

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – First Regular Session

COMMITTEE ON COMMERCE

Report of Regular Meeting
Wednesday, January 21, 2015
House Hearing Room 1 -- 9:30 a.m.

Convened 9:35 a.m.
Recessed
Reconvened
Adjourned 10:24 a.m.

Members Present

Mr. Espinoza
Mrs. Fernandez
Mr. Lawrence
Ms. Mach
Mr. Rivero
Mr. Shope
Mrs. Norgaard, Vice-Chairman
Mr. Petersen, Chairman

Members Absent

Request to Speak

Report – Attachments 1, 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Adoption of Committee Rules		3

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Roll Call)</u>
HB2120	DP	8-0-0-0	4, 5
HB2127	DP	8-0-0-0	6, 7



Heather Covert, Chairman Assistant
January 23, 2015

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Information Registered on the Request to Speak System

House Commerce (1/21/2015)

HB2127, board of technical registration; director

Support:

Don Isaacson, American Council Of Engineering Companies Of Arizona; Melissa Cornelius, AZ STATE BOARD OF TECHNICAL REGISTRATION; Gregory Harris, Arizona Board Of Technical Registration

All Comments:

Melissa Cornelius, AZ STATE BOARD OF TECHNICAL REGISTRATION: Available for questions; Gregory Harris, Arizona Board Of Technical Registration: Steve Moortel is also present to testify in support of the HB2127 on behalf of the Board.

HB2120, cosmetology board; director; licensing renewal

Support:

Nick Simonetta, State Board Of Cosmetology; donna aune, representing self

Oppose:

Elisha Dorfsmith, representing self; cynthia Dorfsmith, representing self

All Comments:

donna aune, Self: Board Director; Elisha Dorfsmith, Self: I support less fees and less licensing requirements...especially for cosmetology. Raising these fees is not the way to go.; cynthia Dorfsmith, Self: Doubling licensing fees to cosmetologists is adding an undue hardship on one work sector.

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on COMMERCE Bill Number 2127
Date 1/21 Support Oppose Neutral
Name BARBARA MORTON Need to Speak? Yes No
Representing BOARD OF TEA Are you a registered lobbyist? YES
Complete Address _____
E-mail Address SMOERTZ@OUTLAW Phone Number 602.885.1986
Comments: _____

FIVE-MINUTE SPEAKING LIMIT

Attachment 2



Arizona House of Representatives House Majority Research MEMORANDUM

Diana Clay
Director of Interns & Training
Senior Legislative Research Analyst
Committee on Commerce

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To: Members of the *Committee on Commerce*
Re: First Committee Hearing
Wednesday, January 21, 2015 (HHR 1 at 9:30 a.m.)
Date: January 19, 2015

The *Committee on Commerce* will meet on January 21, 2015, in House Hearing Room #1 to transact business as follows:

1. Adopt Committee Rules - House Rule 9 (C) requires each Standing Committee to adopt and file a copy of its rules of procedure in the Office of the Chief Clerk. [Attachment A] *Please note Rule 7, which stipulates: "*Any amendment over one page in length and any substantive amendment shall be printed and delivered to each committee member's office by 4:00 p.m. the day before the committee meeting at which it will be offered.*"
2. Appoint Committee of Reference (COR) - Title 41, Section 2954, Arizona Revised Statutes, requires each Standing Committee to appoint a five-member subcommittee to serve jointly as a Committee of Reference. [Attachment B] The Chairman will appoint the following Members to the COR:

House Commerce COR Members
Representative Warren Petersen, Chairman
Representative Jill Norgaard
Representative Tony Rivero
Representative Stefanie Mach
Representative Diego Espinoza
3. Bills noted on the Committee agenda
HB 2120 cosmetology board; director; licensing renewal
HB 2127 board of technical registration; director

If you need additional information or have questions, please contact my office.

