

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-first Legislature –Second Regular Session

**COMMITTEE ON COMMERCE**

Minutes of Meeting  
Wednesday, February 12, 2014  
House Hearing Room 5 -- 10:00 a.m.

Chairman Forese called the meeting to order at 10:00 a.m. and attendance was noted by the secretary.

**Members Present**

Mr. Kwasman  
Ms. Mach  
Ms. McCune Davis

Mr. Mesnard  
Mr. Montenegro  
Mr. Petersen

Mr. Shope, Vice-Chairman  
Mr. Forese, Chairman

**Members Absent**

Ms. Miranda (excused)

**Committee Action**

HB2261 – HELD

HB2298 – ~~DP~~ FAILED (3-4-0-2)

HB2446 – DPA S/E (7-0-0-2)

HB2529 – DP (6-0-0-3)

**CONSIDERATION OF BILLS**

**HB2261 – registrar of contractors; handyman exemptions – HELD**

**Chairman Forese announced that HB2261 will be held.**

**HB2529 – cosmetic laser procedures; supervision; dentists – DO PASS**

**Vice-Chairman Shope moved that HB2529 do pass.**

Jason Theodorou, Majority Research Intern, advised that HB2529 expands the definition of *health professional* to include a person registered with the State Board of Dental Examiners and specializes in oral and maxillofacial surgery (Attachment 1).

Mr. Petersen, sponsor, related HB2529 is a constituent bill which will allow a licensed dentist specializing in oral or maxillofacial surgery to supervise another health professional in the use of laser and intense pulse light devices. He said that there is no opposition to the bill and stakeholder meetings were held to create the legislation.

John MacDonald, Arizona Dental Association, spoke in favor of HB2529 and commended the sponsor for his work on the bill. He said that the bill fixes a simple quirk in statute that did not allow for a completely qualified medical practitioner to supervise other health professionals in his office on what he can otherwise do himself.

Ms. McCune Davis inquired if the medical practitioner will be responsible for the actions of the persons he is supervising. Mr. MacDonald responded in the affirmative.

Vice-Chairman Shope announced the names of those who signed up in support of HB2529 but did not speak:

Kevin Earle, Executive Director, Arizona Dental Association

**Question was called on the motion that HB2529 do pass. The motion carried by a roll call vote of 6-0-0-3 (Attachment 2).**

**HB2298 – board of technical registration; architects – DO PASS FAILED**

**Vice-Chairman Shope moved that HB2298 do pass.**

Jason Theodorou, Majority Research Intern, explained that HB2298 restricts nonregistrants from representing themselves as architects unless officially registered by the Arizona Board of Technical Registration (Board) (Attachment 3).

Mr. Petersen stated that he was under the impression that Frank Lloyd Wright was not a registered architect and questioned what he should have been referred to.

Steve Judge, Executive Director, Strategic Architectural Alliance Group of Arizona, testified in support of HB2298 and addressed Mr. Petersen's question. He advised that Frank Lloyd Wright was a practicing architect before the existence of registration laws. He explained that the title of architect is protected in all 50 states, as is the practice of architecture. Arizona Revised Statutes are clear with the intent to protect the rights and responsibilities of architects. The difficulty lies in the enforcement of some of the statutes and HB2298 offers much needed clarification. Mr. Judge respectfully requested the Committee to support the bill.

Chairman Forese questioned the problem HB2298 addresses. Mr. Judge responded that the bill will prevent nonregistrants from using the title of architect. Chairman Forese inquired the damages associated with the practice. Mr. Judge related that the practice is public fraud and confuses the public in thinking that they are contracted with a licensed registered architect when they are not. He proceeded to read the definition of architect in statute.

Mr. Kwasman related that HB2298 is worthy legislation introduced by Representative Steve Smith and brought forward by a constituent. He requested the support of the Committee.

Ms. McCune Davis stated concern for the inclusion of home inspectors and other professionals regulated by the Board within the bill.

Mr. Judge returned to the podium and stated that the language for “other professions” currently exists in statute and has not been added to HB2298.

Mr. Petersen inquired about the penalty for a nonregistrant representing themselves as an architect. Mr. Judge responded that the violation is \$2,000 per occurrence. