703(A), (B), and (C).
- G.** Amended notice of disciplinary action before appeal is filed. At any time before an employee or covered employee files an appeal, the agency head may file with the Council and serve the employee or covered employee or former employee or former covered employee with an amended or supplemental notice of disciplinary action.
- H.** Effect of dismissal. An employee's or covered employee's dismissal from the agency shall entail:
1. Dismissal from all positions held by the employee or covered employee.
 2. Removal of the employee's or covered employee's name from all employment or promotional lists, and
 3. Termination of the employee's or covered employee's pay on the date of dismissal.

R13-5-703. Appeal to the Council by Employees

- A.** Appealable actions by employees. An employee may appeal any disciplinary action that results in the employee's dismissal, demotion, suspension without pay, forfeiture of accrued leave time, or reduction of pay.
- B.** Form of appeal. To initiate an appeal, an employee shall submit a signed written appeal to the business manager and the agency head. The appeal must state specific facts relating directly to the charges on which the appeal is based.
- C.** Time for appeal. An employee shall file an appeal within 30 days after being served with the notice of disciplinary action.
- D.** Agency responsibility. An agency shall have the burden of going forward with the case once an appeal has been filed. An agency must prove ~~the case~~ cause for disciplinary action by a preponderance of the evidence that it had just cause to discipline the employee.
- E.** Effect of appeal. ~~The Council shall determine whether the cause for the disciplinary action is supported by law and the evidence. The Council may sustain, modify or rescind the disciplinary action. If the disciplinary action is rescinded, the Council shall order the agency head to reinstate the employee and to pay the employee accumulated back pay. The Council shall determine whether the employing agency has proven by a preponderance of the evidence that the employing agency had just cause to discipline the employee. The Council shall reverse the decision of the agency head if the Council finds that just cause did not exist for any discipline to be imposed and, in the case of dismissal or demotion, return the employee to the same position the employee held before the dismissal or demotion with or without back pay. On a finding that the agency has not proven just cause to discipline the employee by a preponderance of the evidence, the Council may recommend a proposed disciplinary action in light of the facts proven.~~
- F.** Agency action after receiving a decision or recommendation. The agency head or the agency head's designee shall accept, modify or reverse the Council's decision or accept, modify or reject the Council's recommendation within fourteen days of receipt of the findings or recommendation from the Council. The decision of the agency head is final and binding. The agency head shall send a copy of the agency's final determination to the employee.
- ~~**F.G.** Amended notice of disciplinary action after employee files an appeal. If good cause exists, an agency head may file with the Council a motion to amend the notice of disciplinary action. The motion shall be filed no later than ~~30~~ 14 days before the hearing.~~
- ~~**G.H.** Notice of hearing. The Council shall notify the parties of the time and place of the hearing.~~
- ~~**H.I.** Failure to appear. If a party, without good cause, fails to appear at the time and place set for a hearing, the Council may find in favor of the appearing party.~~
- ~~**I.J.** Conduct of hearings. The Council shall sit as a whole at a hearing, unless a Council member declares a conflict or is unable to attend. Only a Council member who was present at a hearing may participate in making the decision. Council members may administer oaths, issue subpoenas for the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses residing within or outside the state to be taken in the manner prescribed by law for depositions in civil cases in the Superior Court of this state.~~
- ~~**J.K.** Witness fees. Witnesses at a hearing, other than employees, are entitled to the fees allowed witnesses under A.R.S. § 12-303.~~
- ~~**K.L.** Payment of witness fees. If the Council subpoenas a witness on its own initiative, the Council shall pay the witness' fees and mileage. The requesting party shall pay the fees for subpoenaed witnesses. An employee appearing as a witness on duty shall receive travel expenses from the agency and shall not be entitled to witness fees.~~
- ~~**L.M.** Discovery.~~
1. Within three business days after receiving a written request from the employee, the agency shall provide a complete copy of the investigative file, as well as the names and home or work mailing addresses of all persons interviewed during the course of the investigation, to the employee. For the purpose of this subsection, hand-written notes substantially incorporated within a report are not considered part of the investigation file.
 2. Within 20 days after receiving the investigative file, the employee shall provide all material relating to the defense of the employee to the agency head.



- 3. After initial discovery, each party shall provide all new material relating to the case to the other party within 10 days after receipt.
- 4. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal was filed, no later than 10 business days before the hearing, the agency and the employee shall exchange copies of any documents that may be introduced at the hearing and that have not been previously disclosed.
- 5. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal is filed, no later than 10 business days before the hearing, the agency and the employee shall exchange the names of all witnessed who may be called to testify. A witness may be interviewed at the discretion of the witness. The parties shall not interfere with any decision of a witness regarding whether to be interviewed. An agency shall not discipline, retaliate against, or threaten to retaliate against, any witness for agreeing or not agreeing to be interviewed or for testifying or providing evidence in the hearing.
- 6. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal was filed, no later than 10 business days before the hearing, the agency and the employee shall provide all documents that will be used at the hearing and a list of intended witnesses to the office of the Council.
- 7. If a party fails to provide material as required, the Council may preclude its use at the hearing.

~~M.N.~~ **Motions.** All motions shall be in writing and filed no later than 20 days prior to the hearing. A response shall be filed in writing within 10 days after service of the motion. The chair may designate one or more members of the Council to hear and rule on a motion, except a motion to dispose of the case requires a vote of a majority of the Council.

~~N.O.~~ **Pleadings.** The Council may strike a pleading not filed in accordance with this Section.

~~O.P.~~ **Depositions:**

- 1. On the motion of a party, the Council may order the deposition of a witness under the following circumstances:
 - a. The witness does not reside within the State or is out of state,
 - b. The witness is too ill to attend the action before the Council, or
 - c. The deposition is for the purpose of discovery in preparing a case before the Council.
- 2. The requesting party shall pay the expense of any deposition. An employee of the agency is not entitled to a witness fee for giving a deposition.
- 3. The deposition of a witness who is unavailable to appear at a hearing may be used in evidence by either party or the Council.

