

PETERSEN SUBSTITUTE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2613

I move the following SUBSTITUTE amendment to the COMMERCE Committee Amendment to HOUSE BILL 2613 (Reference to printed bill)

1 Page 5, strike lines 23 through 45

2 Strike pages 6 through 19

3 Page 20, strike lines 1 through 25

4 Renumber to conform

5 Line 29, after the last comma insert "GEOLOGISTS,"

6 Line 30, after "INSPECTORS" insert ", LANDSCAPE ARCHITECTS"

7 Page 23, line 31, strike "21" insert "24"

8 Page 24, strike lines 15 through 39, insert:

9 ~~"20-~~ 17. "Geological practice" means any professional service or work
10 requiring geological education, training and experience, and the application
11 of special knowledge of the earth sciences to such professional services as
12 consultation, evaluation of mining properties, petroleum properties and
13 groundwater resources, professional supervision of exploration for mineral
14 natural resources, including metallic and nonmetallic ores, petroleum and
15 groundwater, and the geological phases of engineering investigations.

16 ~~21-~~ 18. "Geologist" means a person, not of necessity an engineer, who
17 by reason of special knowledge of the earth sciences and the principles and
18 methods of search for and appraisal of mineral or other natural resources
19 acquired by professional education and practical experience is qualified to
20 practice geology as attested by registration as a professional geologist. A
21 person employed on a full-time basis as a geologist by an employer engaged in

1 the business of developing, mining or treating ores and other minerals shall
2 not be deemed to be engaged in geological practice for the purposes of this
3 chapter if the person engages in geological practice exclusively for and as
4 an employee of such employer and does not represent that the person is
5 available and is not represented as being available to perform any geological
6 services for persons other than the person's employer.

7 ~~22.~~ 19. "Geologist-in-training" means a candidate for registration as
8 a professional geologist who is a graduate of a school approved by the board
9 or who has ~~had~~ four years or more of education or experience, or both, in
10 geological work ~~which~~ THAT meets standards specified by the board in its
11 rules. In addition, the candidate shall have passed the
12 geologist-in-training examination."

13 Renumber to conform

14 Page 26, strike lines 15 through 39, insert:

15 ~~30.~~ 27. "Landscape architect" means a person who, by reason of
16 professional education or practical experience, or both, is qualified to
17 engage in the practice of landscape architecture as attested by registration
18 as a landscape architect.

19 ~~31.~~ 28. "Landscape architect-in-training" means a candidate for
20 registration as a professional landscape architect who is a graduate of a
21 school approved by the board or who has ~~had~~ four years or more of education
22 or experience, or both, in landscape architectural work ~~which~~ THAT meets
23 standards specified by the board in its rules. In addition, the candidate
24 shall have passed the landscape architect-in-training examination.

25 ~~32.~~ 29. "Landscape architectural practice" means the performance of
26 professional services such as consultations, investigation, reconnaissance,
27 research, planning, design or responsible supervision in connection with the
28 development of land and incidental water areas where, and to the extent that,
29 the dominant purpose of such services is the preservation, enhancement or
30 determination of proper land uses, natural land features, ground cover and
31 planting, naturalistic and aesthetic values, the settings of and approaches
32 to buildings, structures, facilities or other improvements, natural drainage

1 and the consideration and the determination of inherent problems of the land
2 relating to erosion, wear and tear, light or other hazards. This practice
3 shall include the location and arrangement of such tangible objects and
4 features as are incidental and necessary to the purposes outlined in this
5 paragraph but shall not include the making of cadastral surveys or final land
6 plats for official recording or approval, nor mandatorily include planning
7 for governmental subdivisions."

8 Renumber to conform

9 Page 27, strike lines 23 and 24, insert:

10 "3. One public member.

11 4. One landscape architect."