COMMITTEE ON COMMERCE Standing Committee Rules

- RULE 1.** A majority of the members of the committee shall constitute a quorum. No official action may be taken unless a quorum is present in person at the time of taking such action.
- RULE 2.** The chairman sets the agenda and determines the order of measures.
- RULE 3.** The following motions are customary and in order relating to actions on measures:
1. Do pass
 2. Do pass as amended
 3. Return for consideration of the House
 4. Hold for further study
 5. Do not pass
 6. Be assigned to subcommittee for....
- RULE 4.** The affirmative vote of a majority of those voting is required to take any action.
- RULE 5.** On a roll call vote the names of committee members shall be called alphabetically by surname; except that the vice chairman and the chairman shall be called upon last. Each member present shall be allowed to pass on one call of the roll, and shall vote "yes" or "no" (aye, nay) or respond "present." Members may change their votes before the announcement of the results and members may explain their vote on any measure.
- RULE 6.** Whenever a measure is reported from the committee on a divided vote, any member may request a minority report.
- RULE 7.** Any amendment one page or over in length and any substantive amendment shall be printed and delivered to each committee member's office by 4:00 P.M. the day before the committee at which it will be offered.

In accordance with Rule 9 of the House *Rules*, the following House *Rules* are also incorporated into the Committee *Rules*:

- RULE 9(C).** Each Standing Committee shall adopt and file with the Chief Clerk's Office rules of procedure consistent with the House *Rules* and shall include the following:
1. With the exception of executive session ordered by a majority of the committee constituting a quorum, all committee meetings shall be open to the other members of the Legislature, the press and public so long as proper decorum is maintained.

2. All committees shall meet at regularly scheduled times and places unless canceled with the permission of the Speaker. In the absence of the chairman, the vice chairman shall preside. In the absence of both the chairman and vice chairman, some other committee member designated by the Speaker shall preside.
3. The committee chairman (presiding officer) other than the chairman of the Committee on Rules shall prepare an agenda and distribute copies to committee members, the Information Desk and the Chief Clerk's Office by 4:00 p.m. each Wednesday for all standing committees meeting on Monday of the following week and by 4:00 p.m. each Thursday for all standing committees meeting on any day except Monday of the following week. Except by unanimous consent of the committee, the committee chairman may add a legislative measure to a distributed agenda by distributing a revised agenda to committee members, the Information Desk and the Chief Clerk's Office no later than 4:00 p.m. on the second previous working day, excluding Saturdays, Sundays and holidays, before the committee meeting.
4. A bill not on the committee agenda shall be scheduled for discussion at the next subsequent committee meeting by a presentation of a petition containing the signatures of two-thirds or more of the committee members.
5. A roll call vote shall be taken in each standing committee when final action on any bill is voted.
6. Written committee minutes shall be filed with the Chief Clerk's Office within a reasonable time but no later than two weeks from time of completion of meetings. An audio recording of the meeting shall be open to public inspection in the Chief Clerk's Office three working days after the meeting. Attendance records of all committee meetings shall be filed with the Chief Clerk's Office within 24 hours from time of completion of meetings.
7. Special meetings may be called by the chairman but require permission of the Speaker and notice to members and the general public at the Information Desk by 4:00 p.m. on the previous day, except that the notice of a special meeting of the Committee on Rules may be given in open session prior to the meeting and does not require the Speaker's permission.

RULE 9 (E). No committee other than the Committee on Rules shall meet while the House is meeting in session without special permission of the Speaker.

THE SUNSET REVIEW PROCESS

Agency Nears Termination Date



**JLAC Assigns Agency to
COMMITTEE of REFERENCE**



**AUDITOR GENERAL or COMMITTEE of REFERENCE
Conducts Performance Audit**



**COMMITTEE of REFERENCE
Holds PUBLIC HEARING**



**Adopts FINAL REPORT
With Recommendation for State Agency to:**



**CONTINUE
REVISE
CONSOLIDATE or TERMINATE**



**Results in
LEGISLATION**

SUNSET REVIEW PROCESS

Title 41, Chapter 27, Arizona Revised Statutes

AUDITORS:

- *Auditor General* - conducts a performance audit and submits a report, or
- *Committee of Reference* - requests specific information from the agency.