~~P.O.~~ **Open hearings.** The Council’s hearings shall be open to the public. The Council may, upon request of a party, exclude non-testifying witnesses from the hearing. The Council may keep excluded witnesses separated and prevent them from communicating with each other until all are examined.

~~Q.R.~~ **Minor discipline hearings.** When the Council hears appeals of suspension without pay of 24 hours or less or the deduction of 24 hours or less from an employee’s annual leave balance, each party shall have no more than three hours to present evidence unless the Council allows more time to assure a fair hearing.

~~R.S.~~ **Legal counsel or representative.** Before the hearing of any appeal, each party shall designate its legal counsel or representative for the record. The Council shall advise each party without legal counsel that the party may obtain and be represented by counsel at the hearing. At the request of a party, the Council may postpone the hearing for a reasonable length of time to allow a party to obtain legal counsel.

~~S.T.~~ **Presentation of evidence.** Both parties may present evidence and witnesses either personally or through a representative. The Council shall exclude evidence irrelevant to the causes set forth in the notice of disciplinary action.

~~T.U.~~ **Settlement of disputes.** If requested by the employee, the parties shall submit the terms of settlement to the Council. If the Council approves the settlement, the settlement becomes final. If no settlement is reached, or if the proposed settlement is revoked or rejected by the Council, or withdrawn by either party, or if the settlement agreement is later vacated or reversed by a court, neither the settlement discussion nor any resulting agreement shall be admissible against the employee in any hearing before the Council on the matter.

~~U.V.~~ **Decision.** In arriving at a decision, the Council may consider any disciplinary action taken within the previous 10 years against the employee, if the information is introduced at the hearing. The Council’s decision shall contain findings of fact and its order for disposition of the case.

R13-5-704. Rehearing of Council Decision Regarding Employees

A. Motion for rehearing.

- 1. Except as provided in subsection (C), any party in a contested case or appealable agency action may file a written motion for rehearing within 30 days after service of the decision. The requesting party shall specify the grounds for a rehearing, as provided in subsection (B). A respondent may file a response to the motion within 15 days after service.
- 2. A party filing a post-hearing motion shall include references to the record where appropriate.
- 3. The Council may require the parties to file written memoranda upon the issues raised in the motion and may permit oral argument.
- 4. The Council may grant a rehearing on all or part of the issues. If a rehearing is granted, the Council shall specify the grounds for the rehearing, and the rehearing shall cover only those matters.

B. Basis for a rehearing. The Council may grant a rehearing for any of the following causes:

- 1. The Council acted in an arbitrary or capricious manner or abused its discretion;
- 2. Misconduct of the Council or the prevailing party;
- 3. Newly discovered material evidence which, with reasonable diligence, could not have been discovered and produced at the original hearing;
- 4. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the action;
- 5. The decision was not supported by the evidence; or
- 6. The decision is contrary to law.



- C. Decisions not subject to rehearing. The Council may issue a decision as final upon making a specific finding that a decision's immediate effectiveness is necessary for the preservation of the public peace, health, or safety, or that a rehearing of the decision is impractical, unnecessary, or contrary to the public interest.

R13-5-706. Appeal to the Council by Covered Employees

- A.** Appealable actions by covered employees. A covered employee may appeal dismissal from covered service, suspension for more than 40 working hours, or involuntary demotion resulting from disciplinary action.
- B.** Form of appeal. To initiate an appeal, a covered employee shall submit a signed written appeal to the business manager and the agency head. The appeal must state specific facts relating directly to the charges on which the appeal is based.
- C.** Time for appeal. A covered employee shall file an appeal within 10 working days after the effective date of the action.
- D.** Agency responsibility.
1. When a covered employee is dismissed, involuntarily demoted, or suspended for more than 40 working hours, the employing agency shall notify the Business Manager in writing of this action and provide related documentation within 5 business days.
 2. An agency shall have the burden of going forward with the case once an appeal has been filed.
 3. An agency must prove by a preponderance of the evidence that it had just cause to discipline the employee.
- E.** Effect of appeal. The Council shall determine whether the employing agency has proven by a preponderance of the evidence that the employing agency had just cause to discipline the employee. The Council shall reverse the decision of the agency head if the Council finds that just cause did not exist for any discipline to be imposed and, in the case of dismissal or demotion, return the employee to the same position the employee held before the dismissal or demotion with or without back pay. On a finding that the agency has not proven just cause to discipline the employee by a preponderance of the evidence, the Council may recommend a proposed disciplinary action in light of the facts proven.
- F.** Agency action after receiving a decision or recommendation. The agency head or the agency head's designee shall accept, modify or reverse the Council's decision or accept, modify or reject the Council's recommendation within fourteen days of receipt of the findings or recommendation from the Council. The decision of the agency head is final and binding. The agency head shall send a copy of the agency's final determination to the employee.
- G.** Notice of hearing. The Council shall notify the parties of the time and place of the hearing.
- H.** Failure to appear. If a party, without good cause, fails to appear at the time and place set for a hearing, the Council may find in favor of the appearing party.
- I.** Conduct of hearings. The Council shall hear the appeal within 30 days of the receipt of the appeal. The Council shall sit as a whole at a hearing, unless a Council member declares a conflict or is unable to attend. Only a Council member who was present at a hearing may participate in making the decision. Council members may administer oaths, issue subpoenas for the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses residing within or outside the state to be taken in the manner prescribed by law for depositions in civil cases in the Superior Court of this state.
- J.** Witness fees. Witnesses at a hearing, other than covered employees, are entitled to the fees allowed witnesses under A.R.S. § 12-303.
- K.** Payment of witness fees. If the Council subpoenas a witness on its own initiative, the Council shall pay the witness' fees and mileage. The requesting party shall pay the fees for subpoenaed witnesses. A covered employee appearing as a witness on duty shall receive travel expenses from the agency and shall not be entitled to witness fees.
- L.** Discovery.
1. Within three business days after receiving a written request from the covered employee, the agency shall provide a complete copy of the investigative file, as well as the names and home or work mailing addresses of all persons interviewed during the course of the investigation, to the covered employee. For the purpose of this subsection, hand-written notes substantially incorporated within a report are not considered part of the investigation file.
 2. Within 20 days after receiving the investigative file, the covered employee shall provide all material relating to the defense of the covered employee to the agency head.
 3. After initial discovery, each party shall provide all new material relating to the case to the other party within 10 days after receipt.
 4. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal was filed, no later than 10 business days before the hearing, the agency and the covered employee shall exchange copies of any documents that may be introduced at the hearing and that have not been previously disclosed.
 5. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal is filed, no later than 10 business days before the hearing, the agency and the covered employee shall exchange the names of all witnesses who may be called to testify. A witness may be interviewed at the discretion of the witness. The parties shall not interfere with any decision of a witness regarding whether to be interviewed. An agency shall not discipline, retaliate against, or threaten to retaliate against, any witness for agreeing or not agreeing to be interviewed or for testifying or providing evidence in the hearing.
 6. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal is filed, no later than 10 business days before the hearing, the agency and the covered employee shall provide all documents that will be used at the hearing and a list of intended witnesses to the office of the Council.
 7. If a party fails to provide material as required, the Council may preclude its use at the hearing.
- M.** Motions. All motions shall be in writing and filed no later than 20 days prior to the hearing. A response shall be filed in writing within 10 days after service of the motion. The chair may designate one or more members of the Council to hear and rule on a motion, except a motion to dispose of the case requires a vote of a majority of the Council.
- N.** Pleadings. The Council may strike a pleading not filed in accordance with this Section.
- O.** Depositions:
1. On the motion of a party, the Council may order the deposition of a witness under the following circumstances:
 - a. The witness does not reside within the State or is out of state.
 - b. The witness is too ill to attend the action before the Council, or