12 Line 25, strike "~~5. One geologist~~" insert "5. One geologist."

13 Renumber to conform

14 Line 40, strike "~~geologist,~~" insert "A geologist,"; strike "~~a landscape~~"

15 Line 41, strike "~~architect,~~" insert "a landscape architect,"

16 Page 28, strike lines 1 through 26

17 Renumber to conform

18 Line 29, strike "OR"

19 Line 30, strike "~~, geologist or landscape architect~~" insert ", geologist or
20 landscape architect"

21 Page 29, line 11, strike "~~, OR~~" insert a comma

22 Line 12, strike "~~, geologist or landscape architect~~" insert ", geologist or
23 landscape architect"

24 Line 27, strike "~~,~~" insert a comma

25 Line 28, strike "OR"; strike "~~, geological or landscape architectural~~" insert
26 ", geological or landscape architectural"

27 Line 30, strike "~~, OR~~" insert a comma; after "engineering" strike "~~,~~" insert a
28 comma

29 Line 31, strike "~~geological or landscape architectural~~" insert "geological or
30 landscape architectural"

1 Page 30, between lines 7 and 8, insert:

2 "Sec. 12. Title 32, chapter 1, article 2, Arizona Revised Statutes, is
3 amended by adding section 32-132, to read:

4 32-132. Assayer emeritus status

5 THE BOARD SHALL GRANT ASSAYER EMERITUS STATUS TO AN ASSAYER WHO IS
6 REGISTERED BY THE BOARD PURSUANT TO THIS CHAPTER ON THE EFFECTIVE DATE OF
7 THIS SECTION IF BOTH OF THE FOLLOWING APPLY:

8 1. THE ASSAYER HAS NOT RECEIVED ANY COMPLAINTS DURING THE ASSAYER'S
9 ACTIVE REGISTRATION.

10 2. THE ASSAYER ANALYZES METALS, ORES, MINERALS OR ALLOYS TO ASCERTAIN
11 THE QUANTITY OF GOLD OR SILVER OR ANY OTHER SUBSTANCE PRESENT IN THE METALS,
12 ORES, MINERALS OR ALLOYS."

13 Renumber to conform

14 Line 12, strike "~~, geology,~~"

15 Line 13, strike "~~landscape—architecture~~" insert ", geology, landscape
16 architecture"

17 Strike lines 23 through 44

18 Strike pages 31 through 43

19 Page 44, strike lines 1 through 7

20 Renumber to conform

21 Between lines 7 and 8, insert:

22 "Sec. 14. Section 32-144, Arizona Revised Statutes, is amended to
23 read:

24 32-144. Exemptions and limitations

25 A. Professions and occupations regulated by the board may be practiced
26 without compliance with the requirements of this chapter by:

27 1. An officer or employee of the United States, practicing as such.

28 2. An employee of a registrant or of a person exempt from
29 registration, if such employment does not involve direct responsibility for
30 design, inspection or supervision.

31 3. A nonregistrant who designs, alters or adds to either of the
32 following:

1 (a) A detached single family dwelling.

2 (b) An individual unit in a multifamily dwelling if the walls that are
3 designed, altered or added in the unit are not bearing walls, shear walls or
4 firewalls, which shall be determined by a registrant following an evaluation
5 of the walls to be designed, altered or added.

6 4. A nonregistrant who designs a one or two story building or
7 structure in which the square footage of the floor area measured to the
8 outside surface of the exterior walls does not exceed three thousand square
9 feet, that is not intended for occupancy by more than twenty persons on a
10 continuous basis and in which the maximum span of any structural member does
11 not exceed twenty feet unless a greater span is achieved by the use of wood
12 or steel roof or floor trusses or lintels approved by an engineer registered
13 by the board.

14 5. A nonregistrant who designs additions or alterations to a one or
15 two story building or structure subject to the limitations set forth in
16 paragraph 4 of this subsection. A nonregistrant may exceed the maximum three
17 thousand square foot limitation set forth in paragraph 4 of this subsection
18 for a one-time single addition not exceeding one thousand five hundred square
19 feet as measured to the outside surface of the exterior walls and designed
20 for the purpose of storage of chattels.

21 6. A nonregistrant who designs a water or wastewater treatment plant,
22 or extensions, additions, modifications or revisions, or extensions to water
23 distribution or collection systems, if the total cost of such construction
24 does not exceed twelve thousand five hundred dollars.

25 7. A nonregistrant who designs buildings or structures to be erected
26 on property owned or leased by the nonregistrant or by a person, firm or
27 corporation, including a utility, telephone, mining or railroad company,
28 which employs the nonregistrant on a full-time basis, if the buildings or
29 structures are intended solely for the use of the owner or lessee of the
30 property, are not ordinarily occupied by more than twenty people, are not for
31 sale to, rental to or use by the public and conform to the building code

1 adopted by the city, town or county in which the building is to be erected or
2 altered.