PURPOSE:

- ◆ To determine the actual need for the agency
- ◆ To determine the extent to which the agency is meeting its statutory requirements.
- ◆ To receive public testimony
- ◆ To receive testimony from the executive director or other agency head as to the reasons for the continuation of the agency.

RECOMMENDATION:

- ◆ A recommendation to the full Legislature to:
 - Continue
 - Revise
 - Consolidate
 - Terminate

LEGISLATION:

- ◆ Staff directs Legislative Council to open a folder.



HOUSE OF REPRESENTATIVES

HB 2120

cosmetology board; director; licensing renewal

Sponsors: Representative Gowan

X Committee on Commerce

Caucus and COW

House Engrossed

OVERVIEW

HB 2120 modifies the employment requirements for the Executive Director of the Arizona State Board of Cosmetology. Establishes a two year, rather than an annual license renewal.

HISTORY

The Arizona State Board of Cosmetology (Board) is mandated in Title 32, Chapter 5, Arizona Revised Statutes (A.R.S.) to protect the public through the licensure and regulation of the cosmetology industry, including salons and schools. The Board currently issues 12 categories of licenses to qualified applicants.

A.R.S. § 32-502 outlines the appointment, qualifications and terms of office for members of the Board, which consists of seven members appointed by the Governor to three-year terms. A.R.S. § 32-503 requires the Board to hold at least one monthly meeting and annually elect from its membership a chairman, vice-chairman, and secretary-treasurer. The Board is also authorized to employ: an executive director; an examination supervisor; examiners; staff to provide investigative, professional and clerical assistance; other necessary personnel. Current law requires the executive director to be a licensed cosmetologist for at least one of the five years immediately preceding employment.

A.R.S. § 32-517 requires cosmetologists, aestheticians and nail technicians to annually submit license renewals, along with the appropriate fee, and A.R.S. § 32-535 sets these same requirements for instructors.

PROVISIONS

1. Eliminates the requirement for the Executive Director to be a licensed cosmetologist for any specified amount of time prior to employment.
2. Changes the license renewal timeframe for cosmetologists, aestheticians, nail technicians and instructors from annual to biennial renewal and conforms the fee structure to the new 2-year cycle.
3. Makes technical, grammatical and conforming changes.



HOUSE OF REPRESENTATIVES

HB 2127

board of technical registration; director

Sponsors: Representatives Mitchell, Petersen; Senator Allen, et al.

X Committee on Commerce

Caucus and COW

House Engrossed

OVERVIEW

HB 2127 permits the Arizona Board of Technical Registration (Board) to delegate authority to the Board's Executive Director to issue registrations and certifications to qualified applicants. Modifies the process when a person's application is denied.

HISTORY

The Board consists of nine members appointed by the governor to three year terms. The Board regulates professions and occupations that include architects, assayers, engineers, geologists, land surveyors, landscape architects, alarm businesses/agents, drug laboratory site remediation firms, home inspectors and certified remediation specialists.

Among its many powers and duties, the Board adopts administrative rules to conduct its meetings, consider the applications from those it regulates, conduct examinations and training (except for alarm agents/businesses), hear and decide complaints and the associated charges or direct them to an administrative law judge for resolution. Additionally, the Board may employ an executive director to handle investigations, manage the agency, and perform other duties as prescribed by the Board.

A.R.S. § 32-123 outlines the application process for any person qualified to practice a profession or occupation regulated by the Board. A person must submit an application under penalty of perjury, accompanied by the proper fee. If the Board determines the person meets all specified requirements, the Board issues the appropriate registration or certification. The Board may request additional data, or require the applicant to take oral or written examinations as noted in its rules. If an application is denied, a person is entitled to a refund, minus any administrative costs to consider the application.

PROVISIONS

1. Enables the Board to delegate authority to its Executive Director to act on certain registrations and certifications, if the applicant submits satisfactory evidence qualifying the person to practice in the profession or occupation.
2. Conforms language to permit the Executive Director to issue registrations or certifications and perform duties as delegated and authorized by the Board.
3. Directs the applicant to request a formal administrative hearing if an application is denied.