- c. The deposition is for the purpose of discovery in preparing a case before the Council.
- 2. The requesting party shall pay the expense of any deposition. A covered employee of the agency is not entitled to a witness fee for giving a deposition.
- 3. The deposition of a witness who is unavailable to appear at a hearing may be used in evidence by either party or the Council.
- P.** Open hearings. The Council's hearings shall be open to the public. The Council may, upon request of a party, exclude non-testifying witnesses from the hearing. The Council may keep excluded witnesses separated and prevent them from communicating with each other until all are examined.
- Q.** Legal counsel or representative. Before the hearing of any appeal, each party shall designate its legal counsel or representative for the record. The Council shall advise each party without legal counsel that the party may obtain and be represented by counsel at the hearing. At the request of a party, the Council may postpone the hearing for a reasonable length of time to allow a party to obtain legal counsel.
- R.** Presentation of evidence. Both parties may present evidence and witnesses either personally or through a representative. The Council shall exclude evidence irrelevant to the causes set forth in the notice of disciplinary action.



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**

PSMN = Proposed Summary new Section
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

CORRECTIONS

C = Corrections to Published Rules

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 R18-2-1703. EXP-135
 R18-2-1704. EXP-135
 R18-2-1705. EXP-135
 R18-2-1706. EXP-135
 R18-2-1707. EXP-135
 R18-2-1708. EXP-135
 Table 3. EXP-135
 R18-2-1709. EXP-135

Environmental Quality, Department of - Environmental Reviews and Certification

R18-5-201. PM-1882
 R18-5-202. PM-1882
 R18-5-203. PM-1882
 R18-5-204. PM-1882
 R18-5-205. PR-1882
 R18-5-206. PR-1882
 R18-5-207. PR-1882
 R18-5-208. PR-1882
 R18-5-209. PR-1882
 R18-5-210. PR-1882
 R18-5-211. PR-1882
 R18-5-212. PR-1882
 R18-5-213. PR-1882
 R18-5-214. PR-1882
 R18-5-215. PR-1882
 R18-5-217. PR-1882
 R18-5-218. PR-1882
 R18-5-219. PR-1882
 R18-5-220. PR-1882
 R18-5-221. PR-1882
 R18-5-222. PR-1882
 R18-5-223. PR-1882
 R18-5-224. PR-1882
 R18-5-225. PR-1882

R18-5-226. PR-1882
 R18-5-227. PR-1882
 R18-5-228. PR-1882
 R18-5-229. PR-1882
 R18-5-230. PR-1882
 R18-5-231. PR-1882
 R18-5-232. PR-1882
 R18-5-233. PR-1882
 R18-5-234. PR-1882
 R18-5-235. PR-1882
 R18-5-236. PR-1882
 R18-5-237. PR-1882
 R18-5-238. PR-1882
 R18-5-239. PR-1882
 R18-5-240. PR-1882
 R18-5-241. PR-1882
 R18-5-242. PR-1882
 R18-5-243. PR-1882
 R18-5-244. PR-1882
 R18-5-245. PR-1882
 R18-5-246. PR-1882
 R18-5-247. PR-1882
 R18-5-248. PR-1882
 R18-5-249. PM-1882

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R18-15-101. PM-2464
 R18-15-102. PM-2464
 R18-15-103. PM-2464
 R18-15-104. PM-2464
 R18-15-105. PM-2464
 R18-15-106. PM-2464
 R18-15-107. PM-2464
 R18-15-201. PM-2464
 R18-15-203. PM-2464
 R18-15-204. PM-2464
 R18-15-205. PM-2464
 R18-15-206. PM-2464
 R18-15-207. PM-2464
 R18-15-303. PM-2464
 R18-15-304. PM-2464
 R18-15-305. PM-2464
 R18-15-306. PM-2464
 R18-15-307. PM-2464
 R18-15-401. PM-2464
 R18-15-402. PR-2464; P#-2464; PM-2464
 R18-15-403. P#-2464; PM-2464
 R18-15-404. P#-2464; PM-2464
 R18-15-405. PR-2464; P#-2464; PM-2464
 R18-15-406. P#-2464; PM-2464
 R18-15-407. P#-2464
 R18-15-408. P#-2464
 R18-15-501. PM-2464
 R18-15-502. PM-2464
 R18-15-503. PM-2464
 R18-15-504. PM-2464
 R18-15-505. PM-2464