3 8. A nonregistrant who provides horticultural consultations or
4 prepares planting plans for plant installations.

5 B. A registrant who performs any of the activities described in
6 subsection A, paragraphs 3 through 8 of this section is subject to the
7 requirements of this chapter.

8 C. The requirements of this chapter shall not apply to work done by
9 any communications common carrier or its affiliates or any public service
10 corporation or manufacturing industry or by full-time employees of any of
11 them, provided such work is in connection with or incidental to the products,
12 systems or nonengineering services of such communications common carrier or
13 its affiliates or public service corporation or manufacturing industry, and
14 provided that the engineering service is not offered directly to the public.

15 D. An individual shall not perform home inspections unless the
16 individual is certified as a home inspector pursuant to this chapter, except
17 that nothing in this chapter prevents:

18 1. A person who is licensed, certified or registered pursuant to this
19 chapter or another chapter in this title from acting within the scope of the
20 person's license, certification or registration.

21 2. A person who is employed by a governmental entity from inspecting
22 residential structures if the inspection is within official duties and
23 responsibilities.

24 3. A person from performing a home inspection if the inspection will
25 be used solely by a bank, savings and loan association or credit union to
26 monitor progress on the construction of a residential structure, unless
27 otherwise required by federal law or regulation.

28 4. A person who is employed as a property manager for a residential
29 structure and whose official duties and responsibilities include inspecting
30 the residential structure from performing a home inspection on the structure
31 if the person does not receive separate compensation for the inspection work.

1 E. No person including a person described in subsection D of this
2 section may use any letterhead, advertisement, communication or other device
3 to represent that the person is a home inspector unless the person is
4 certified as a home inspector pursuant to this chapter.

5 F. A GEOLOGIST MAY ENGAGE IN A GEOLOGICAL PRACTICE WITHOUT BEING
6 REGISTERED UNDER THIS CHAPTER.

7 Sec. 15. Section 32-1301, Arizona Revised Statutes, is amended to
8 read:

9 32-1301. Definitions

10 In this chapter, unless the context otherwise requires:

11 1. "Accredited" means recognized or authorized by the American board
12 of funeral service education.

13 2. "Administrative costs and expenses" means the cost of copies,
14 transcripts, court reporter and witness fees, reimbursement for mileage and
15 office of administrative hearings costs.

16 3. "Alternative container" means any unfinished wood box or other
17 nonmetal receptacle or enclosure, without ornamentation or a fixed interior
18 lining, that is designed for the encasement of human remains.

19 4. "Authorizing agent" means a person who is legally entitled to order
20 the cremation, disinterment or embalming of human remains pursuant to section
21 32-1365.02.

22 5. "Beneficiary" means a person whose future funeral arrangements will
23 be handled by a funeral establishment pursuant to a prearranged funeral
24 agreement.

25 6. "Board" means the state board of funeral directors and embalmers.

26 7. "Business entity" includes any corporation, association, limited
27 liability company, professional corporation, partnership, limited
28 partnership, sole proprietorship, business trust, trust, joint venture and
29 other business entity.

30 8. "Casket" means a rigid container that is designed for the permanent
31 encasement of human remains and that is usually constructed of wood, metal or
32 synthetic substances and ornamented and lined with fabric.

1 9. "Change of ownership" means a transfer of a controlling legal or
2 equitable interest in a licensed funeral establishment or crematory resulting
3 from a sale or merger. If the establishment or crematory is operated by a
4 business entity, any transfer of the ownership of ten ~~per-cent~~ PERCENT or
5 more of the entity constitutes a change of ownership.

6 10. "Conviction" means a criminal adjudication or conviction by any
7 state or federal court of competent jurisdiction, including a judgment based
8 on a no contest plea, without regard to whether civil rights have been
9 restored.

10 11. "Cremated remains" means the remaining bone fragments after
11 cremation.

12 12. "Cremation" means the heating process that reduces human remains to
13 bone fragments by combustion and evaporation.

14 13. "Cremation container" means a leak and spill resistant, rigid,
15 combustible, closed receptacle into which human remains are placed before
16 cremation.

17 14. "Cremationist" means a person who operates a crematory retort, who
18 performs the actual cremation of human remains and who ~~is~~ MAY BE licensed
19 pursuant to article 6 of this chapter.

