



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2613

regulatory boards; licensing; revisions

Purpose

Eliminates assayer, citrus fruit packer, fruit and vegetable packer, driving instructor and yoga instruction licenses. Allows *trained geologists* and some cremationists to practice without a license. Requires the Department of Administration to study the consolidation of regulatory boards and licensure.

Background

Assayers and Geologists

The Board of Technical Registration (Board) is a regulatory agency for the following professions and occupations: 1) architects; 2) assayers; 3) engineers; 4) geologists; 5) home inspectors; 6) landscape architects; and 7) surveyors (A.R.S. § 32-101). The Board also accepts public complaints alleging standard of practice violations and creates policy statements for public guidance on health, safety and welfare issues related to the practice of these professions (A.R.S. § 32-106).

Statute defines an *assayer* as, “a person who analyzes metals, ores, minerals, or alloys in order to ascertain the quantity of gold or silver or any other substance present in them” (A.R.S. § 32-101). To apply for professional registration as an assayer, an applicant must have at least six years of active engagement education or experience in assaying and pass the professional examinations (A.R.S. § 32-122.01).

Statute defines a *geologist* as a person, “who by reason of special knowledge of the earth sciences and the principles and methods of search for and appraisal of mineral or other natural resources acquired by professional education and practical experience is qualified to practice geology as attested by registration as a professional geologist” (A.R.S. § 32-101). To apply for professional registration as a geologist, an applicant must be actively engaged in education or experience in geology for at least eight years and pass the professional examinations (A.R.S. § 32-122.01). Statute defines *geological practice* as, “any professional service or work requiring geological education, training and experience, and the application of special knowledge of the earth sciences to a variety of professional services” (A.R.S. § 32-101).

Current statute requires that the state geologist be a registered geologist under the Board of Technical Registration, a graduate of an accredited institution and otherwise qualified by education and experience to direct research and information. The state geologist is appointed by

the governor to administrate the Arizona Geological Survey (Survey). Statute empowers the state geologist to: 1) organize the Survey into administrative units; 2) employ staff; 3) access data and other resources of the University of Arizona or other state universities to conduct research, experiments or related work; 4) organize field expeditions using university students; and 5) establish an advisory board.

Cremationists

A person is prohibited from advertising or operating a crematory without a crematory license from the State Board of Funeral Directors and Embalmers (A.R.S. § 32-1393). To apply for a crematory license, the applicant must: 1) submit a completed application; 2) be of good moral character; and 3) submit a completed fingerprint card, criminal history information and the correlated fee.

A licensed crematory must maintain and operate a facility in accordance with codes, possess all equipment and supplies necessary to conduct cremations while protecting the health and safety of employees and persons in attendance, and employ a licensed, trained, *responsible cremationist* to manage the daily operation of the crematory.

Statute defines a *cremationist* as, “a person who operates a crematory retort, who performs the actual cremation of human remains and who is licensed pursuant to article 6 of this chapter” and a *retort* as, “an enclosed space within which cremation takes place” (A.R.S. § 32-1301). A *responsible cremationist* is defined as, “a licensed cremationist who manages a crematory” (A.R.S. § 32-1301). To apply for a cremationist license, a person must: 1) be of good moral character; 2) submit a completed fingerprint card and the prescribed fingerprint background check fee to the board; and 3) meet rule-prescribed educational requirements (A.R.S. § 32-1394.01).

Miscellaneous Licenses

Statute prohibits a person from transacting business as a citrus fruit dealer, packer or shipper or as a fruit and vegetable dealer, packer or shipper without first obtaining a license from the Office of Standardization under the Department of Agriculture (A.R.S. §§ 3-449 and 3-492). A *packer* is defined as a person, other than a producer, shipper or dealer, engaged in the business of packing any citrus fruit or packing fruit or vegetables.