R18-15-602. PM-2464
 R18-15-701. PM-2464

Environmental Quality, Department of - Water Pollution Control

R18-9-601. PR-1663
 R18-9-602. PR-1663
 R18-9-603. PR-1663
 R18-9-701. P#-1663
 R18-9-702. P#-1663
 R18-9-703. P#-1663
 R18-9-704. P#-1663
 R18-9-705. P#-1663
 R18-9-706. P#-1663
 R18-9-707. P#-1663
 R18-9-708. P#-1663
 R18-9-709. P#-1663
 R18-9-710. P#-1663
 R18-9-711. P#-1663
 R18-9-712. P#-1663
 R18-9-713. P#-1663
 R18-9-714. P#-1663
 R18-9-715. P#-1663
 R18-9-716. P#-1663
 R18-9-717. P#-1663
 R18-9-718. P#-1663
 R18-9-719. P#-1663
 R18-9-720. PR-1663
 R18-9-A701. P#-1663; PM-1663
 R18-9-A702. P#-1663; PM-1663
 R18-9-A703. P#-1663; PM-1663
 R18-9-A704. P#-1663; PM-1663
 R18-9-A705. P#-1663; PM-1663
 R18-9-A706. P#-1663; PM-1663
 R18-9-A707. PN-1663
 R18-9-B701. P#-1663; PM-1663
 R18-9-B702. P#-1663; PM-1663
 R18-9-B703. P#-1663; PM-1663
 R18-9-B704. P#-1663; PM-1663
 R18-9-B705. P#-1663; PM-1663
 R18-9-B706. P#-1663; PM-1663
 R18-9-B707. P#-1663; PM-1663
 R18-9-B708. P#-1663; PM-1663
 R18-9-B709. P#-1663; PM-1663
 R18-9-B710. P#-1663; PM-1663
 R18-9-C701. P#-1663; PM-1663
 R18-9-D701. P#-1663; PM-1663

R9-6-330.	P#-1524; PM-1524	R9-6-363.	P#-1524; PM-1524	R9-6-394.	P#-1524; PM-1524
R9-6-331.	P#-1524; PM-1524	R9-6-364.	PR-1524; P#-1524; PM-1524	R9-6-395.	P#-1524; PM-1524
R9-6-332.	P#-1524; PM-1524	R9-6-365.	P#-1524; PM-1524	R9-6-396.	P#-1524; PM-1524
R9-6-333.	P#-1524; PM-1524	R9-6-366.	P#-1524; PM-1524	R9-6-397.	P#-1524; PM-1524
R9-6-334.	P#-1524; PM-1524	R9-6-367.	P#-1524; PM-1524	R9-6-398.	PN-1524
R9-6-335.	P#-1524; PM-1524	R9-6-368.	P#-1524; PM-1524	R9-6-1002.	PM-1524
R9-6-336.	P#-1524; PM-1524	R9-6-369.	PR-1524; P#-1524; PM-1524	R9-6-1102.	PM-1524
R9-6-337.	P#-1524; PN-1524	R9-6-370.	P#-1524; PN-1524	R9-6-1103.	PM-1524
R9-6-338.	P#-1524; PM-1524	R9-6-371.	P#-1524; PM-1524	R9-6-1202.	PM-1524
R9-6-339.	P#-1524; PM-1524	R9-6-372.	P#-1524; PM-1524	Health Services, Department of - Emergency Medical Services	
R9-6-340.	P#-1524; PM-1524	R9-6-373.	P#-1524; PM-1524	Table 5.1.	FXM-1161
R9-6-341.	P#-1524; PM-1524	R9-6-374.	P#-1524; PM-1524	Table 5.2.	FXM-1161
R9-6-342.	P#-1524; PM-1524	R9-6-375.	P#-1524; PM-1524	R9-25-601.	PM-577; FM-1728
R9-6-343.	P#-1524; PM-1524	R9-6-376.	P#-1524; PM-1524	R9-25-602.	PM-577; FM-1728
R9-6-344.	P#-1524; PM-1524	R9-6-377.	P#-1524; PN-1524	R9-25-1301.	PM-1067
R9-6-345.	P#-1524; PM-1524	R9-6-378.	P#-1524; PM-1524	R9-25-1302.	PM-1067
R9-6-346.	P#-1524; PM-1524	R9-6-379.	P#-1524; PM-1524	R9-25-1303.	P#-1067; PM-1067
R9-6-347.	P#-1524; PM-1524	R9-6-380.	P#-1524; PM-1524	R9-25-1303.01.	PN-1067
R9-6-348.	P#-1524; PM-1524	R9-6-381.	P#-1524; PM-1524	R9-25-1304.	P#-1067; PM-1067
R9-6-349.	P#-1524; PM-1524	R9-6-382.	P#-1524; PM-1524	R9-25-1305.	PR-1067; P#-1067; PM-1067
R9-6-350.	P#-1524; PM-1524	R9-6-383.	P#-1524; PM-1524	R9-25-1306.	PR-1067; PN-1067
R9-6-351.	P#-1524; PM-1524	R9-6-384.	P#-1524; PM-1524	R9-25-1307.	PR-1067; P#-1067; PM-1067
R9-6-352.	P#-1524; PM-1524	R9-6-385.	P#-1524; PM-1524	R9-25-1308.	P#-1067; PM-1067
R9-6-353.	P#-1524; PM-1524	R9-6-386.	P#-1524; PM-1524	Table 1.	PR-1067
R9-6-354.	P#-1524; PM-1524	R9-6-387.	PR-1524; P#-1524; PM-1524	Exhibit I.	PR-1067
R9-6-355.	P#-1524; PM-1524	R9-6-388.	P#-1524; PM-1524	Table 13.1.	PN-1067
R9-6-356.	P#-1524; PM-1524	R9-6-389.	P#-1524; PM-1524	R9-25-1309.	P#-1067; PN-1067
R9-6-357.	P#-1524; PM-1524	R9-6-390.	P#-1524; PM-1524	R9-25-1310.	PR-1067; P#-1067; PM-1067
R9-6-358.	P#-1524; PN-1524	R9-6-391.	P#-1524; PM-1524	R9-25-1311.	PR-1067
R9-6-359.	P#-1524; PM-1524	R9-6-392.	P#-1524; PM-1524	R9-25-1312.	P#-1067
R9-6-360.	P#-1524; PM-1524	R9-6-393.	P#-1524; PM-1524	R9-25-1313.	P#-1067
R9-6-361.	P#-1524; PN-1524			R9-25-1315.	PR-1067
R9-6-362.	P#-1524; PM-1524			R9-25-1401.	PR-1067
				R9-25-1402.	PR-1067
				Table 1.	PR-1067
				R9-25-1403.	PR-1067
				R9-25-1405.	PR-1067
				R9-25-1406.	P#-1067
				Health Services, Department of - Health Care Institutions: Licensing	
				R9-10-120.	EN-2203
				Health Services, Department of - Health Programs Services	
				R9-13-201.	PM-2159
				R9-13-203.	PM-2159