20 15. "Crematory" means a building or portion of a building that is
21 licensed pursuant to article 6 of this chapter and that houses a retort in
22 which only human remains are cremated.

23 16. "Disciplinary action" means action taken by the board to revoke or
24 suspend a license or registration, to impose probationary requirements or
25 civil penalties or to issue a letter of censure or reprimand to any person
26 who is subject to this chapter and who violates any provision of this chapter
27 or rules adopted by the board.

28 17. "Embalmer" means a person who is licensed pursuant to this chapter
29 and who is engaged in embalming.

30 18. "Embalmer's assistant" means a person who is registered pursuant to
31 this chapter and who is engaged in embalming without the supervision of a
32 licensed embalmer.

1 19. "Embalming" means the implementation of reconstructive procedures
2 and the process of disinfecting and preserving a dead human body to retard
3 organic decomposition by treating the body to reduce the presence and growth
4 of organisms.

5 20. "Financial institution" means a bank, savings and loan association,
6 trust company or credit union that is lawfully doing business in this state
7 and that is not affiliated with a funeral establishment.

8 21. "Fixed price prearranged funeral agreement funded by trust" means
9 any agreement or combination of agreements that establishes a fixed price for
10 funeral goods and services, that requires a funeral establishment to provide
11 those funeral goods and services at the price levels in effect at the time of
12 the execution of the agreement and that requires the purchaser to convey all
13 or a portion of the accrued interest to the funeral establishment at the time
14 that the funeral goods and services are actually provided.

15 22. "Funded by insurance" means that monies for a prearranged funeral
16 agreement are paid directly to an insurance company licensed pursuant to
17 title 20 on behalf of the beneficiary of the agreement.

18 23. "Funeral directing" means arranging, directing or providing a
19 service in the disposition of dead human bodies for compensation.

20 24. "Funeral director" means a person who is licensed pursuant to this
21 chapter and who is engaged in funeral directing.

22 25. "Funeral establishment" means a business at a specific location
23 that is licensed pursuant to this chapter and that is devoted to the care,
24 storage or preparation for final disposition or transportation of dead human
25 bodies.

26 26. "Funeral goods and services" means any personal property or
27 services typically sold or provided in connection with the final disposition
28 of human remains, including caskets, alternative containers, outer burial
29 containers, cremation containers, transportation containers, funeral clothing
30 or accessories, monuments, grave markers, urns, embalming services, funeral
31 directing services and similar funeral or burial items. Funeral goods and
32 services do not include goods and services sold by cemeteries.

1 27. "Good moral character" means that a person:

2 (a) Has not been convicted of a class 1 or 2 felony by a court of
3 competent jurisdiction.

4 (b) Has not, within five years of application for licensure or
5 registration, been convicted of a felony or misdemeanor if the offense has a
6 reasonable relationship to the person's proposed area of licensure or
7 registration.

8 (c) Has not, within five years of application for licensure or
9 registration, committed any act involving dishonesty, fraud,
10 misrepresentation, breach of fiduciary duty, gross negligence or incompetence
11 if the act has a reasonable relationship to the person's proposed area of
12 licensure or registration.

13 (d) Is not currently incarcerated in or on community supervision after
14 a period of imprisonment in a local, state or federal penal institution or on
15 criminal probation.

16 (e) Has not engaged in fraud or misrepresentation in connection with
17 an application for licensure or registration under this chapter or an
18 examination required for licensure or registration.

19 (f) Has not, within five years of application for licensure or
20 registration, had a license, registration or endorsement revoked or suspended
21 by the board or by the funeral services licensing authority of any other
22 jurisdiction.

23 (g) Has not surrendered a license, registration or endorsement to the
24 board or the funeral licensing authority of any other jurisdiction in lieu of
25 disciplinary action.

26 (h) Has not practiced funeral directing or embalming without a license
27 in this state or any other jurisdiction that requires licensure to perform
28 these activities.

29 28. "Holding facility" means a designated area for the retention of
30 human remains.

31 29. "Human remains" means a lifeless human body or parts of a human
32 body that permit a reasonable inference that death occurred.

1 30. "Intern" means a person who is licensed pursuant to this chapter
2 and who is engaged in embalming under the supervision of a licensed embalmer.

