

Fiftieth Legislature  
First Regular Session

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1598

(Reference to Senate engrossed bill)

1 Page 11, line 25, after the first comma strike remainder of line; strike line 26,  
2 insert "REVERSE OR REMAND TO THE GOVERNING BODY, IN WHOLE OR IN PART, THE  
3 DECISION REVIEWED FOR FURTHER ACTION THAT IS NECESSARY TO COMPLY WITH THE  
4 MANDATORY REQUIREMENTS PRESCRIBED IN SECTION 9-461.05, SUBSECTION C,  
5 PARAGRAPH 1, SUBDIVISION (g)."

6 Strike lines 29 through 43, insert:

7 "9-461.14. Public works project planning; utility input;  
8 definitions

9 A. A CITY OR TOWN IN THE DESIGN PHASE OF A PUBLIC WORKS PROJECT SHALL  
10 PROVIDE NOTICE AND OPPORTUNITY FOR COMMENT TO ALL UTILITIES THE CITY OR TOWN  
11 BELIEVES MAY BE IMPACTED BY THE PUBLIC WORKS PROJECT FOR THE PURPOSES OF:

12 1. ELIMINATING OR MINIMIZING THE NEED FOR RELOCATION OF AERIAL,  
13 SURFACE AND UNDERGROUND FACILITIES OF THE IMPACTED UTILITIES AND, IF  
14 RELOCATION IS UNAVOIDABLE, MINIMIZING THE RELOCATION COSTS TO THE EXTENT  
15 PRACTICABLE RELATIVE TO THE COST OF THE PUBLIC WORKS PROJECT.

16 2. MINIMIZING SUBSEQUENT RECONSTRUCTION OR MODIFICATION OF UTILITY  
17 FACILITIES AFTER COMPLETION OF THE PUBLIC WORKS PROJECT.

18 B. FOR THE PURPOSES OF THIS SECTION:

19 1. "PUBLIC WORKS PROJECT" HAS THE SAME MEANING PRESCRIBED IN SECTION  
20 12-1141.

21 2. "UTILITY" HAS THE SAME MEANING PRESCRIBED IN SECTION 48-5107."

22 Page 12, line 3, strike "ON BUSINESSES"

23 Between lines 5 and 6, insert:

24 1. "FOOD AND SWIMMING POOL INSPECTION" MEANS AN INSPECTION OF A  
25 REGULATED PERSON CONDUCTED TO ENSURE THE SAFETY OF FOOD SERVICES, SWIMMING  
26 POOLS AND OTHER BATHING PLACES."

27 Renumber to conform

1 Page 12, between lines 23 and 24, insert:

2           "7. "WORKING DAY" MEANS A TWENTY-FOUR HOUR PERIOD EXCLUDING WEEKENDS  
3           AND LEGAL HOLIDAYS."

4 Strike lines 35 through 39

5 Renumber to conform

6 Line 43, after "WRITTEN" insert "OR ELECTRONIC"

7 Page 13, line 1, after the second "THE" insert "STATUTE,"

8 Line 11, after "MUNICIPALITY" insert "OR ON THE MUNICIPALITY'S WEBSITE"

9 Line 16, strike "CITY COUNCIL" insert "MUNICIPALITY"

10 Line 26, after "4." insert "EXCEPT FOR A FOOD AND SWIMMING POOL INSPECTION,"

11 Line 30, after "TAKEN" insert "FROM THE PREMISES"

12 Line 33, in both places, after "SPLIT" insert "OR DUPLICATE"

13 Line 34, after "SAMPLES" insert ", WHERE APPROPRIATE,"

14 Line 43, after the first "OF" insert ", OR TWO WORKING DAYS BEFORE,"

15 Line 44, after the comma insert "EXCEPT FOR A FOOD AND SWIMMING POOL INSPECTION

16           THAT HAS UP TO ONE WORKING DAY AFTER AN INSPECTION,"

17 Line 45, after "WRITING" insert "OR ELECTRONICALLY"

18 Page 14, line 2, after "A" insert "MUNICIPAL"

19           Line 15, strike "AND" insert ". UNLESS THE REGULATED PERSON AT THE TIME OF THE  
20           INSPECTION IS INFORMED HOW THE REPORT CAN BY LOCATED ELECTRONICALLY, THE  
21           MUNICIPALITY"

22 Line 21, after "OF" insert ", OR PROVIDE ELECTRONIC ACCESS TO,"

23 Line 41, after "THIRTY" insert "WORKING"

24 Line 45, after "COMPLIANCE" insert ", UNLESS THE DETERMINATION IS NOT POSSIBLE  
25           DUE TO CONDITIONS OF NORMAL OPERATIONS AT THE PREMISES"

26 Page 15, line 7, strike the second "A" insert "THE"; after "UPDATE" insert ", IN  
27           WRITING OR ELECTRONICALLY,"

28 Line 18, after the first "INVESTIGATIONS" strike remainder of line; line 19,  
29           strike "GAMING COMPACTS"

30 Line 21, after "THE" insert "MUNICIPAL"

31 Line 22, after "BE" insert "OR HAS BEEN"

32 Page 15, strike lines 23 and 24, insert:

1                   "3. INSPECTIONS BY A COUNTY BOARD OF HEALTH OR A LOCAL HEALTH  
2 DEPARTMENT PURSUANT TO SECTION 36-603."

3 Line 25, strike "AN" insert "A MUNICIPAL"

4 Line 30, strike "MUNICIPALITY, BOARD OR COMMISSION" insert "MUNICIPAL"

5 Strike line 33, insert "ADOPTED MUNICIPAL PERSONNEL POLICY."

6 Strike lines 36 through 39, insert:

7                   " M. A MUNICIPALITY MAY ADOPT RULES OR ORDINANCES TO IMPLEMENT THIS  
8 SECTION.

9                   N. THIS SECTION:

10                  1. SHALL NOT BE USED TO EXCLUDE EVIDENCE IN A CRIMINAL PROCEEDING.

11                  2. DOES NOT APPLY TO A MUNICIPAL INSPECTION THAT IS REQUESTED BY THE  
12 REGULATED PERSON."

13 Page 16, strike lines 1 through 5

14 Reletter to conform

15 Line 39, strike the period insert "INCLUDING:

16                  (a) ADULT BUSINESSES AND OTHER LICENSES THAT ARE RELATED TO THE FIRST  
17 AMENDMENT.

18                  (b) MASTER PLANNED COMMUNITIES.

19                  (c) SUSPENSION OF THE SUBSTANTIVE AND OVERALL TIME FRAMES FOR PURPOSES  
20 INCLUDING PUBLIC HEARINGS OR STATE OR FEDERAL LICENSES."

21 Line 40, after "WRITTEN" insert "OR ELECTRONIC"

22 Line 42, after the period insert "IF THE PERMIT SOUGHT REQUIRES APPROVAL OF MORE  
23 THAN ONE DEPARTMENT OF THE MUNICIPALITY, EACH DEPARTMENT MAY ISSUE A WRITTEN  
24 OR ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES."

