

REFERENCE TITLE: professional regulatory boards; composition

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1274

Introduced by
Senator Ugenti-Rita

AN ACT

AMENDING SECTIONS 32-102, 32-302, 32-502, 32-702, 32-1302 AND 32-4202,
ARIZONA REVISED STATUTES; RELATING TO PROFESSIONAL AND OCCUPATIONAL
REGULATORY BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-102, Arizona Revised Statutes, is amended to
3 read:

4 32-102. State board of technical registration: members:
5 vacancies; terms

6 A. The state board of technical registration is established
7 consisting of members who are appointed by the governor as follows:

- 8 ~~1. Two architects.~~
- 9 ~~2. Three professional engineers, one of whom is a civil engineer~~
10 ~~and two of whom are representatives of branches of engineering other than~~
11 ~~civil engineering and are registered in those branches pursuant to this~~
12 ~~chapter.~~

13 1. FOUR MEMBERS WHO ARE ARCHITECTS, ENGINEERS, LANDSCAPE
14 ARCHITECTS, GEOLOGISTS OR LAND SURVEYORS. NOT MORE THAN ONE OF THESE
15 MEMBERS MAY BE OF THE SAME PROFESSION REGULATED BY THIS CHAPTER.

16 ~~3.~~ 2. One FIVE public member MEMBERS.

17 ~~4. One landscape architect.~~

18 ~~5. One geologist.~~

19 ~~6. One land surveyor.~~

20 B. On the expiration of any of the terms, a successor who is
21 qualified pursuant to subsection A of this section shall be appointed for
22 a full term of three years. The governor may remove a member of the board
23 for misconduct, incapacity or neglect of duty. Appointment to fill a
24 vacancy caused other than by expiration of term shall be for the unexpired
25 portion of the term.

26 C. ~~No~~ A member may NOT serve more than two consecutive terms.

27 Sec. 2. Section 32-302, Arizona Revised Statutes, is amended to
28 read:

29 32-302. Board of barbers: members: appointment:
30 qualifications; terms

31 A. ~~A~~ THE board of barbers is established consisting of the
32 following five members appointed by the governor:

33 1. TWO MEMBERS WHO ARE ANY OF THE FOLLOWING:

34 ~~1.~~ (a) ~~One~~ A barber who has been actively practicing barbering in
35 this state for at least five years.

36 ~~2.~~ (b) ~~One member who is~~ A holder of a barber school license who
37 is a barber. ~~or a holder of a shop or salon license who is a barber or~~

38 (c) A barber who has been actively practicing barbering in this
39 state for at least five years. ~~Preference will be given to a holder of a~~
40 ~~barber school license then to a holder of a barber shop or salon license~~
41 ~~and then to a barber.~~

42 ~~3.~~ (d) ~~One~~ A holder of a barber shop or salon license who is a
43 barber.

44 ~~4.~~ 2. ~~Two~~ THREE public members, preferably one of whom is an
45 educator.

1 B. THE TWO MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A,
2 PARAGRAPH 1 OF THIS SECTION SHALL BE APPOINTED UNDER DIFFERENT
3 SUBDIVISIONS OF SUBSECTION A, PARAGRAPH 1 OF THIS SECTION.

4 ~~B.~~ C. A public member shall not be associated, directly or
5 indirectly, with the manufacture of barber appliances or supplies or their
6 rental, sale or distribution to licensees or represent the barbering
7 industry in any manner.

8 ~~C.~~ D. The terms of office of board members are five years
9 beginning and ending June 30. Members shall not serve more than two
10 consecutive terms.

11 ~~D.~~ E. The governor may remove a board member for neglect of duty,
12 malfeasance or misfeasance.