3 31. "Intern trainee" means a person who intends to enter training as an
4 intern and who is temporarily employed by a funeral establishment.

5 32. "License" means a written authorization that is issued by the board
6 and that entitles a person to act as a funeral director, embalmer or intern
7 or to operate a funeral establishment or crematory in this state.

8 33. "Licensee" means a person to whom the board has issued a license to
9 act as a funeral director, embalmer or intern or to operate a funeral
10 establishment or crematory in this state.

11 34. "Manage" means:

12 (a) ~~For~~ THAT a responsible funeral director ~~to-exercise~~ EXERCISES
13 control and oversight over all employees of a funeral establishment and over
14 funeral transactions, including the care of dead human bodies, funeral
15 services and activities and the documentation and retention of records.

16 (b) ~~For~~ THAT a responsible cremationist ~~to-exercise~~ EXERCISES control
17 and oversight over all employees of a crematory and crematory operations.

18 35. "National board examination" means the test or tests given by the
19 conference of funeral service examining boards to determine the entry level
20 knowledge and skills of a person regarding funeral directing and embalming.

21 36. "Net interest" means interest earned on a prearranged funeral trust
22 account less applicable taxes, reasonable and necessary charges made by the
23 financial institution and the annual service fee permitted to be deducted by
24 the funeral establishment according to section 32-1391.06, subsection B.

25 37. "Outer burial container" means a container that is designed for
26 placement in a grave around a casket, including burial vaults, grave boxes
27 and grave liners.

28 38. "Owner" means a person who owns ten ~~per-cent~~ PERCENT or more of a
29 business entity. Owner does not include shareholders of companies who have a
30 class of common equity stock listed or authorized to be listed on the New
31 York stock exchange or the American stock exchange or listed on the NASDAQ
32 stock market.

1 39. "Person legally responsible" means the person responsible for
2 burying a dead body as determined in section 36-831.

3 40. "Prearranged funeral agreement" means any agreement or combination
4 of agreements under which a payment is made before the death of the intended
5 beneficiary for funeral goods and services to be delivered or performed after
6 the death of the beneficiary.

7 41. "Prearranged funeral trust account" means a trust account that is
8 established at a financial institution and into which all monies paid on
9 behalf of a beneficiary pursuant to a prearranged funeral agreement are
10 deposited.

11 42. "Preparation" means washing, shaving, dressing or arranging hair
12 on, applying cosmetics to or positioning bodily features on a dead human body
13 and placing a dead human body in a casket.

14 43. "Processed cremated remains" means cremated remains after they are
15 pulverized and cleaned, leaving primarily small bone fragments.

16 44. "Provisionally accredited" means granted candidacy status by the
17 American board of funeral service education.

18 45. "Registration" means a written authorization that is issued by the
19 board and that entitles a person to act as an assistant funeral director, an
20 embalmer's assistant or a prearranged funeral salesperson in this state.

21 46. "Responsible cremationist" means a licensed cremationist who
22 manages a crematory.

23 47. "Responsible funeral director" means a person who is licensed
24 pursuant to this chapter, who is engaged in funeral directing and who manages
25 and is accountable for a funeral establishment.

26 48. "Retort" means an enclosed space within which cremation takes
27 place.

28 49. "State equivalent examination" means the test or tests provided by
29 the conference of funeral service examining boards and offered by the board
30 to determine the entry level knowledge and skills of a person regarding
31 funeral directing and embalming.

1 50. "Supervise" or "supervision" means a licensed embalmer has
2 responsibility for and is within sight and sound of a licensed intern who is
3 embalming a dead human body or a student who is assisting in embalming a dead
4 human body.

5 51. "Temporary container" means a receptacle that is usually made of
6 cardboard, rigid plastic or another similar material and that is designed to
7 hold processed cremated remains until they are placed in an urn or another
8 permanent container.

9 52. "Trust funds" means all monies deposited on behalf of a beneficiary
10 of a prearranged funeral agreement funded by trust and all accrued net
11 interest. Trust funds shall be considered an account kept in suspense until
12 distributed to the beneficiary, the funeral establishment or the estate of
13 the beneficiary in accordance with this article.

14 53. "Universal precautions" means the universal blood and fluid
15 precautions recommended by the centers for disease control of the United
16 States public health service to prevent the transmission of ~~blood-borne~~
17 **BLOODBORNE** and bodily fluid-borne infectious diseases.