25 Line 45, after "WRITTEN" insert "OR ELECTRONIC"

26 Page 17, line 1, after "WRITTEN" insert "OR ELECTRONIC"

27 Line 5, after the period insert "THE MUNICIPALITY MAY ISSUE AN ADDITIONAL  
28 WRITTEN OR ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES  
29 BASED ON THE APPLICANT'S SUBMISSION OF MISSING INFORMATION. IF THE PERMIT  
30 SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE MUNICIPALITY,  
31 EACH DEPARTMENT MAY ISSUE AN ADDITIONAL WRITTEN OR ELECTRONIC NOTICE OF

1 ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES BASED ON THE APPLICANT'S  
2 SUBMISSION OF MISSING INFORMATION."

3 Page 17, lines 6 and 9, after "WRITTEN" insert "OR ELECTRONIC"  
4 Line 13, after "WRITTEN" insert "OR ELECTRONIC"; after the period insert "IF THE  
5 PERMIT SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE  
6 MUNICIPALITY, EACH DEPARTMENT MAY ISSUE A WRITTEN OR ELECTRONIC REQUEST FOR  
7 ADDITIONAL INFORMATION."

8 Line 14, after "WRITING" insert "OR ELECTRONICALLY"

9 Lines 16, 17, 21, 27 and 29, after "WRITTEN" insert "OR ELECTRONIC"

10 Line 35, after "OF" insert "WORKING"

11 Line 39, after "WRITTEN" insert "OR ELECTRONIC"

12 Page 18, line 1, after "THIRTY" insert "WORKING"

13 Line 6, after "SEVEN" insert "WORKING"

14 Line 7, after "OF" insert "THE"; after "APPLICATION" insert "OR PERMIT THAT  
15 EXPIRE WITHIN TWENTY-ONE WORKING DAYS AFTER ISSUANCE"

16 Between lines 16 and 17, insert:

17 "4. THE WEBSITE ADDRESS AND ANY OTHER INFORMATION, IF APPLICABLE, TO  
18 ALLOW THE REGULATED PERSON TO USE ELECTRONIC COMMUNICATION WITH THE  
19 MUNICIPALITY."

20 Line 25, after "MUNICIPALITY" insert "OR THE MUNICIPAL WEBSITE"

21 Between lines 34 and 35, insert:

22 "9-839. Exemptions

23 THIS ARTICLE DOES NOT APPLY TO:

24 1. AN ORDINANCE, CODE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT  
25 RELATES ONLY TO THE INTERNAL MANAGEMENT OF A MUNICIPALITY AND THAT DOES NOT  
26 DIRECTLY AND SUBSTANTIALLY AFFECT THE PROCEDURAL OR SUBSTANTIVE RIGHTS OR  
27 DUTIES OF ANY SEGMENT OF THE PUBLIC.

28 2. AN ORDINANCE, CODE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT  
29 RELATES ONLY TO THE PHYSICAL SERVICING, MAINTENANCE OR CARE OF A MUNICIPAL  
30 OWNED OR OPERATED FACILITIES OR PROPERTY.

31 3. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT  
32 RELATES TO INMATES OR COMMITTED YOUTH, A CORRECTIONAL OR DETENTION FACILITY

UNDER THE JURISDICTION OF THE MUNICIPALITY OR A PATIENT ADMITTED TO AN  
INSTITUTION OR TREATMENT CENTER PURSUANT TO COURT ORDER.

4. AN ORDINANCE, CODE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT  
RELATES TO A MUNICIPAL CONTRACT."

Page 26, line 40, after the first comma strike remainder of line; strike line 41, insert "REVERSE OR REMAND TO THE BOARD OF SUPERVISORS, IN WHOLE OR IN PART, THE DECISION REVIEWED FOR FURTHER ACTION THAT IS NECESSARY TO COMPLY WITH THE MANDATORY REQUIREMENTS PRESCRIBED IN SECTION 11-804, SUBSECTION B, PARAGRAPH 1, SUBDIVISION (e)."

Page 27, strike lines 4 through 17, insert:

## 11-809. Public works project planning: utility input: definitions

A. A COUNTY IN THE DESIGN PHASE OF A PUBLIC WORKS PROJECT SHALL PROVIDE NOTICE AND OPPORTUNITY FOR COMMENT TO ALL UTILITIES THE COUNTY BELIEVES MAY BE IMPACTED BY THE PUBLIC WORKS PROJECT FOR THE PURPOSES OF:

1. ELIMINATING OR MINIMIZING THE NEED FOR RELOCATION OF AERIAL, SURFACE AND UNDERGROUND FACILITIES OF THE IMPACTED UTILITIES AND, IF RELOCATION IS UNAVOIDABLE, MINIMIZING THE RELOCATION COSTS TO THE EXTENT PRACTICABLE RELATIVE TO THE COST OF THE PUBLIC WORKS PROJECT.

2. MINIMIZING SUBSEQUENT RECONSTRUCTION OR MODIFICATION OF UTILITY FACILITIES AFTER COMPLETION OF THE PUBLIC WORKS PROJECT.

B. FOR THE PURPOSES OF THIS SECTION:

1. "PUBLIC WORKS PROJECT" HAS THE SAME MEANING PRESCRIBED IN SECTION 12-1141.

2. "UTILITY" HAS THE SAME MEANING PRESCRIBED IN SECTION 48-5107."

Line 21, strike "ON BUSINESSES"

Between lines 24 and 25, insert:

"1. "FOOD AND SWIMMING POOL INSPECTION" MEANS AN INSPECTION OF A REGULATED PERSON CONDUCTED TO ENSURE THE SAFETY OF FOOD SERVICES, SWIMMING POOLS AND OTHER BATHING PLACES."

Renumber to conform

Line 36, strike "CODES" insert "REGULATIONS"

1 Page 27, between lines 41 and 42, insert:

2           "6. "WORKING DAY" MEANS A TWENTY-FOUR HOUR PERIOD EXCLUDING WEEKENDS  
3           AND LEGAL HOLIDAYS."