R9-13-208. PM-2159
**Health Services, Department of -
 Medical Marijuana Program**

R9-17-202. FM-970
 R9-17-204. FM-970
 R9-17-310. FM-970

**Health Services, Department of -
 Occupational Licensing**

R9-16-117. EXP-1044
 R9-16-401. PR-1360;
 PN-1360
 R9-16-402. PR-1360;
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 R9-16-403. PR-1360;
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 R9-16-404. PR-1360;
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 R9-16-405. PR-1360;
 PN-1360
 R9-16-406. PR-1360;
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 R9-16-407. PR-1360;
 PN-1360
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 Table 4.1. PN-1360
 R9-16-408. PR-1360;
 PN-1360
 R9-16-409. PR-1360;
 PN-1360

Industrial Commission of Arizona

R20-5-301. EXP-297
 R20-5-302. EXP-297
 R20-5-303. EXP-297
 R20-5-304. EXP-297
 R20-5-305. EXP-297
 R20-5-306. EXP-297
 R20-5-307. EXP-297
 R20-5-308. EXP-297
 R20-5-309. EXP-297
 R20-5-310. EXP-297
 R20-5-311. EXP-297
 R20-5-312. EXP-297
 R20-5-313. EXP-297
 R20-5-314. EXP-297
 R20-5-315. EXP-297
 R20-5-316. EXP-297
 R20-5-317. EXP-297
 R20-5-318. EXP-297
 R20-5-319. EXP-297
 R20-5-320. EXP-297
 R20-5-321. EXP-297
 R20-5-322. EXP-297
 R20-5-323. EXP-297
 R20-5-324. EXP-297
 R20-5-325. EXP-297
 R20-5-326. EXP-297
 R20-5-327. EXP-297
 R20-5-328. EXP-297
 R20-5-329. EXP-297
 R20-5-1201. PM-1019;
 SPM-1799
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R20-5-1205. PM-1019;
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 R20-5-1206. PM-1019;
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 SPM-1799
 R20-5-1211. PM-1019;
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 R20-5-1213. PM-1019;
 SPM-1799
 R20-5-1218. PM-1019;
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Insurance, Department of

R20-6-204. EXP-136
 R20-6-607. PM-2485
 R20-6-1001. PXM-151;
 FXM-1119
 R20-6-1002. PXM-151;
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 R20-6-1003. PXM-151;
 FXM-1119
 R20-6-1004. PXM-151;
 FXM-1119
 R20-6-1005. PXM-151;
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 R20-6-1006. PXM-151;
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 R20-6-1007. PXM-151;
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 R20-6-1008. PXM-151;
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 R20-6-1009. PXM-151;
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 R20-6-1010. PXM-151;
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 R20-6-1011. PXM-151;
 FXM-1119
 R20-6-1012. PXR-151;
 PX#-151;
 PXM-151;
 FXR-1119;
 FX#-1119;
 FXM-1119
 R20-6-1013. PX#-151;
 PXM-151;
 FX#-1119;
 FXM-1119
 R20-6-1014. PX#-151;
 PXM-151;
 FX#-1119;
 FXM-1119
 R20-6-1015. PX#-151;
 PXM-151;
 FX#-1119;
 FXM-1119
 R20-6-1017. PXM-151;
 FXM-1119
 R20-6-1018. PXM-151;
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 R20-6-1019. PXM-151;
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R20-6-1020. PXM-151;
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 R20-6-1021. PXM-151;
 FXM-1119
 R20-6-1023. PXM-151;
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 R20-6-1024. PX#-151;
 PXN-151;
 FX#-1119;
 FXN-1119
 R20-6-1025. PXN-151;
 FXN-1119
 R20-6-1026. PX#-151;
 FX#-1119
 Appendix A. PXM-151;
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 Appendix B. PXM-151;
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 Appendix C. PXM-151;
 FXM-1119
 Appendix D. PXM-151;
 FXM-1119
 Appendix E. PXM-151;
 FXM-1119
 Appendix F. PXM-151;
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 Appendix H. PXM-151;
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 R20-6-1409. PM-2168

