ARIZONA DEPARTMENT OF AGRICULTURE OFFICE OF PEST MANAGEMENT **SUBSTANTIVE POLICY STATEMENT** License & Registration Exemptions A.R.S. § 32-2311(A)(7)	SP 13-01 POLICY NO. Donald Butler SIGNATURE Sept. 13, 2013 DATE

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under section 41-1033, Arizona Revised Statutes, for a review of the statement.

1. BACKGROUND

Laws 2011, ch. 20, § 6 required the Director of the Arizona Department of Agriculture to appoint a nine member task force to study the regulation of structural pest management in Arizona, specifically as it related to the following four items: (1) a review of all laws and regulations governing structural pest management in this state, (2) a review of possible organizational configurations within ADA for structural pest management regulation, (3) a review of personnel and funding issues relating to the administration of structural pest management regulation within ADA and (4) statutory changes necessary to accomplish the future structural pest management program. The task force and its subcommittees met 18 times between August 2011 and October 2012. In November 2012, the task force's final recommendations for changing OPM's statutes and rules were submitted to the Governor, the President of the Senate, and the Speaker of the House. These recommendations were adopted by the Legislature in substantial part and signed into law in 2013. *See* Laws 2013, ch. 125.

In the process of taking the task force's recommendations and converting them to law, the Legislature made some formatting changes, which OPM believes were not intended to differ in meaning from the changes recommended by the task force, that leave the meaning of the revised statute unclear or ambiguous. The purpose of this substantive policy statement is to inform the general public of OPM's approach to or opinion of one of these potentially confusing statutes. See A.R.S. § 41-1001(21).

2. POLICY

A.R.S. § 32-2311(A)(7) reads: "The provisions of this chapter requiring licensure and registration do not apply to: ... 7. Persons who are exempt pursuant to section 32-2318 or 32-2319." Unfortunately, there is no section 32-2318 or 32-2319.

In the task force recommendation, the subsection now found at A.R.S. § 32-2311(A)(7) pointed to the sections pertaining to political subdivisions and landscapers. The political subdivision and landscaper sections are now found at A.R.S. §§ 32-2311.01 (political subdivisions) and 32-2311.02 (landscapers).

Accordingly, OPM will administer and enforce A.R.S. § 32-2311(A)(7) as though it read: "7. Persons who are exempt pursuant to section 32-2311.01 or 32-2311.02."

3. EFFECTIVE DATE

This policy is effective September 13, 2013 and shall continue in effect until repealed, modified, or superseded.