4 Page 28, strike lines 9 through 13

5           Renumber to conform

6 Line 16, after "WRITTEN" insert "OR ELECTRONIC"

7 Line 18, after the second "THE" insert "STATUTE,"; strike "CODE" insert  
8           "REGULATION, DELEGATION AGREEMENT"

9 Line 26, after "ORDINANCES" insert ", REGULATIONS"

10 Line 27, after the second "COUNTY" insert "OR ON THE COUNTY'S WEBSITE"

11 Line 34, strike "CODE" insert "REGULATION"

12 Line 43, after "4." insert "EXCEPT FOR A FOOD AND SWIMMING POOL INSPECTION,"

13 Page 29, line 2, after "TAKEN" insert "FROM THE PREMISES"

14 Line 4, in both places, after "SPLIT" insert "OR DUPLICATE"

15 Line 5, after "SAMPLES" insert ", WHERE APPROPRIATE,"

16 Line 14, after "OF" insert ", OR TWO WORKING DAYS BEFORE,"

17 Line 15, after the comma insert "EXCEPT FOR A FOOD AND SWIMMING POOL INSPECTION  
18           THAT HAS UP TO ONE WORKING DAY AFTER AN INSPECTION,"

19 Line 16, after "WRITING" insert "OR ELECTRONICALLY"

20 Line 18, after "A" insert "COUNTY"

21 Line 31, strike "AND" insert ". UNLESS THE REGULATED PERSON AT THE TIME OF THE  
22           INSPECTION IS INFORMED HOW THE REPORT CAN BY LOCATED ELECTRONICALLY, THE  
23           COUNTY"

24 Line 37, after "OF" insert ", OR PROVIDE ELECTRONIC ACCESS TO,"

25 Page 30, line 12, after "THIRTY" insert "WORKING"

26 Line 15, after "COMPLIANCE" insert ", UNLESS THE DETERMINATION IS NOT POSSIBLE  
27           DUE TO CONDITIONS OF NORMAL OPERATIONS AT THE PREMISES"

28 Line 23, strike the second "A" insert "THE"; after "UPDATE" insert ", IN WRITING  
29           OR ELECTRONICALLY,"

30 Line 33, after the first "INVESTIGATIONS" strike remainder of line; line 34,  
31           strike "GAMING COMPACTS"

32 Page 30, line 36, after "THE" insert "COUNTY"

1 Line 37, after "BE" insert "OR HAS BEEN"  
2 Strike lines 38 and 39, insert:  
3 "3. INSPECTIONS BY A COUNTY BOARD OF HEALTH OR A LOCAL HEALTH  
4 DEPARTMENT PURSUANT TO SECTION 36-603."  
5 Line 40, strike "AN" insert "A COUNTY"  
6 Page 31, line 1, strike ", BOARD OR COMMISSION"  
7 Strike line 4, insert "CHAPTER 2, ARTICLE 10 OF THIS TITLE."  
8 Strike lines 7 through 10, insert:  
9 "M. A COUNTY MAY ADOPT RULES OR ORDINANCES TO IMPLEMENT THIS SECTION.  
10 N. THIS SECTION:  
11 1. SHALL NOT BE USED TO EXCLUDE EVIDENCE IN A CRIMINAL PROCEEDING.  
12 2. DOES NOT APPLY TO A COUNTY INSPECTION THAT IS REQUESTED BY THE  
13 REGULATED PERSON."  
14 Line 14, strike "CODE" insert "DELEGATION AGREEMENT"  
15 Strike lines 17 through 21  
16 Reletter to conform  
17 Line 29, strike "CODE" insert "REGULATION"  
18 Page 32, line 10, strike the period insert "INCLUDING:  
19 (a) ADULT BUSINESSES AND OTHER LICENSES THAT ARE RELATED TO THE FIRST  
20 AMENDMENT.  
21 (b) MASTER PLANNED COMMUNITIES.  
22 (c) SUSPENSION OF THE SUBSTANTIVE AND OVERALL TIME FRAMES FOR PURPOSES  
23 INCLUDING PUBLIC HEARINGS OR STATE OR FEDERAL LICENSES."  
24 Line 11, after "WRITTEN" insert "OR ELECTRONIC"  
25 Line 13, after the period insert "IF THE PERMIT SOUGHT REQUIRES APPROVAL OF MORE  
26 THAN ONE DEPARTMENT OF THE COUNTY, EACH DEPARTMENT MAY ISSUE A WRITTEN OR  
27 ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES."  
28 Lines 16 and 17, after "WRITTEN" insert "OR ELECTRONIC"  
29 Line 21, after the period insert "THE COUNTY MAY ISSUE AN ADDITIONAL WRITTEN OR  
30 ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES BASED ON THE  
31 APPLICANT'S SUBMISSION OF MISSING INFORMATION. IF THE PERMIT SOUGHT REQUIRES  
32 APPROVAL OF MORE THAN ONE DEPARTMENT OF THE COUNTY, EACH DEPARTMENT MAY ISSUE

1           AN ADDITIONAL WRITTEN OR ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR  
2           DEFICIENCIES BASED ON THE APPLICANT'S SUBMISSION OF MISSING INFORMATION."

3   Page 32, lines 22 and 25, after "WRITTEN" insert "OR ELECTRONIC"

4   Line 28, after "WRITTEN" insert "OR ELECTRONIC"; after the period insert "IF THE  
5           PERMIT SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE COUNTY,  
6           EACH DEPARTMENT MAY ISSUE A WRITTEN OR ELECTRONIC REQUEST FOR ADDITIONAL  
7           INFORMATION."

8   Line 29, after "WRITING" insert "OR ELECTRONICALLY"

9   Line 31, in both places, after "WRITTEN" insert "OR ELECTRONIC"

10   Lines 36, 42 and 44, after "WRITTEN" insert "OR ELECTRONIC"

11  Page 33, lines 1 and 2, strike "OR ORDINANCES" insert ", ORDINANCES, REGULATIONS,  
12           SUBSTANTIVE POLICY STATEMENTS OR DELEGATION AGREEMENTS"

13  Line 4, after "OF" insert "WORKING"

14  Line 7, after "WRITTEN" insert "OR ELECTRONIC"

15  Line 13, after "THIRTY" insert "WORKING"

16  Line 18, after "SEVEN" insert "WORKING"

17  Line 19, after "OF" insert "THE"; after "APPLICATION" insert "OR PERMIT THAT  
18           EXPIRE WITHIN TWENTY-ONE WORKING DAYS AFTER ISSUANCE"

19  Between lines 28 and 29, insert:  
20           "4. THE WEBSITE ADDRESS AND ANY OTHER INFORMATION, IF APPLICABLE, TO  
21           ALLOW THE REGULATED PERSON TO USE ELECTRONIC COMMUNICATION WITH THE COUNTY."

22  Lines 32 and 34, strike "CODES" insert "REGULATIONS"

23  Line 36, after "COUNTY" insert "OR THE COUNTY WEBSITE"

24  Line 39, strike "CODES" insert "REGULATIONS"

25  Line 41, strike "CODE" insert "REGULATION"

26  Line 44, strike "CODES" insert "REGULATIONS"

27  After line 45, insert:  
28           "11-1609. Exemptions  
29           THIS ARTICLE DOES NOT APPLY TO:  
30           1. A COUNTY FUNCTION, POWER OR DUTY TO THE EXTENT THAT THEY ARE  
31           SUBJECT TO TITLE 49, CHAPTER 3, ARTICLE 3.

1           2. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT  
2        RELATES TO ONLY THE INTERNAL MANAGEMENT OF A COUNTY AND THAT DOES NOT  
3        DIRECTLY AND SUBSTANTIALLY AFFECT THE PROCEDURAL OR SUBSTANTIVE RIGHTS OR  
4        DUTIES OF ANY SEGMENT OF THE PUBLIC.