Land Department, State

R12-5-1902. EXP-297

**Law Enforcement Merit System
 Council**

R13-5-101. PM-1478
 R13-5-102. PM-1478
 R13-5-402. PM-1478
 R13-5-701. PM-1478
 R13-5-702. PM-1478
 R13-5-703. PM-1478
 R13-5-704. PM-1478
 R13-5-706. PN-1478

Medical Board, Arizona

R4-16-102. PM-2461
 R4-16-201.1. PM-2461
 R4-16-205. FXM-2056;
 PM-2461

Nursing, State Board of

R4-19-101. FM-1420
 Table 1. FM-1420
 R4-19-201. FM-1420
 R4-19-205. FM-1420
 R4-19-207. FM-1420
 R4-19-209. FM-1420
 R4-19-216. FM-1420
 R4-19-301. FM-1420
 R4-19-305. FM-1420
 R4-19-312. FM-1420
 R4-19-511. FM-1420

R4-19-801. FM-1420
R4-19-802. FM-1420

Osteopathic Examiners in Medicine and Surgery, Board of

R4-22-104. FM-763
Table 1. FM-763
R4-22-207. FM-763

Pest Management, Office of

R4-29-101. RC-1976
R4-29-102. RC-1976
R4-29-103. RC-1976
R4-29-104. RC-1976
R4-29-105. RC-1976
R4-29-106. RC-1976
R4-29-107. RC-1976
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R4-29-108. RC-1976
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R4-29-202. RC-1976
R4-29-203. RC-1976
R4-29-204. RC-1976
R4-29-205. RC-1976
R4-29-206. RC-1976
R4-29-207. RC-1976
R4-29-208. RC-1976
R4-29-209. RC-1976
R4-29-210. RC-1976
R4-29-211. RC-1976
R4-29-212. RC-1976
R4-29-213. RC-1976
R4-29-214. RC-1976
R4-29-215. RC-1976
R4-29-216. RC-1976
R4-29-301. RC-1976
R4-29-302. RC-1976
R4-29-303. RC-1976
R4-29-304. RC-1976
R4-29-305. RC-1976
R4-29-306. RC-1976
R4-29-307. RC-1976
R4-29-308. RC-1976
R4-29-309. RC-1976
R4-29-310. RC-1976
R4-29-311. RC-1976
R4-29-312. RC-1976
R4-29-313. RC-1976
R4-29-314. RC-1976
R4-29-315. RC-1976
R4-29-316. RC-1976
R4-29-317. RC-1976
R4-29-318. RC-1976
R4-29-319. RC-1976
R4-29-320. RC-1976
R4-29-401. RC-1976
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R4-29-403. RC-1976
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R4-29-405. RC-1976
R4-29-406. RC-1976
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R4-29-408. RC-1976
R4-29-409. RC-1976
R4-29-410. RC-1976
R4-29-411. RC-1976

R4-29-412. RC-1976
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R4-29-414. RC-1976
R4-29-415. RC-1976
R4-29-416. RC-1976
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R4-29-501. RC-1976
R4-29-502. RC-1976
R4-29-503. RC-1976
R4-29-504. RC-1976
R4-29-505. RC-1976
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R4-29-601. RC-1976
R4-29-602. RC-1976
R4-29-603. RC-1976
R4-29-604. RC-1976
R4-29-605. RC-1976
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R4-29-703. RC-1976
R4-29-704. RC-1976
R4-29-705. RC-1976
R4-29-706. RC-1976
R4-29-707. RC-1976
R4-29-708. RC-1976

Pharmacy, Board of

R4-23-205. FXM-2058;
FXM-2383
R4-23-402. PM-1009
R4-23-407.1. PN-5;
EN-31; FN-967
R4-23-411. FM-211
R4-23-703. SPM-607;
FM-2424
R4-23-1104. PM-1009
R4-23-1104.01. PN-1009

Psychologist Examiners, Board of

R4-26-401. FM-215
R4-26-403. FM-215
R4-26-404. FM-215
R4-26-404.1. FN-215
R4-26-405. FM-215
R4-26-406. FM-215
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R4-26-408. FM-215
R4-26-409. FM-215
R4-26-410. FM-215
R4-26-414. FM-215
R4-26-417. FM-215

Public Safety, Department of - Criminal Identification Section

R13-1-502. PM-2166
R13-1-504. PM-2166

Racing Commission, Arizona

R19-2-205. FXM-837

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R4-9-102. FM-1029;
PM-1599
R4-9-103. PM-1599
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R4-9-118. PN-1599

Respiratory Care Examiners, Board of

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R4-45-209. FXM-834
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Retirement System Board, State

R2-8-117. FN-209
R2-8-124. PN-647
R2-8-125. PN-647
R2-8-201. EXP-34;
FN-1414
R2-8-202. FN-1414
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R2-8-204. FN-1414
R2-8-205. FN-1414
R2-8-206. FN-1414
R2-8-207. EXP-34;
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R2-8-301. PN-441
R2-8-302. PN-441
R2-8-303. PN-441
R2-8-304. PN-441
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R2-8-306. PN-441
R2-8-401. FM-487;
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R2-8-403. FM-487
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Revenue, Department of - General Administration

R15-10-301. PM-108;
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R15-10-302. PM-108;
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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.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



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
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
September 29, 2017	October 20, 2017	November 20, 2017
October 6, 2017	October 27, 2017	November 27, 2017
October 13, 2017	November 3, 2017	December 4, 2017
October 20, 2017	November 10, 2017	December 11, 2017
October 27, 2017	November 17, 2017	December 18, 2017
November 3, 2017	November 24, 2017	December 26, 2017
November 10, 2017	December 1, 2017	January 2, 2018
November 17, 2017	December 8, 2017	January 8, 2018
November 24, 2017	December 15, 2017	January 16, 2018
December 1, 2017	December 22, 2017	January 22, 2018
December 8, 2017	December 29, 2017	January 29, 2018
December 15, 2017	January 5, 2018	February 5, 2018
December 22, 2017	January 12, 2018	February 12, 2018
December 29, 2017	January 19, 2018	February 20, 2018
January 5, 2018	January 26, 2018	February 26, 2018
January 12, 2018	February 2, 2018	March 5, 2018
January 19, 2018	February 9, 2018	March 12, 2018
January 26, 2018	February 16, 2018	March 19, 2018
February 2, 2018	February 23, 2018	March 26, 2018
February 9, 2018	March 2, 2018	April 2, 2018
February 16, 2018	March 9, 2018	April 9, 2018
February 23, 2018	March 16, 2018	April 16, 2018