18 54. "Unprofessional conduct" includes the following acts, whether
19 occurring in this state or elsewhere:

20 (a) Commission of a class 1 or 2 felony.

21 (b) Commission of a felony or misdemeanor if the offense has a
22 reasonable relationship to funeral directing or embalming. Conviction by any
23 court of competent jurisdiction or a plea of no contest is conclusive
24 evidence of the commission.

25 (c) Providing false, misleading or deceptive information on an
26 application for licensure or registration pursuant to this chapter or on an
27 examination required for licensure or registration.

28 (d) Bribing or offering to bribe, directly or indirectly, a member of
29 the board to influence the member's actions in the performance of the
30 member's duties.

1 (e) Wilfully interfering with an embalmer, funeral director or
2 cremationist who has lawful custody of a dead human body in the performance
3 of the embalmer's, funeral director's or cremationist's duty to embalm or
4 prepare the body for burial, transportation or cremation.

5 (f) Paying or causing money or other valuable consideration to be paid
6 to a person, other than an employee of a funeral establishment, to secure
7 business regulated pursuant to this chapter from or through the person.

8 (g) Violating any law of this state or any rule adopted by the
9 department of health services that relates to the embalming or preparation of
10 dead human bodies.

11 (h) Certifying falsely to having embalmed or prepared a dead human
12 body that was embalmed by a person other than a licensed embalmer making the
13 certification or an intern under the supervision of a licensed embalmer
14 making the certification.

15 (i) Falsely advertising or labeling any service or merchandise with
16 the intention of deceiving the public.

17 (j) Shipping or delivering any merchandise or supplies that are not
18 the substantial equivalent of or superior in quality to merchandise or
19 supplies previously presented to the purchaser as samples.

20 (k) Committing any act involving dishonesty, fraud, misrepresentation,
21 breach of fiduciary duty, gross negligence or incompetence if the act has a
22 reasonable relationship to funeral directing or embalming.

23 (l) Engaging in any conduct or practice that is reasonably related to
24 funeral directing or embalming and that is or may be harmful or dangerous to
25 the health, safety or welfare of the public.

26 (m) Within a period of five years, having a license, registration or
27 endorsement suspended or revoked by the board or by the funeral services
28 licensing authority of any other jurisdiction or surrendering a license,
29 registration or endorsement in lieu of disciplinary action.

30 55. "Urn" means a receptacle into which processed cremated remains are
31 placed for disposition.

1 Sec. 16. Section 32-1394.01, Arizona Revised Statutes, is amended to
2 read:

3 32-1394.01. Application; qualifications for cremationist
4 licensure; licensure requirement for responsible
5 cremationists

6 A. An applicant for a cremationist license shall submit a completed
7 application on a form prescribed by the board. The application shall be
8 subscribed under oath and shall be accompanied by the applicable fee pursuant
9 to section 32-1309 and any additional information that the board deems
10 necessary.

11 B. An applicant for a cremationist license shall be of good moral
12 character and shall submit a completed fingerprint card and the prescribed
13 fingerprint ~~background~~ RECORDS check fee to the board to enable the board or
14 the department of public safety to conduct a criminal ~~background~~ RECORDS
15 check.

16 C. An applicant for a cremationist license shall meet the educational
17 requirements as prescribed by the board in rule.

18 D. If the board finds that the applicant meets the criteria for
19 cremationist licensure under this section and under rules adopted by the
20 board, the board shall issue a cremationist license.

21 E. NOTWITHSTANDING ANY OTHER LAW, A RESPONSIBLE CREMATIONIST IS
22 REQUIRED TO BE LICENSED PURSUANT TO THIS ARTICLE. ANY OTHER CREMATIONIST MAY
23 BE LICENSED PURSUANT TO THIS ARTICLE BUT, IF NOT LICENSED, MAY ENGAGE ONLY IN
24 CREMATION ACTIVITY THAT IS ALLOWED WITHOUT A LICENSE."