5           3. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT RELATING  
6        TO ONLY THE PHYSICAL SERVICING, MAINTENANCE OR CARE OF COUNTY OWNED OR  
7        OPERATED FACILITIES OR PROPERTY.

8           4. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT  
9        RELATES TO INMATES OR COMMITTED YOUTH, A CORRECTIONAL OR DETENTION FACILITY  
10       UNDER THE JURISDICTION OF THE COUNTY OR A PATIENT ADMITTED TO AN INSTITUTION  
11       OR TREATMENT CENTER PURSUANT TO COURT ORDER.

12        5. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT RELATING  
13        TO A COUNTY CONTRACT."

14        Page 36, strike lines 39 through 45

15        Strike pages 37, 38 and 39

16        Page 40, strike lines 1 through 17, insert:

17           "Sec. 12. Title 48, chapter 21, Arizona Revised Statutes, is amended  
18        by adding article 2, to read:

19           ARTICLE 2. FLOOD CONTROL DISTRICT REGULATIONS

20           48-3641. Definitions

21           IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

22           1. "DISTRICT" MEANS A DISTRICT ORGANIZED PURSUANT TO ARTICLE 1 OF THIS  
23        CHAPTER.

24           2. "EMERGENCY" MEANS A SITUATION THAT CREATES AN IMMEDIATE THREAT TO  
25        THE HEALTH OR SAFETY OF A PERSON OR PROPERTY CAUSED BY FLOOD, EARTHQUAKE,  
26        HURRICANE, TORNADO, EXPLOSION, FIRE OR OTHER CATASTROPHE.

27           3. "LICENSE" INCLUDES THE WHOLE OR PART OF ANY DISTRICT PERMIT,  
28        CERTIFICATE, APPROVAL, REGISTRATION, CHARTER OR SIMILAR FORM OF PERMISSION  
29        REQUIRED BY LAW.

30           4. "LICENSING" INCLUDES THE DISTRICT PROCESS RESPECTING THE GRANT,  
31        DENIAL, RENEWAL, REVOCATION, SUSPENSION, ANNULMENT, WITHDRAWAL OR AMENDMENT  
32        OF A LICENSE.

1           5. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,  
2 ASSOCIATION, GOVERNMENTAL SUBDIVISION OR UNIT OF A GOVERNMENTAL SUBDIVISION  
3 OR A PUBLIC OR PRIVATE ORGANIZATION OF ANY CHARACTER.

4           6. "SUBSTANTIVE POLICY STATEMENT" MEANS A WRITTEN EXPRESSION THAT IS  
5 ONLY ADVISORY AND INFORMS THE GENERAL PUBLIC OF A DISTRICT'S CURRENT APPROACH  
6 TO, OR OPINION OF, THE REQUIREMENTS OF THE ORDINANCES OR REGULATIONS,  
7 INCLUDING, WHERE APPROPRIATE, THE DISTRICT'S CURRENT PRACTICE, PROCEDURE OR  
8 METHOD OF ACTION BASED ON THAT APPROACH OR OPINION. A SUBSTANTIVE POLICY  
9 STATEMENT DOES NOT INCLUDE INTERNAL PROCEDURAL DOCUMENTS THAT ONLY AFFECT THE  
10 INTERNAL PROCEDURES OF THE DISTRICT AND DO NOT IMPOSE ADDITIONAL REQUIREMENTS  
11 OR PENALTIES ON REGULATED PARTIES OR CONFIDENTIAL INFORMATION.

12           7. "WORKING DAY" MEANS A TWENTY-FOUR HOUR PERIOD EXCLUDING WEEKENDS  
13 AND LEGAL HOLIDAYS.

14           48-3642. Regulatory bill of rights

15           TO ENSURE FAIR AND OPEN REGULATION BY DISTRICTS, A PERSON:

16           1. IS ELIGIBLE FOR REIMBURSEMENT OF FEES AND OTHER EXPENSES IF THE  
17 PERSON PREVAILS BY ADJUDICATION ON THE MERITS AGAINST A DISTRICT IN A COURT  
18 PROCEEDING REGARDING A DISTRICT DECISION AS PROVIDED IN SECTION 12-348.

19           2. IS ENTITLED TO RECEIVE INFORMATION AND NOTICE REGARDING INSPECTIONS  
20 AS PROVIDED IN SECTION 48-3643.

21           3. IS ENTITLED TO HAVE A DISTRICT NOT BASE A LICENSING DECISION IN  
22 WHOLE OR IN PART ON LICENSING CONDITIONS OR REQUIREMENTS THAT ARE NOT  
23 SPECIFICALLY AUTHORIZED AS PROVIDED IN SECTION 48-3644.

24           4. MAY HAVE A DISTRICT APPROVE OR DENY THE PERSON'S LICENSE  
25 APPLICATION WITHIN A PREDETERMINED PERIOD OF TIME AS PROVIDED IN SECTION  
26 48-3645.

27           5. IS ENTITLED TO RECEIVE WRITTEN OR ELECTRONIC NOTICE FROM A DISTRICT  
28 ON DENIAL OF A LICENSE APPLICATION:

29           (a) THAT JUSTIFIES THE DENIAL WITH REFERENCES TO THE STATUTE,  
30 ORDINANCE, REGULATION, EXECUTIVE ORDER, DELEGATION AGREEMENT OR AUTHORIZED  
31 SUBSTANTIVE POLICY STATEMENT ON WHICH THE DENIAL IS BASED AS PROVIDED IN  
32 SECTION 48-3645.

(b) THAT EXPLAINS THE APPLICANT'S RIGHT TO APPEAL THE DENIAL AS PROVIDED IN SECTION 48-3645.

6. IS ENTITLED TO RECEIVE INFORMATION REGARDING THE LICENSE APPLICATION PROCESS AT THE TIME THE PERSON OBTAINS AN APPLICATION FOR A LICENSE AS PROVIDED IN SECTION 48-3646.

7. MAY INSPECT ALL ORDINANCES, REGULATIONS AND SUBSTANTIVE POLICY STATEMENTS OF A DISTRICT, INCLUDING A DIRECTORY OF DOCUMENTS, AT THE OFFICE OF THE DISTRICT OR A DISTRICT WEBSITE AS PROVIDED IN SECTION 48-3647.

8. UNLESS SPECIFICALLY AUTHORIZED, MAY EXPECT DISTRICTS TO AVOID DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND TO AVOID DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PROVIDED IN SECTION 48-3644.

9. MAY FILE A COMPLAINT WITH THE BOARD OF REVIEW CONCERNING AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT FAILS TO COMPLY WITH THIS SECTION.

## 48-3643. Inspections: applicability

A. A DISTRICT INSPECTOR OR REGULATOR WHO ENTERS ANY PREMISES OF A REGULATED PERSON FOR THE PURPOSE OF CONDUCTING AN INSPECTION SHALL:

1. PRESENT PHOTO IDENTIFICATION ON ENTRY OF THE PREMISES.

2. ON INITIATION OF THE INSPECTION, STATE THE PURPOSE OF THE INSPECTION AND THE LEGAL AUTHORITY FOR CONDUCTING THE INSPECTION.