Statute requires that a driving instructor be licensed under the Department of Transportation (ADOT) and be regulated by the ADOT Director (Title 32, Chapter 23). Statute requires that a person operating a private vocational program be licensed by the Board of Private Postsecondary Education (A.R.S. § 32-3021).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Geologists

1. Allows a *trained geologist* to engage in geological practice without being registered under the Board of Technical Registration.
2. Defines *trained geologist* as a person who has:
 - a) earned a geology degree from an accredited educational institution; and
 - b) participated in geological work experience outside of an education institution for four years.
3. Prohibits a *trained geologist* from practicing geology if the *trained geologist*:
 - a) has been convicted of a felony in this state or any other;
 - b) has been registered or licensed as a geologist in any state and had that registration or license suspended or revoked; or
 - c) is prohibited from practicing geology in this state or any other due to any private, civil or professional complaint related to ethical or technical violations while practicing geology.
4. Prohibits a *trained geologist* from practicing geology when:
 - a) any other state or federal law requires they be registered; or
 - b) state or federal law makes issuance of a license or permit conditional on the issuance of a report sealed by a registered geologist.
5. Requires *trained geologists* to disclose to employers or those who hire them:
 - a) that they are not registered geologists; and
 - b) any disciplinary action taken against them due to private, civil or professional complaint related to ethical or technical violation while practicing geology.
6. Allows a *trained geologist*, as well as a registered geologist, to be the state geologist.

Assayers

7. Eliminates assayer and assayer-in-training registration under the Board of Technical Registration.
8. Grants *assayer emeritus status* to assayers registered by the Board on the effective date if the assayer:
 - a) has not received complaints during active registration; and
 - b) analyzes metals, ores, minerals or alloys to ascertain the quantity of gold, silver or other substance present.
9. Changes to a geologist position, the geologist or assayer position on the Board of Technical Registration.
10. Allows public works involving assaying and assays in connection with public land to be conducted without supervision or direction by a registered assayer.

11. Removes from the transaction privilege tax exemption under the prime contracting classification gross proceeds or gross income from assayer services.

Miscellaneous Licenses

12. Eliminates citrus packer and fruit and vegetable packer licenses under the Office of Standardization.
13. Allows a cremationist to be unlicensed if the individual is not a *responsible cremationist* and only engages in activity allowed without a license.
14. Removes, retroactive to July 1, 2016, from regulation by the Board of Private Postsecondary Education yoga instruction and yoga instructor training programs and courses.
15. Repeals, effective January 1, 2017, the requirement that a driving instructor be licensed under and regulated by ADOT.
16. Requires the Director of ADOT to adopt rules by December 31, 2016, that establish requirements and standards for commercial motor vehicle instructors.

Department of Administration Study

17. Requires the Department of Administration (Department) to conduct a study on the transfer to of all nonhealth regulatory boards and state agency-issued occupational licenses to the Department.
18. Requires the Department to submit to the Governor, the Senate President, the House Speaker and the Secretary of State a report of findings and recommendations by September 1, 2016.

Miscellaneous

19. Allows members of the Board of Technical Registration to continue serving until the expiration of their terms.
20. Removes *assayer*, *assayer-in-training* and *assaying practice* definitions.
21. Adds to the definition of *agency* for the purposes of the Board of Fingerprinting and the Fingerprinting Division the State Board of Dental Examiners.
22. Adds to the definition of *person* for the Board of Fingerprinting and the Fingerprinting Division applicants for licensure as dental hygienists and denturists.
23. Makes technical and conforming changes.
24. Becomes effective on the general effective date, with retroactive provisions as noted.

Amendments Adopted by Committee

1. Specifies that a *trained geologist* may practice geology without being registered by the Board of Technical Registration.
2. Defines *trained geologist*.
3. Allows a *trained geologist* to be the state geologist.
4. Moves from October 1 to September 1 the date by which the Department of Administration must submit their study report.

Amendments Adopted by COW

1. Establishes conditions that prohibit a trained geologist from practicing geology.
2. Imposes disclosure requirements on trained geologists.
3. Delays the repeal of driving instructor licenses.
4. Requires the Director of ADOT to establish requirements and standards for commercial motor vehicle instructors.

House Action

COM 2/17/16 DPA 5-3-0-0
3rd Read 3/03/16 DPA 31-20-9-0

Senate Action

CWD 3/14/16 DPA 5-3-1

Prepared by Senate Research

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GH/LB/rf