25 Renumber to conform

26 Page 45, strike lines 26 through 44

27 Strike pages 46 through 56

28 Page 57, strike lines 1 through 34

29 Renumber to conform

1 Page 57, between lines 34 and 35, insert:

2 "Sec. 22. Section 32-3021, Arizona Revised Statutes, as amended by
3 Laws 2011, chapter 141, section 1, is amended to read:

4 32-3021. Private vocational program license; qualifications;
5 provision of information; exemptions

6 A. A person shall not operate a private vocational program unless the
7 person holds a private vocational program license issued pursuant to this
8 chapter. Each program offered by a private vocational program licensee shall
9 be authorized on a private vocational program license. The board shall
10 prescribe the manner in which the programs shall be identified on the
11 license.

12 B. An applicant for a private vocational program license shall meet
13 all of the following requirements:

14 1. Furnish a letter of credit, surety bond or cash deposit as provided
15 in section 32-3023.

16 2. Make specific information concerning educational programs,
17 including statements of purpose, objectives, course of study, policies, fees
18 and other pertinent information, available to prospective students and the
19 general public.

20 3. Be financially responsible and have management capability.

21 4. Maintain a qualified faculty.

22 5. Maintain facilities, equipment and materials that are appropriate
23 for the stated program. All facilities shall meet applicable state and local
24 health and safety laws.

25 6. Maintain appropriate records as the board prescribes that are
26 properly safeguarded and preserved.

27 7. Use only advertisements that are consistent with the information
28 made available as provided in paragraph 2 of this subsection.

29 8. Provide courses of instruction that meet stated objectives.

30 9. Provide a grievance procedure for students.

31 10. Comply with all federal and state laws relating to the operation of
32 a private postsecondary educational institution.

1 11. Other requirements the board deems necessary.

2 C. An applicant for a private vocational program license shall submit
3 evidence of meeting the requirements prescribed in subsection B of this
4 section to the board. The board shall verify the evidence submitted.
5 Verification shall include on-site verification.

6 D. The filing of an application grants the board the authority to
7 obtain information from any of the following:

8 1. A licensing board or agency in any state, district, territory or
9 county of the United States or any foreign country.

10 2. The Arizona criminal justice information system as defined in
11 section 41-1750.

12 3. The federal bureau of investigation.

13 E. The board, on application, may issue a private vocational program
14 license to a new educational institution as provided in this section, except
15 that the board shall establish separate minimum standards for licensure
16 requirements of new educational institutions. These minimum standards may
17 include the modification of licensure requirements as provided in subsection
18 B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of
19 new educational institutions. The board shall monitor the new educational
20 institution to ensure compliance with the licensure requirements. The board
21 shall issue a private vocational program license as provided in this
22 subsection one time only to new educational institutions.

23 F. This section does not apply to any of the following:

24 1. A school licensed pursuant to chapter 3 or 5 of this title.

25 2. An instructional program or course sponsored by a bona fide trade
26 association solely for its members.

27 3. Privately owned academic schools engaged in the process of general
28 education that is designed to produce a level of development equivalent to
29 that necessary to meet the requirements for entrance into a public community
30 college or public university in this state and that may incidentally offer
31 technical and vocational courses as part of the curriculum.

1 chapter. Each program offered by a private vocational program licensee shall
2 be authorized on a private vocational program license. The board shall
3 prescribe the manner in which the programs shall be identified on the
4 license.

5 B. An applicant for a private vocational program license shall meet
6 all of the following requirements:

7 1. Furnish a letter of credit, surety bond or cash deposit as provided
8 in section 32-3023.

9 2. Make specific information concerning educational programs,
10 including statements of purpose, objectives, course of study, policies, fees
11 and other pertinent information, available to prospective students and the
12 general public.

13 3. Be financially responsible and have management capability.

14 4. Maintain a qualified faculty.

15 5. Maintain facilities, equipment and materials that are appropriate
16 for the stated program. All facilities shall meet applicable state and local
17 health and safety laws.

18 6. Maintain appropriate records as the board prescribes that are
19 properly safeguarded and preserved.

20 7. Use only advertisements that are consistent with the information
21 made available as provided in paragraph 2 of this subsection.

22 8. Provide courses of instruction that meet stated objectives.

23 9. Provide a grievance procedure for students.

24 10. Comply with all federal and state laws relating to the operation of
25 a private postsecondary educational institution.

26 11. Other requirements the board deems necessary.

27 C. An applicant for a private vocational program license shall submit
28 evidence of meeting the requirements prescribed in subsection B of this
29 section to the board. The board shall verify the evidence submitted.
30 Verification shall include on-site verification.