3. DISCLOSE ANY APPLICABLE INSPECTION FEES.

4. AFFORD AN OPPORTUNITY TO HAVE AN AUTHORIZED ON-SITE REPRESENTATIVE OF THE REGULATED PERSON ACCOMPANY THE DISTRICT INSPECTOR OR REGULATOR ON THE PREMISES, EXCEPT DURING CONFIDENTIAL INTERVIEWS.

5. PROVIDE NOTICE OF THE RIGHT TO HAVE:

(a) COPIES OF ANY ORIGINAL DOCUMENTS TAKEN FROM THE PREMISES BY THE DISTRICT DURING THE INSPECTION IF THE DISTRICT IS PERMITTED BY LAW TO TAKE ORIGINAL DOCUMENTS.

(b) A SPLIT OR DUPLICATE OF ANY SAMPLES TAKEN DURING THE INSPECTION IF THE SPLIT OR DUPLICATION OF ANY SAMPLES, WHERE APPROPRIATE, WOULD NOT PROHIBIT AN ANALYSIS FROM BEING CONDUCTED OR RENDER AN ANALYSIS INCONCLUSIVE.

(c) COPIES OF ANY ANALYSIS PERFORMED ON SAMPLES TAKEN DURING THE INSPECTION.

6. INFORM EACH PERSON WHOSE CONVERSATION WITH THE DISTRICT INSPECTOR OR REGULATOR DURING THE INSPECTION IS TAPE RECORDED THAT THE CONVERSATION IS BEING TAPE RECORDED.

7. INFORM EACH PERSON INTERVIEWED DURING THE INSPECTION THAT STATEMENTS MADE BY THE PERSON MAY BE INCLUDED IN THE INSPECTION REPORT.

B. ON INITIATION OF, OR TWO WORKING DAYS BEFORE, AN INSPECTION OF ANY PREMISES OF A REGULATED PERSON, A DISTRICT INSPECTOR OR REGULATOR SHALL PROVIDE THE FOLLOWING IN WRITING OR ELECTRONICALLY:

1. THE RIGHTS DESCRIBED IN SUBSECTION A OF THIS SECTION.

2. THE NAME AND TELEPHONE NUMBER OF A DISTRICT CONTACT PERSON  
AVAILABLE TO ANSWER QUESTIONS REGARDING THE INSPECTION.

3. THE DUE PROCESS RIGHTS RELATING TO AN APPEAL OF A FINAL DECISION OF A DISTRICT BASED ON THE RESULTS OF THE INSPECTION, INCLUDING THE NAME AND TELEPHONE NUMBER OF A PERSON TO CONTACT WITHIN THE DISTRICT AND ANY APPROPRIATE MUNICIPALITY, COUNTY, DISTRICT OR STATE GOVERNMENT OMBUDSMAN.

C. A DISTRICT INSPECTOR OR REGULATOR SHALL OBTAIN THE SIGNATURE OF THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON ON THE WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION INDICATING THAT THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON HAS READ THE WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION AND IS NOTIFIED OF THE REGULATED PERSON'S OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON'S INSPECTION AND DUE PROCESS RIGHTS. THE DISTRICT SHALL MAINTAIN A COPY OF THIS SIGNATURE WITH THE INSPECTION REPORT. UNLESS THE REGULATED PERSON, AT THE TIME OF THE INSPECTION, IS INFORMED HOW THE REPORT CAN BE LOCATED ELECTRONICALLY, THE DISTRICT SHALL LEAVE A COPY WITH THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON. IF A REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON IS NOT AT THE SITE OR REFUSES TO SIGN THE WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION, THE DISTRICT INSPECTOR OR REGULATOR SHALL NOTE THAT FACT ON THE WRITING PRESCRIBED IN SUBSECTION B OF THIS SECTION.

1                   D. A DISTRICT THAT CONDUCTS AN INSPECTION PURSUANT TO THIS SECTION,  
2                   SHALL GIVE A COPY OF, OR PROVIDE ELECTRONIC ACCESS TO, THE INSPECTION REPORT  
3                   TO THE REGULATED PERSON OR ON-SITE REPRESENTATIVE OF THE REGULATED PERSON  
4                   EITHER:

- 5                   1. AT THE TIME OF THE INSPECTION.  
6                   2. NOTWITHSTANDING ANY OTHER STATE LAW, WITHIN THIRTY WORKING DAYS  
7                   AFTER THE INSPECTION.

8                   3. AS OTHERWISE REQUIRED BY FEDERAL LAW.

9                   E. THE INSPECTION REPORT SHALL CONTAIN DEFICIENCIES IDENTIFIED DURING  
10                  AN INSPECTION. UNLESS OTHERWISE PROVIDED BY LAW, THE DISTRICT MAY PROVIDE  
11                  THE REGULATED PERSON AN OPPORTUNITY TO CORRECT THE DEFICIENCIES UNLESS THE  
12                  DISTRICT DETERMINES THAT THE DEFICIENCIES ARE:

- 13                  1. COMMITTED INTENTIONALLY.  
14                  2. NOT CORRECTABLE WITHIN A REASONABLE PERIOD OF TIME AS DETERMINED BY  
15                  THE DISTRICT.

16                  3. EVIDENCE OF A PATTERN OF NONCOMPLIANCE.

17                  4. A RISK TO ANY PERSON, THE PUBLIC HEALTH, SAFETY OR WELFARE OR THE  
18                  ENVIRONMENT.

19                  F. IF THE DISTRICT ALLOWS THE REGULATED PERSON AN OPPORTUNITY TO  
20                  CORRECT THE DEFICIENCIES PURSUANT TO SUBSECTION E OF THIS SECTION, THE  
21                  REGULATED PERSON SHALL NOTIFY THE DISTRICT WHEN THE DEFICIENCIES HAVE BEEN  
22                  CORRECTED. WITHIN THIRTY WORKING DAYS OF RECEIPT OF NOTIFICATION FROM THE  
23                  REGULATED PERSON THAT THE DEFICIENCIES HAVE BEEN CORRECTED, THE DISTRICT  
24                  SHALL DETERMINE IF THE REGULATED PERSON IS IN SUBSTANTIAL COMPLIANCE AND  
25                  NOTIFY THE REGULATED PERSON WHETHER OR NOT THE REGULATED PERSON IS IN  
26                  SUBSTANTIAL COMPLIANCE, UNLESS IT IS NOT POSSIBLE DUE TO CONDITIONS OF NORMAL  
27                  OPERATIONS AT THE PREMISES. IF THE REGULATED PERSON FAILS TO CORRECT THE  
28                  DEFICIENCIES OR THE DISTRICT DETERMINES THE DEFICIENCIES HAVE NOT BEEN  
29                  CORRECTED WITHIN A REASONABLE PERIOD OF TIME, THE DISTRICT MAY TAKE ANY  
30                  ENFORCEMENT ACTION AUTHORIZED BY LAW FOR THE DEFICIENCIES.