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]

DEADLINE FOR PLACEMENT ON AGENDA	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday November 22, 2016	Tuesday December 20, 2016	Wednesday December 28, 2016	Wednesday January 4, 2017
Tuesday December 27, 2016	Tuesday January 24, 2017	Tuesday January 31, 2017	Tuesday February 7, 2017
Tuesday January 24, 2017	Tuesday February 21, 2017	Tuesday February 28, 2017	Tuesday March 7, 2017
Tuesday February 21, 2017	Tuesday March 21, 2017	Tuesday March 28, 2017	Tuesday April 4, 2017
Tuesday March 21, 2017	Tuesday April 18, 2017	Tuesday April 25, 2017	Tuesday May 2, 2017
Tuesday April 25, 2017	Tuesday May 23, 2017	Wednesday May 31, 2017	Tuesday June 6, 2017
Tuesday May 23, 2017	Tuesday June 20, 2017	Tuesday June 27, 2017	Thursday July 6, 2017
Tuesday June 20, 2017	Tuesday July 18, 2017	Tuesday July 25, 2017	Tuesday August 1, 2017
Tuesday July 25, 2017	Tuesday August 22, 2017	Tuesday August 29, 2017	Wednesday September 6, 2017
Tuesday August 22, 2017	Tuesday September 19, 2017	Tuesday September 26, 2017	Tuesday October 3, 2017
Tuesday September 26, 2017	Tuesday October 24, 2017	Tuesday October 31, 2017	Tuesday November 7, 2017
Tuesday October 24, 2017	Tuesday November 21, 2017	Tuesday November 28, 2017	Tuesday December 5, 2017
Tuesday November 21, 2017	Tuesday December 19, 2017	Wednesday December 27, 2017	Wednesday January 3, 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.



**GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE
SEPTEMBER 6, 2017 MEETING**

[M17-269]

Rules:

LAW ENFORCEMENT MERIT SYSTEM COUNCIL

Title 13, Chapter 5, Article 1, General Provisions; Article 4, Assignments; Article 7, Discipline and Appeals

Amend: R13-5-101; R13-5-102; R13-5-402, R13-5-701, R13-5-702, R13-5-703, R13-5-704

New Section: R13-5-706

COUNCIL ACTION: APPROVED

DEPARTMENT OF ECONOMIC SECURITY

Title 6, Chapter 1, Article 1, Public Participation in Rulemaking

Amend: R6-1-101; R6-1-102; R6-1-103; R6-1-104; R6-1-105; R6-1-106; R6-1-107

COUNCIL ACTION: APPROVED

GAME AND FISH COMMISSION

Title 12, Chapter 4, Article 4, Live Wildlife

Amend: R12-4-414

COUNCIL ACTION: APPROVED

REGISTRAR OF CONTRACTORS

Title 4, Chapter 9, Article 1, General Provisions

Amend: 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

New Section: R4-9-111; R4-9-118

COUNCIL ACTION: APPROVED

STATE RETIREMENT SYSTEM

Title 2, Chapter 8, Article 1, Retirement System

New Section: R2-8-124; R2-8-125

COUNCIL ACTION: APPROVED

STATE RETIREMENT SYSTEM

Title 2, Chapter 8, Article 3, Long-Term Disability

New Article: Article 3

New Section: R2-8-301; R2-8-302; R2-3-303; R2-8-304; R2-8-305; R2-8-306

COUNCIL ACTION: APPROVED

STATE RETIREMENT SYSTEM

Title 2, Chapter 8, Article 4, Practice and Procedure Before the Board

Amend: R2-8-401

**COUNCIL ACTION: APPROVED****STATE RETIREMENT SYSTEM**

Title 2, Chapter 8, Article 8, Recovery of Overpayments

New Article: Article 8**New Section:** R2-8-801; R2-8-802; R2-3-803; R2-8-804; R2-8-805; R2-8-806; R2-8-807;
R2-8-808; R2-8-809; R2-8-810**COUNCIL ACTION: APPROVED****STATE RETIREMENT SYSTEM**

Title 2, Chapter 8, Article 9, Compensation

New Article: Article 9**New Section:** R2-8-901; R2-8-902; R2-8-903; R2-8-904; R2-8-905**COUNCIL ACTION: APPROVED****DEPARTMENT OF HEALTH SERVICES**

Title 9, Chapter 6, Article 1, General; Article 2, Communicable Disease and Infestation Reporting; Article 3, Control Measures for Communicable Diseases and Infestations; Article 10, HIV-Related Testing and Notification; Article 11, STD-Related Testing and Notification; 12, Tuberculosis Control