31 D. The filing of an application grants the board the authority to
32 obtain information from any of the following:

1 1. A licensing board or agency in any state, district, territory or
2 county of the United States or any foreign country.

3 2. The Arizona criminal justice information system as defined in
4 section 41-1750.

5 3. The federal bureau of investigation.

6 E. The board, on application, may issue a private vocational program
7 license to a new educational institution as provided in this section, except
8 that the board shall establish separate minimum standards for licensure
9 requirements of new educational institutions. These minimum standards may
10 include the modification of licensure requirements as provided in subsection
11 B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of
12 new educational institutions. The board shall monitor the new educational
13 institution to ensure compliance with the licensure requirements. The board
14 shall issue a private vocational program license as provided in this
15 subsection one time only to new educational institutions.

16 F. This section does not apply to any of the following:

17 1. A school licensed pursuant to chapter 3 or 5 of this title.

18 2. An instructional program or course sponsored by a bona fide trade
19 association solely for its members.

20 3. Privately owned academic schools engaged in the process of general
21 education that is designed to produce a level of development equivalent to
22 that necessary to meet the requirements for entrance into a public community
23 college or public university in this state and that may incidentally offer
24 technical and vocational courses as part of the curriculum.

25 4. Schools or private instruction conducted by any person engaged in
26 training, tutoring or teaching individuals or groups, if the instruction is
27 related to hobbies, avocations, academic improvement or recreation and may
28 only incidentally lead to gainful employment and if the instruction is for a
29 period of under forty hours and costs less than one thousand dollars.

30 5. Schools conducted by any person solely for training the person's
31 own employees.

1 6. An instructional program or course offered solely for employees and
2 for the purpose of improving the employees in their employment if both of the
3 following apply:

4 (a) The employee is not charged a fee.

5 (b) The employer provides or funds the program or course pursuant to a
6 valid written contract between the employer and a program or course provider.

7 7. Training conducted pursuant to 14 Code of Federal Regulations
8 part 141.

9 8. A school that solely provides an instructional program for
10 certified nursing assistants and licensed nursing assistants and is licensed
11 by the nursing board pursuant to section 32-1606, subsection B, paragraph 11.

12 9. A professional driving training school licensed by the department
13 of transportation pursuant to chapter 23, articles 1, 2 and 3 of this title.

14 10. A training program approved by the board of examiners of nursing
15 care institution administrators and assisted living facility managers that
16 solely provides training for managers and caregivers of assisted living
17 facilities.

18 11. A YOGA TEACHER TRAINING COURSE OR PROGRAM OR A YOGA INSTRUCTIONAL
19 COURSE OR PROGRAM."

20 Renumber to conform

21 Page 59, strike lines 17 through 45

22 Page 60, strike lines 1 through 35

23 Renumber to conform

24 Page 63, strike lines 28 through 45

25 Strike pages 64 through 67

26 Page 68, strike lines 1 and 2

27 Renumber to conform

28 Line 7, strike "~~AND~~" insert a comma

29 Lines 8 and 9, strike "~~geologist services and landscape architect services~~
30 means" insert ", "geologist services" and "landscape architect services"
31 MEAN"

32 Strike lines 30 and 31

- 1 Renumber to conform
- 2 Page 78, line 26, strike "~~, geologist services, OR~~" insert ", geologist services,";
- 3 strike "~~or~~"
- 4 Line 27, strike "~~landscape architect services~~" insert "or landscape architect
- 5 services"
- 6 Page 82, strike lines 24 through 45
- 7 Strike pages 83 through 90
- 8 Page 91, strike lines 1 through 6
- 9 Renumber to conform
- 10 Line 8, after "boards" insert "and occupational licenses"
- 11 Line 10, strike "in title 32" insert "and occupational licenses issued by state
- 12 agencies"
- 13 Line 12, after the period insert "The department may consult with any board,
- 14 agency or industry group necessary to complete the study."
- 15 Strike lines 23 through 27, insert:
- 16 "Sec. 31. Effective date
- 17 Section 32-3021, Arizona Revised Statutes, as amended by Laws 2015,
- 18 chapter 262, section 20 and this act, is effective from and after June 30,
- 19 2016."
- 20 Amend title to conform

WARREN H. PETERSEN

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