31                  G. A DISTRICT DECISION PURSUANT TO SUBSECTION E OR F OF THIS SECTION  
32                  IS NOT AN APPEALABLE DISTRICT ACTION.

1                   H. AT LEAST ONCE EVERY MONTH AFTER THE COMMENCEMENT OF THE INSPECTION  
2                   A DISTRICT SHALL PROVIDE A REGULATED PERSON WITH AN UPDATE, IN WRITING OR  
3                   ELECTRONICALLY, ON THE STATUS OF ANY DISTRICT ACTION RESULTING FROM AN  
4                   INSPECTION OF THE REGULATED PERSON. A DISTRICT IS NOT REQUIRED TO PROVIDE AN  
5                   UPDATE AFTER THE REGULATED PERSON IS NOTIFIED THAT NO DISTRICT ACTION WILL  
6                   RESULT FROM THE DISTRICT'S INSPECTION OR AFTER THE COMPLETION OF DISTRICT  
7                   ACTION RESULTING FROM THE DISTRICT'S INSPECTION.

8                   I. THIS SECTION DOES NOT AUTHORIZE AN INSPECTION OR ANY OTHER ACT THAT  
9                   IS NOT OTHERWISE AUTHORIZED BY LAW.

10                  J. THIS SECTION APPLIES ONLY TO INSPECTIONS NECESSARY FOR THE ISSUANCE  
11                  OF A LICENSE OR TO DETERMINE COMPLIANCE WITH LICENSURE REQUIREMENTS. THIS  
12                  SECTION DOES NOT APPLY:

13                  1. TO CRIMINAL INVESTIGATIONS AND UNDERCOVER INVESTIGATIONS THAT ARE  
14                  GENERALLY OR SPECIFICALLY AUTHORIZED BY LAW.

15                  2. IF THE DISTRICT INSPECTOR OR REGULATOR HAS REASONABLE SUSPICION TO  
16                  BELIEVE THAT THE REGULATED PERSON MAY BE OR HAS BEEN ENGAGED IN CRIMINAL  
17                  ACTIVITY.

18                  3. IF THE DISTRICT INSPECTOR OR REGULATOR REASONABLY BELIEVES THAT AN  
19                  EMERGENCY EXISTS.

20                  4. TO INSPECTIONS CONDUCTED PURSUANT TO SECTION 48-3609, SUBSECTION K  
21                  OF PERSONS NOT LICENSED BY THE DISTRICT OR WHICH ARE NOT NECESSARY FOR THE  
22                  ISSUANCE OF A LICENSE.

23                  K. IF A DISTRICT INSPECTOR OR REGULATOR GATHERS EVIDENCE IN VIOLATION  
24                  OF THIS SECTION, THE VIOLATION SHALL NOT BE A BASIS TO EXCLUDE THE EVIDENCE  
25                  IN A CIVIL OR ADMINISTRATIVE PROCEEDING, IF THE PENALTY SOUGHT IS THE DENIAL,  
26                  SUSPENSION OR REVOCATION OF THE REGULATED PERSON'S LICENSE OR A CIVIL PENALTY  
27                  OF MORE THAN ONE THOUSAND DOLLARS.

28                  L. FAILURE OF A DISTRICT EMPLOYEE TO COMPLY WITH THIS SECTION:

29                  1. CONSTITUTES CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO  
30                  ADOPTED DISTRICT PERSONNEL POLICY.

31                  2. SHALL BE CONSIDERED BY THE JUDGE AND ADMINISTRATIVE LAW JUDGE AS  
32                  GROUNDS FOR REDUCTION OF ANY FINE OR CIVIL PENALTY.

1                   M. A DISTRICT MAY ADOPT RULES OR ORDINANCES TO IMPLEMENT THIS SECTION.  
2                   N. THIS SECTION:  
3                   1. SHALL NOT BE USED TO EXCLUDE EVIDENCE IN A CRIMINAL PROCEEDING.  
4                   2. DOES NOT APPLY TO DISTRICT INSPECTIONS THAT ARE REQUESTED BY THE  
5                   REGULATED PERSON.

6                   48-3644. Prohibited acts by district  
7                   A. A DISTRICT SHALL NOT BASE A LICENSING DECISION IN WHOLE OR IN PART  
8                   ON A LICENSING REQUIREMENT OR CONDITION THAT IS NOT SPECIFICALLY AUTHORIZED  
9                   BY STATUTE, RULE, REGULATION, ORDINANCE, EXECUTIVE ORDER OR DELEGATION  
10                   AGREEMENT. A GENERAL GRANT OF AUTHORITY DOES NOT CONSTITUTE A BASIS FOR  
11                   IMPOSING A LICENSING REQUIREMENT OR CONDITION UNLESS THE AUTHORITY  
12                   SPECIFICALLY AUTHORIZES THE REQUIREMENT OR CONDITION.

13                   B. UNLESS SPECIFICALLY AUTHORIZED, A DISTRICT SHALL AVOID DUPLICATION  
14                   OF OTHER LAWS OR EXECUTIVE ORDERS THAT DO NOT ENHANCE REGULATORY CLARITY AND  
15                   SHALL AVOID DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE.

16                   C. THIS SECTION DOES NOT PROHIBIT DISTRICT FLEXIBILITY TO ISSUE  
17                   LICENSES OR ADOPT ORDINANCES OR REGULATIONS.

18                   48-3645. Licensing time frames; compliance; consequence for  
19                   failure to comply with time frame; exemption  
20                   A. FOR ANY NEW ORDINANCE OR REGULATION REQUIRING A LICENSE, A DISTRICT  
21                   SHALL HAVE IN PLACE AN OVERALL TIME FRAME DURING WHICH THE DISTRICT WILL  
22                   EITHER GRANT OR DENY EACH TYPE OF LICENSE THAT IT ISSUES. THE OVERALL TIME  
23                   FRAME FOR EACH TYPE OF LICENSE SHALL STATE SEPARATELY THE ADMINISTRATIVE  
24                   COMPLETENESS REVIEW TIME FRAME AND THE SUBSTANTIVE REVIEW TIME FRAME.

25                   B. ON OR BEFORE DECEMBER 31, 2012, A DISTRICT THAT ISSUES LICENSES  
26                   REQUIRED UNDER EXISTING ORDINANCES OR CODES SHALL HAVE IN PLACE AN OVERALL  
27                   TIME FRAME DURING WHICH THE DISTRICT WILL EITHER GRANT OR DENY EACH TYPE OF  
28                   LICENSE THAT IT ISSUES. THE OVERALL TIME FRAME FOR EACH TYPE OF LICENSE  
29                   SHALL STATE SEPARATELY THE ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME AND  
30                   THE SUBSTANTIVE REVIEW TIME FRAME. DISTRICTS SHALL PRIORITIZE THE  
31                   ESTABLISHMENT OF TIME FRAMES FOR THOSE LICENSES THAT HAVE THE GREATEST IMPACT  
32                   ON THE PUBLIC.