13 Sec. 3. Section 32-502, Arizona Revised Statutes, is amended to
14 read:

15 32-502. Board of cosmetology; members; appointment;
16 qualifications; terms

17 A. The board of cosmetology is established consisting of the
18 following seven members who are appointed by the governor:

19 ~~1. Two cosmetologists who have been actively practicing in this~~
20 ~~state for at least three years immediately preceding appointment.~~

21 ~~2. One nail technician who has been actively practicing in this~~
22 ~~state for at least three years immediately preceding appointment.~~

23 ~~3. One instructor who has been actively practicing in this state~~
24 ~~for at least three years immediately preceding appointment.~~

25 ~~4. One school owner.~~

26 1. THREE MEMBERS WHO HAVE BEEN ACTIVELY PRACTICING IN THIS STATE
27 FOR AT LEAST THREE YEARS IMMEDIATELY PRECEDING APPOINTMENT AND WHO ARE ANY
28 OF THE FOLLOWING:

29 (a) A COSMETOLOGIST.

30 (b) A NAIL TECHNICIAN.

31 (c) AN INSTRUCTOR.

32 (d) A SCHOOL OWNER.

33 ~~5.~~ 2. ~~Two~~ FOUR public members who are not and have never been
34 associated with the cosmetology or nail technology industry, licensed as a
35 cosmetologist or nail technician or involved in the manufacture of
36 cosmetology or nail technology products.

37 B. THE THREE MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A,
38 PARAGRAPH 1 OF THIS SECTION SHALL BE APPOINTED UNDER DIFFERENT
39 SUBDIVISIONS OF SUBSECTION A, PARAGRAPH 1 OF THIS SECTION.

40 ~~B.~~ C. The term of office for members is three years beginning and
41 ending June 22.

42 ~~C.~~ D. The governor may remove board members for neglect of duty,
43 malfeasance or misfeasance.

1 Sec. 4. Section 32-702, Arizona Revised Statutes, is amended to
2 read:

3 32-702. Arizona state board of accountancy; members;
4 officers; administrative duties; compensation

5 A. The Arizona state board of accountancy is established to
6 administer and enforce this chapter.

7 B. The board consists of seven members who are residents of this
8 state and who are appointed by the governor as follows:

9 1. ~~Five~~ THREE members who currently hold valid certificates issued
10 pursuant to this chapter. At least three of these members must be in
11 active public practice as certified public accountants. ~~No~~ NOT more than
12 one of these members may be from the same firm. If a member's certificate
13 is on probation, revoked or suspended, the member's appointment
14 automatically terminates and the position becomes vacant.

15 2. ~~Two~~ FOUR public members who do not hold a certificate issued
16 pursuant to this chapter but who have professional or practical experience
17 in using accounting services and financial statements and who are
18 qualified to make judgments about the qualifications and conduct of
19 persons and firms subject to this chapter.

20 C. The term of office of members of the board is five years,
21 beginning and ending on July 3, except that the governor may remove any
22 member for neglect of duty or other just cause. The governor shall fill
23 vacancies by appointment for the unexpired term. A person who has served
24 a complete term is not eligible for reappointment for a period of one
25 year.

26 D. The board shall annually elect a president, secretary and
27 treasurer from among its members. The president, secretary or treasurer
28 may sign and approve claims filed against the board of accountancy fund to
29 pay expenses incurred under this chapter.

30 E. The board shall have a seal that shall be judicially noticed.

31 F. The board shall retain or provide for retention of the following
32 according to its retention schedule pursuant to section 41-151.19:

- 33 1. All documents under oath that are filed with the board.
34 2. Records of its proceedings.

35 G. Each member of the board or member of an accounting and
36 auditing, tax, peer review, law, certification or continuing professional
37 education committee appointed by the board pursuant to section 32-703,
38 subsection B, paragraph 10 is eligible for compensation of ~~one hundred~~
39 ~~dollars~~ \$100 for each day or part of a day spent, plus reimbursement for
40 the member's actual and necessary expenses incurred, in discharging the
41 member's official duties.

