PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2265
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

"Section 1. Section 32-106, Arizona Revised Statutes, is amended to read:

32-106. Powers and duties
A. The board shall:
1. Adopt rules for the conduct of its meetings and performance of duties imposed upon it by law.
2. Adopt an official seal for attestation of certificates of registration and other official papers and documents.
3. Consider and pass upon applications for registration or certification.
4. Conduct examinations for in-training and professional registration except for an alarm business, a CONTROLLING PERSON or an alarm agent.
5. Hear and pass upon complaints or charges or direct an administrative law judge to hear and pass on complaints and charges.
6. Compel attendance of witnesses, administer oaths and take testimony concerning all matters coming within its jurisdiction. In exercising these powers, the board may issue subpoenas for the attendance of witnesses and the production of books, records, documents and other evidence it deems relevant to an investigation or hearing.
7. Keep a record of its proceedings.
8. Keep a register which shall show the date of each application for registration or certification, the name of the applicant, the practice or branch of practice in which the applicant has applied for registration, if applicable, and the disposition of the application.
9. Do other things necessary to carry out the purposes of this chapter."
B. The board shall specify the proficiency designation in the branch of engineering in which the applicant has designated proficiency on the certificate of registration and renewal card issued to each registered engineer and shall authorize the engineer to use the title of registered professional engineer. The board shall decide what branches of engineering it shall recognize.

C. The board may hold membership in and be represented at national councils or organizations of proficiencies registered under this chapter and may pay the appropriate membership fees. The board may conduct standard examinations on behalf of national councils and may establish fees for those examinations.

D. The board may employ and pay on a fee basis persons, including full-time employees of a state institution, bureau or department, to prepare and grade examinations given to applicants for registration and may fix the fee to be paid for these services. These employees are authorized to prepare, grade and monitor examinations and perform other services the board authorizes, and to receive payment for these services from the technical registration fund. The board may contract with an organization to administer the registration examination, including selecting the test site, scheduling the examination, billing and collecting the fee directly from the applicant and grading the examination if a national council of which the board is a member or a professional association approved by the board does not provide these services. If a national council of which the board is a member or a professional association approved by the board does provide these services, the board shall enter into an agreement with the national council or professional association to administer the registration examination.

E. The board may rent necessary office space and pay the cost of this office space from the technical registration fund.

F. The board may adopt rules establishing rules of professional conduct for registrants.

G. The board may require evidence it deems necessary to establish the continuing competency of registrants as a condition of renewal of licenses.
H. Subject to title 41, chapter 4, article 4, the board may employ persons as it deems necessary.

I. The board shall issue a certificate and renewal card to each drug laboratory site remediation firm, remediation supervisor and on-site worker.

J. The board shall issue or may authorize the executive director to issue a certificate or renewal certificate to each alarm business AND EACH CONTROLLING PERSON and a certification or renewal certification card to each alarm agent if the qualifications prescribed by this chapter are met.

Sec. 2. Section 32-121, Arizona Revised Statutes, is amended to read:

32-121. Certificate or registration required for practice

Except as otherwise provided in this section, a person or firm desiring to practice any board-regulated profession or occupation shall first secure a certificate or registration and shall comply with all the conditions prescribed in this chapter. An alarm business or an alarm agent may install alarms as follows IF ALL OF THE FOLLOWING APPLY:

1. The alarm business has submitted an application for certification pursuant to section 32-122.05 or is a licensed contractor pursuant to chapter 10 of this title.

2. EACH CONTROLLING PERSON HAS SUBMITTED AN APPLICATION AND PROOF OF A VALID FINGERPRINT CLEARANCE CARD TO THE BOARD PURSUANT TO SECTION 32-122.05.

3. The alarm agent has submitted an application and fingerprints PROOF OF A VALID FINGERPRINT CLEARANCE CARD to the board pursuant to section 32-122.06.

Sec. 3. Section 32-122.05, Arizona Revised Statutes, is amended to read:

32-122.05. Certification of alarm businesses and controlling persons; applications; fingerprinting; fee; renewal

A. Beginning May 1, 2013, the board shall issue certificates to alarm businesses and alarm agents. Beginning October 1, 2013, A person shall not operate an alarm business unless the person obtains an alarm business certificate from the board. A separate certificate is required for each business name under which an alarm business conducts business or advertises, except that one certificate may be used for two businesses with the same
ownership. To obtain an alarm business certificate, each controlling person of the alarm business shall submit a completed fingerprint card and a fingerprint background check fee to the board. On receipt of the application and each year thereafter on the anniversary of the initial certification for as long as the alarm business is certified, the board shall submit the fingerprints of each controlling person to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. Each controlling person of the alarm business shall submit a fingerprint background check fee to the board annually on the anniversary of the initial certification of the alarm business. The board shall keep and maintain the fingerprint card for as long as the person is the controlling person of the alarm business. AN APPLICATION TO THE BOARD FOR AN ALARM BUSINESS CERTIFICATE AND FOR A CONTROLLING PERSON CERTIFICATE. EACH CONTROLLING PERSON SHALL PROVIDE PROOF OF A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1. All alarm business certificates AND CONTROLLING PERSON CERTIFICATES issued pursuant to this article are valid for two years from the date of issuance.