1                   C. IN ESTABLISHING TIME FRAMES, DISTRICTS SHALL CONSIDER ALL OF THE  
2 FOLLOWING:

3                   1. THE COMPLEXITY OF THE LICENSING SUBJECT MATTER.  
4                   2. THE RESOURCES OF THE DISTRICT.  
5                   3. THE ECONOMIC IMPACT OF DELAY ON THE REGULATED COMMUNITY.  
6                   4. THE IMPACT OF THE LICENSING DECISION ON PUBLIC HEALTH AND SAFETY.  
7                   5. THE POSSIBLE USE OF VOLUNTEERS WITH EXPERTISE IN THE SUBJECT MATTER  
8 AREA.

9                   6. THE POSSIBLE INCREASED USE OF GENERAL LICENSES FOR SIMILAR TYPES OF  
10 LICENSED BUSINESSES OR FACILITIES.

11                   7. THE POSSIBLE INCREASED COOPERATION BETWEEN THE DISTRICT AND THE  
12 REGULATED COMMUNITY.

13                   8. INCREASED DISTRICT FLEXIBILITY IN STRUCTURING THE LICENSING PROCESS  
14 AND PERSONNEL INCLUDING:

15                   (a) MASTER PLANNED COMMUNITIES.  
16                   (b) SUSPENSION OF THE SUBSTANTIVE AND OVERALL TIME FRAMES FOR PURPOSES  
17 INCLUDING PUBLIC HEARINGS OR STATE OR FEDERAL APPROVALS.

18                   D. A DISTRICT SHALL ISSUE A WRITTEN OR ELECTRONIC NOTICE OF  
19 ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES TO AN APPLICANT FOR A LICENSE  
20 WITHIN THE ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME. IF THE PERMIT  
21 SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE DISTRICT, EACH  
22 DEPARTMENT MAY ISSUE A WRITTEN OR ELECTRONIC NOTICE OF ADMINISTRATIVE  
23 COMPLETENESS OR DEFICIENCIES.

24                   E. IF A DISTRICT DETERMINES THAT AN APPLICATION FOR A LICENSE IS NOT  
25 ADMINISTRATIVELY COMPLETE, THE DISTRICT SHALL INCLUDE A COMPREHENSIVE LIST OF  
26 THE SPECIFIC DEFICIENCIES IN THE WRITTEN OR ELECTRONIC NOTICE PROVIDED  
27 PURSUANT TO SUBSECTION D. IF THE DISTRICT ISSUES A WRITTEN OR ELECTRONIC  
28 NOTICE OF DEFICIENCIES WITHIN THE ADMINISTRATIVE COMPLETENESS TIME FRAME, THE  
29 ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME AND THE OVERALL TIME FRAME ARE  
30 SUSPENDED FROM THE DATE THE NOTICE IS ISSUED UNTIL THE DATE THAT THE DISTRICT  
31 RECEIVES THE MISSING INFORMATION FROM THE APPLICANT. THE DISTRICT MAY ISSUE  
32 AN ADDITIONAL WRITTEN OR ELECTRONIC NOTICE OF ADMINISTRATIVE COMPLETENESS OR

1 DEFICIENCIES BASED ON THE APPLICANT'S SUBMISSION OF MISSING INFORMATION. IF  
2 THE PERMIT SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE  
3 DISTRICT, EACH DEPARTMENT MAY ISSUE AN ADDITIONAL WRITTEN OR ELECTRONIC  
4 NOTICE OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES BASED ON THE  
5 APPLICANT'S SUBMISSION OF MISSING INFORMATION.

6 F. IF A DISTRICT DOES NOT ISSUE A WRITTEN OR ELECTRONIC NOTICE OF  
7 ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES WITHIN THE ADMINISTRATIVE  
8 COMPLETENESS REVIEW TIME FRAME, THE APPLICATION IS DEEMED ADMINISTRATIVELY  
9 COMPLETE. IF A DISTRICT ISSUES A TIMELY WRITTEN OR ELECTRONIC NOTICE OF  
10 DEFICIENCIES, AN APPLICATION SHALL NOT BE COMPLETE UNTIL ALL REQUESTED  
11 INFORMATION HAS BEEN RECEIVED BY THE DISTRICT.

12 G. DURING THE SUBSTANTIVE REVIEW TIME FRAME, A DISTRICT MAY MAKE ONE  
13 COMPREHENSIVE WRITTEN OR ELECTRONIC REQUEST FOR ADDITIONAL INFORMATION. IF  
14 THE PERMIT SOUGHT REQUIRES APPROVAL OF MORE THAN ONE DEPARTMENT OF THE  
15 DISTRICT, EACH DEPARTMENT MAY ISSUE A WRITTEN OR ELECTRONIC REQUEST FOR  
16 ADDITIONAL INFORMATION. THE DISTRICT AND APPLICANT MAY MUTUALLY AGREE IN  
17 WRITING OR ELECTRONICALLY TO ALLOW THE DISTRICT TO SUBMIT SUPPLEMENTAL  
18 REQUESTS FOR ADDITIONAL INFORMATION. IF A DISTRICT ISSUES A COMPREHENSIVE  
19 WRITTEN OR ELECTRONIC REQUEST OR A SUPPLEMENTAL REQUEST BY MUTUAL WRITTEN OR  
20 ELECTRONIC AGREEMENT FOR ADDITIONAL INFORMATION, THE SUBSTANTIVE REVIEW TIME  
21 FRAME AND THE OVERALL TIME FRAME ARE SUSPENDED FROM THE DATE THE REQUEST IS  
22 ISSUED UNTIL THE DATE THAT THE DISTRICT RECEIVES THE ADDITIONAL INFORMATION  
23 FROM THE APPLICANT.

24 H. BY MUTUAL WRITTEN OR ELECTRONIC AGREEMENT, A DISTRICT AND AN  
25 APPLICANT FOR A LICENSE MAY EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE  
26 OVERALL TIME FRAME. AN EXTENSION OF THE SUBSTANTIVE REVIEW TIME FRAME AND  
27 THE OVERALL TIME FRAME MAY NOT EXCEED TWENTY-FIVE PER CENT OF THE OVERALL  
28 TIME FRAME.

29 I. UNLESS A DISTRICT AND AN APPLICANT FOR A LICENSE MUTUALLY AGREE TO  
30 EXTEND THE SUBSTANTIVE REVIEW TIME FRAME AND THE OVERALL TIME FRAME PURSUANT  
31 TO SUBSECTION H, A DISTRICT SHALL ISSUE A WRITTEN OR ELECTRONIC NOTICE  
32 GRANTING OR DENYING A LICENSE TO AN APPLICANT. IF A DISTRICT DENIES AN

1 APPLICATION FOR A LICENSE, THE DISTRICT SHALL INCLUDE IN THE WRITTEN OR  
2 ELECTRONIC NOTICE AT LEAST THE FOLLOWING INFORMATION:

3 1. JUSTIFICATION FOR THE DENIAL WITH REFERENCES TO THE STATUTES,  
4 ORDINANCES, EXECUTIVE ORDERS, SUBSTANTIVE POLICY STATEMENTS OR DELEGATION  
5 AGREEMENTS ON WHICH THE DENIAL IS BASED.