Amend: R9-6-101; R9-6-201; R9-6-202; R9-6-203; Table 2; R9-6-204; R9-6-205; R9-6-206;
R9-6-207; R9-6-301; R9-6-302; R9-6-303; R9-6-304; R9-6-306; R9-6-308; R9-6-311; R9-6-312; R9-6-313; R9-6-314; R9-6-316; R9-6-317; R9-6-319; R9-6-320; R9-6-322; R9-6-323; R9-6-324; R9-6-325; R9-6-326; R9-6-327; R9-6-328; R9-6-329; R9-6-330; R9-6-331; R9-6-332; R9-6-333; R9-6-338; R9-6-339; R9-6-340; R9-6-341; R9-6-342; R9-6-343; R9-6-344; R9-6-345; R9-6-346; R9-6-347; R9-6-348; R9-6-349; R9-6-350; R9-6-351; R9-6-352; R9-6-353; R9-6-354; R9-6-355; R9-6-356; R9-6-357; R9-6-359; R9-6-360; R9-6-362; R9-6-363; R9-6-364; R9-6-365; R9-6-366; R9-6-367; R9-6-368; R9-6-369; R9-6-371; R9-6-372; R9-6-373; R9-6-374; R9-6-375; R9-6-376; R9-6-378; R9-6-379; R9-6-380; R9-6-381; R9-6-382; R9-6-383; R9-6-384; R9-6-385; R9-6-386; R9-6-387; R9-6-388; R9-6-389; R9-6-390; R9-6-391; R9-6-392; R9-6-393; R9-6-394; R9-6-395; R9-6-396; R9-6-397; R9-6-1002; R9-6-1102; R9-6-1103; R9-6-1202**New Section:** Table 2.1; Table 2.3; Table 2.4; R9-6-305; R9-6-307; R9-6-309; R9-6-310; R9-6-315; R9-6-318; R9-6-321; R9-6-337; R9-6-358; R9-6-361; R9-6-370; R9-6-377; R9-6-398**Renumber:** R9-6-305; R9-6-306; R9-6-308; R9-6-309; R9-6-310; R9-6-311; R9-6-312; R9-6-313; R9-6-314; R9-6-315; R9-6-316; R9-6-317; R9-6-318; R9-6-319; R9-6-320; R9-6-321; R9-6-322; R9-6-323; R9-6-324; R9-6-325; R9-6-326; R9-6-327; R9-6-328; R9-6-329; R9-6-330; R9-6-331; R9-6-332; R9-6-333; R9-6-334; R9-6-335; R9-6-336; R9-6-337; R9-6-338; R9-6-339; R9-6-340; R9-6-341; R9-6-342; R9-6-343; R9-6-344; R9-6-345; R9-6-346; R9-6-347; R9-6-348; R9-6-349; R9-6-350; R9-6-351; R9-6-352; R9-6-353; R9-6-354; R9-6-355; R9-6-356; R9-6-357; R9-6-358; R9-6-359; R9-6-360; R9-6-361; R9-6-362; R9-6-363; R9-6-364; R9-6-365; R9-6-366; R9-6-367; R9-6-368; R9-6-369; R9-6-370; R9-6-371; R9-6-372; R9-6-373; R9-6-374; R9-6-375; R9-6-376; R9-6-377; R9-6-378; R9-6-379; R9-6-380; R9-6-381; R9-6-382; R9-6-383; R9-6-384; R9-6-385; R9-6-386; R9-6-387; R9-6-388; R9-6-389; R9-6-390; R9-6-391; R9-6-392; R9-6-393; R9-6-394; R9-6-395; R9-6-396; R9-6-397**Repeal:** Table 1; Table 3; Table 4; R9-6-307; R9-6-334; R9-6-335; R9-6-336; R9-6-364;
R9-6-369; R9-6-387**COUNCIL ACTION: APPROVED****DEPARTMENT OF HEALTH SERVICES**

Title 9, Chapter 25, Article 13, Trauma Center Designation; Article 14, Trauma Registry: Trauma System Quality Assurance

Amend: Article 13; R9-25-1301; R9-25-1302; R9-25-1303; R9-25-1304; R9-25-1305;
R9-25-1307; R9-25-1308; R9-25-1310**New Section:** R9-25-1303.01; R9-25-1306; Table 13.1; R9-25-1309



Renumber: R9-25-1303; R9-25-1304; R9-25-1305; R9-25-1306; R9-25-1307; R9-25-1308;
R9-25-1309; R9-25-1310; R9-25-1312; R9-25-1313; R9-25-1406

Repeal: R9-25-1305; R9-25-1306; R9-25-1307; Table 1; Exhibit 1; R9-25-1310; R9-25-1311; R9-25-1315; Article 14; R9-25-1401; R9-25-1402; Table 1; R9-25-1403; R9-25-1405

COUNCIL ACTION: APPROVED

BOARD OF BEHAVIORAL HEALTH EXAMINERS

Title 4, Chapter 6, Article 2, General Provisions

Repeal: R4-6-215
New Section: R4-6-215

COUNCIL ACTION: APPROVED

Five-Year-Review Reports:

DEPARTMENT OF ENVIRONMENTAL QUALITY

Title 18, Chapter 9, Article 9, Arizona Pollutant Discharge Elimination System

COUNCIL ACTION: APPROVED

DEPARTMENT OF HEALTH SERVICES

Title 9, Chapter 6, Article 6, Communicable Diseases and Infestations

COUNCIL ACTION: APPROVED

DEPARTMENT OF HEALTH SERVICES

Title 9, Chapter 8, Article 2, Bottled Water

COUNCIL ACTION: APPROVED

DEPARTMENT OF HEALTH SERVICES

Title 9, Chapter 8, Article 3, Public Toilet Facilities

COUNCIL ACTION: APPROVED

DEPARTMENT OF HEALTH SERVICES

Title 9, Chapter 8, Article 4, Children’s Camps

COUNCIL ACTION: APPROVED

DEPARTMENT OF HEALTH SERVICES

Title 9, Chapter 8, Article 6, Camp Grounds

COUNCIL ACTION: APPROVED

DEPARTMENT OF HEALTH SERVICES

Title 9, Chapter 8, Article 13, Hotels, Motels, and Tourist Courts

COUNCIL ACTION: APPROVED

2018 Council Calendar and Deadlines:



COUNCIL ACTION: APPROVED

A.R.S. § 41-1008 Extension Request Submitted by the Arizona Medical Board:

COUNCIL ACTION: APPROVED