B. A person shall submit an application for an alarm business certificate or renewal of the certificate to the board. The application FOR AN ALARM BUSINESS CERTIFICATE AND FOR A CONTROLLING PERSON CERTIFICATE shall include:

1. The name, business address, mailing address and telephone number of the alarm business. If the applicant is a corporation, general or limited partnership, limited liability company or other legal entity, the applicant shall state the name of the applicant ALARM BUSINESS exactly as shown in its articles of incorporation, charter, certificate of limited partnership, articles of organization or other organizational documents, as applicable, together with the state and date of incorporation and the names NAME, residence addresses ADDRESS and dates DATE of birth of each controlling person. If one or more of the partners, members or shareholders of the
applicant is a corporation or other legal entity, the provisions of this subsection relating to information required of a corporation apply.

2. If the applicant ALARM BUSINESS is a corporation, general or limited partnership, limited liability company or other legal entity, designation of one of its designated controlling persons to have full authority and act as principal. The designated person CONTROLLING PERSONS shall complete and sign all application forms required of an individual alarm agent applicant under this article. The applicant ALARM BUSINESS shall also provide a copy of the corporation, partnership or limited liability company formation documents.

3. The name of the applicant ALARM BUSINESS and each controlling person, any alias or other name used or by which the applicant ALARM BUSINESS or any controlling person has been previously known, AND the applicant's current residence and business addresses, telephone numbers, including fax numbers, and electronic-mail E-MAIL addresses OF EACH ALARM BUSINESS AND EACH CONTROLLING PERSON.

4. The names and addresses of the alarm agents who are employed by the alarm business.

5. Proof that the applicant PERSON SUBMITTING THE APPLICATION and each controlling person are at least eighteen years of age as indicated on a current driver license or other picture identification document that is issued by a governmental agency.

6. Two current two-inch by two-inch photographs of the applicant EACH CONTROLLING PERSON.

7. Information as to whether the applicant or any controlling person, or the business on behalf of which the certificate is being applied for, has ever been refused or denied any similar registration, certificate, license or permit or has had any similar license or permit revoked, canceled or suspended and the reason or reasons for the revocation, cancellation or suspension.

8. WHETHER THE PERSON SUBMITTING THE APPLICATION OR ANY CONTROLLING PERSON HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR.
Senate Amendments to H.B. 2265

C. In addition to the application requirements prescribed in subsection B of this section, an applicant for an alarm business certificate AND AN APPLICANT FOR A CONTROLLING PERSON CERTIFICATE shall pay a fee as determined by the board.

D. An applicant for an INITIAL alarm business certificate OR AN INITIAL CONTROLLING PERSON CERTIFICATE or an applicant for a renewal of an alarm business certificate OR A CONTROLLING PERSON CERTIFICATE shall notify the board, in writing, of any change in the information contained in the certificate application or renewal application. The applicant shall notify the board within fifteen calendar days after the occurrence of the change.

E. An alarm business AND EACH CONTROLLING PERSON shall file an application for a certificate renewal with the board no later than fourteen days before the expiration of the certificate that is currently in effect. If a certificate expires without the alarm business OR CONTROLLING PERSONS having submitted a timely application for renewal, the holder of the expired certificate shall file a new application for an initial certificate.

Sec. 4. Section 32-122.06, Arizona Revised Statutes, is amended to read:

32-122.06. Certification of alarm agents; fingerprinting; fee

A. Each alarm agent shall apply for an alarm agent certification and a renewal certification card from the board. The board shall issue or deny an alarm agent certification card or a renewal certification card within ten business days after receiving the application. All alarm agent certificates issued pursuant to this article are valid for two years from the date of issuance.

B. In order to obtain an alarm agent certificate, a person shall submit an application and pay a fee as determined by the board. The person shall submit a completed fingerprint card and a fingerprint background check fee PROVIDE to the board EVIDENCE OF A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1. On receipt of the application and each year thereafter on the anniversary of the initial certification for as long as the person is an alarm agent, the board shall submit the alarm agent's fingerprints to the department of public safety for
the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. VERIFY WITH the department of public safety may exchange this fingerprint data with the federal bureau of investigation THE STATUS OF THE ALARM AGENT'S FINGERPRINT CLEARANCE CARD. This subsection does not apply if the alarm agent is also the controlling person and has complied with section 32-122.05. For as long as the person is an alarm agent:

1. The person shall submit a fingerprint background check fee to the board annually on the anniversary of the person's initial certification.

2. The board shall keep and maintain the fingerprint card. AN ALARM AGENT CERTIFICATE REMAINS VALID ONLY IF THE PERSON MAINTAINS A VALID FINGERPRINT CLEARANCE CARD.

C. A person shall apply for an alarm agent certificate within five working days after being employed by an alarm business. A person may not work as an alarm agent until the application is processed and approved unless THE PERSON IS under the direct supervision of a certified alarm agent.

D. An alarm agent shall physically possess the agent's alarm agent certification card when performing or authorizing the performance of any task pursuant to this chapter.

E. An alarm agent certificate card becomes the personal property of the person to whom it is issued. The person shall retain possession of the card."

Amend title to conform