6 2. AN EXPLANATION OF THE APPLICANT'S RIGHT TO APPEAL THE DENIAL. THE  
7 EXPLANATION SHALL INCLUDE THE NUMBER OF WORKING DAYS IN WHICH THE APPLICANT  
8 MUST FILE A PROTEST CHALLENGING THE DENIAL AND THE NAME AND TELEPHONE NUMBER  
9 OF A DISTRICT CONTACT PERSON WHO CAN ANSWER QUESTIONS REGARDING THE APPEALS  
10 PROCESS.

11 J. IF A DISTRICT DOES NOT ISSUE TO THE APPLICANT THE WRITTEN OR  
12 ELECTRONIC NOTICE GRANTING OR DENYING A LICENSE WITHIN THE OVERALL TIME FRAME  
13 OR WITHIN THE MUTUALLY AGREED UPON TIME FRAME EXTENSION, THE DISTRICT SHALL  
14 REFUND TO THE APPLICANT ALL FEES CHARGED FOR REVIEWING AND ACTING ON THE  
15 APPLICATION FOR THE LICENSE AND SHALL EXCUSE PAYMENT OF ANY FEES THAT HAVE  
16 NOT YET BEEN PAID. THE DISTRICT SHALL NOT REQUIRE AN APPLICANT TO SUBMIT AN  
17 APPLICATION FOR A REFUND PURSUANT TO THIS SUBSECTION. THE REFUND SHALL BE  
18 MADE WITHIN THIRTY WORKING DAYS AFTER THE EXPIRATION OF THE OVERALL TIME  
19 FRAME OR THE TIME FRAME EXTENSION. THE DISTRICT SHALL CONTINUE TO PROCESS  
20 THE APPLICATION. NOTWITHSTANDING ANY OTHER STATUTE, THE DISTRICT SHALL MAKE  
21 THE REFUND FROM THE FUND IN WHICH THE APPLICATION FEES WERE ORIGINALLY  
22 DEPOSITED.

23 K. THIS SECTION DOES NOT APPLY TO LICENSES ISSUED WITHIN SEVEN WORKING  
24 DAYS AFTER RECEIPT OF THE INITIAL APPLICATION OR A PERMIT THAT EXPIRES WITHIN  
25 TWENTY-ONE WORKING DAYS AFTER ISSUANCE.

26 48-3646. License application process

27 A DISTRICT THAT ISSUES LICENSES SHALL PROVIDE THE FOLLOWING INFORMATION  
28 TO AN APPLICANT AT THE TIME THE APPLICANT OBTAINS AN APPLICATION FOR A  
29 LICENSE:

30 1. A LIST OF ALL OF THE STEPS THE APPLICANT IS REQUIRED TO TAKE IN  
31 ORDER TO OBTAIN THE LICENSE.

32 2. THE APPLICABLE LICENSING TIME FRAMES.

1                   3. THE NAME AND TELEPHONE NUMBER OF A DISTRICT CONTACT PERSON WHO CAN  
2                   ANSWER QUESTIONS OR PROVIDE ASSISTANCE THROUGHOUT THE APPLICATION PROCESS.

3                   4. THE WEBSITE ADDRESS AND ANY OTHER INFORMATION, IF APPLICABLE, TO  
4                   ALLOW THE REGULATED PERSON TO UTILIZE ELECTRONIC COMMUNICATION WITH THE  
5                   DISTRICT.

6                   48-3647. Directory of documents

7                   THE DISTRICT SHALL PUBLISH, OR PROMINENTLY PLACE ON THE DISTRICT  
8                   WEBSITE, AT LEAST ANNUALLY, A DIRECTORY SUMMARIZING THE SUBJECT MATTER OF ALL  
9                   CURRENTLY APPLICABLE ORDINANCES, REGULATIONS AND SUBSTANTIVE POLICY  
10                   STATEMENTS. THE DISTRICT SHALL KEEP COPIES OF THIS DIRECTORY AND ALL  
11                   SUBSTANTIVE POLICY STATEMENTS AT ONE LOCATION. THE DIRECTORY, ORDINANCES,  
12                   REGULATIONS, SUBSTANTIVE POLICY STATEMENTS AND ANY MATERIALS INCORPORATED BY  
13                   REFERENCE IN THESE DOCUMENTS SHALL BE OPEN TO PUBLIC INSPECTION AT THE OFFICE  
14                   OF THE DISTRICT OR THE DISTRICT WEBSITE.

15                   48-3648. Complaints; board of review

16                   THE BOARD OF REVIEW SHALL RECEIVE COMPLAINTS CONCERNING ORDINANCES,  
17                   SUBSTANTIVE POLICY STATEMENTS OR DISTRICT PRACTICES ALLEGED TO VIOLATE THIS  
18                   ARTICLE. THE BOARD OF REVIEW MAY REVIEW ANY ORDINANCE, REGULATION,  
19                   SUBSTANTIVE POLICY STATEMENT OR DISTRICT PRACTICE ALLEGED TO VIOLATE THIS  
20                   ARTICLE AND MAY HOLD HEARINGS REGARDING THE ALLEGATIONS. THE BOARD OF REVIEW  
21                   MAY RECOMMEND ACTIONS TO ALLEVIATE THE ASPECTS OF THE ORDINANCES,  
22                   REGULATIONS, SUBSTANTIVE POLICY STATEMENTS OR DISTRICT PRACTICES ALLEGED TO  
23                   VIOLATE THIS ARTICLE.

24                   48-3649. Exemptions

25                   THIS ARTICLE DOES NOT APPLY TO:

26                   1. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT  
27                   RELATES TO ONLY THE INTERNAL MANAGEMENT OF A DISTRICT AND THAT DOES NOT  
28                   DIRECTLY AND SUBSTANTIALLY AFFECT THE PROCEDURAL OR SUBSTANTIVE RIGHTS OR  
29                   DUTIES OF ANY SEGMENT OF THE PUBLIC.

30                   2. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT  
31                   RELATES TO ONLY THE PHYSICAL SERVICING, MAINTENANCE OR CARE OF DISTRICT OWNED  
32                   OR OPERATED FACILITIES OR PROPERTY.

1                   3. AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT RELATING  
2                   TO A DISTRICT CONTRACT."

3   Page 40, line 23, strike "and 11-1603" insert ", 11-1603 and 48-3643"

4   Line 24, strike "December 31, 2011" insert "June 30, 2012"

5   Amend title to conform

and, as so amended, it do pass

JUDY M. BURGES  
Chairman

1598-gov  
3/22/11  
H:jmb

1598sm.doc\*  
03/18/2011  
10:57 AM  
C: mo