1 Sec. 5. Section 32-1302, Arizona Revised Statutes, is amended to
2 read:

3 32-1302. State board of funeral directors and embalmers;
4 members; appointment; term; qualifications; oath;
5 compensation

6 A. The state board of funeral directors and embalmers is
7 established. The board consists of seven members appointed by the
8 governor pursuant to section 38-211. Members serve at the pleasure of the
9 governor. Board members serve staggered terms of four years beginning and
10 ending on January 1 unless removed by the governor. The governor shall
11 appoint a member for the unexpired portion of a term to fill a vacancy
12 occurring during a term of office.

13 B. Each member of the board shall be a resident of this state.
14 ~~Four~~ THREE members shall be practicing funeral directors or embalmers
15 licensed under this chapter. ~~Three~~ FOUR members shall be public members,
16 one of whom is an owner or manager of a business that has no pecuniary or
17 proprietary interest in a funeral establishment or crematory or in the
18 sale of funeral goods and services. The public members shall not be
19 licensed under this chapter currently or have been licensed under this
20 chapter in the five years preceding appointment.

21 C. Before entering office, each appointee shall take and subscribe
22 to an oath before an officer competent to administer oaths that the
23 appointee is qualified to hold office and will faithfully perform the
24 duties imposed on board members by law.

25 D. Members of the board are eligible to receive compensation
26 pursuant to section 38-611 for each day of actual service in the business
27 of the board.

28 Sec. 6. Section 32-4202, Arizona Revised Statutes, is amended to
29 read:

30 32-4202. Board of massage therapy; members; terms;
31 compensation; immunity

32 A. The board of massage therapy is established consisting of the
33 following members appointed by the governor:

34 1. ~~Three~~ TWO massage therapists who are residents of this state,
35 who possess an unrestricted license to practice massage therapy in this
36 state and who have been practicing in this state for at least five years
37 immediately preceding their appointment. The governor may make these
38 appointments from a list of names submitted by a statewide massage or
39 bodywork therapy association, or both, or any other group or person. ~~The~~
40 ~~initial three appointees are not required to be licensed pursuant to this~~
41 ~~chapter at the time of selection but must meet all of the qualifications~~
42 ~~for licensure as prescribed by this chapter.~~

43 2. ~~Two~~ THREE public members who are residents of this state and who
44 are not affiliated with and do not have any financial interest in any

1 health care profession but who have an interest in consumer rights or have
2 a background in compliance or law enforcement issues.

3 B. Board members serve staggered five-year terms that begin and end
4 on the third Monday in January. Board members shall not serve for more
5 than two successive five-year terms or for more than ten consecutive
6 years, except that the term of office for a member of the board appointed
7 to fill a vacancy that occurs before the expiration of a full term is for
8 the unexpired portion of that term, and the governor may reappoint that
9 member to not more than two additional full terms.

10 C. If requested by the board, the governor may remove a board
11 member for misconduct, incompetence or neglect of duty.

12 D. Board members are eligible to receive compensation in the amount
13 of ~~one hundred dollars~~ \$100 per day for each day of actual service in the
14 business of the board and for reimbursement of expenses pursuant to title
15 38, chapter 4, article 2 to cover necessary expenses for attending each
16 board meeting or for representing the board in an official board approved
17 activity.

18 E. A board member who acts within the scope of board duties,
19 without malice and in the reasonable belief that the member's action is
20 warranted by law is not subject to civil liability.

21 Sec. 7. Retention of members

22 Notwithstanding sections 32-102, 32-302, 32-502, 32-702, 32-1302 and
23 32-4202, Arizona Revised Statutes, as amended by this act, all persons
24 serving as members of the state board of technical registration, the board
25 of barbers, the board of cosmetology, the Arizona state board of
26 accountancy, the state board of funeral directors and embalmers and the
27 board of massage therapy on the effective date of this act may continue to
28 serve until the expiration of their normal terms. The governor shall make
29 all subsequent appointments as prescribed by statute.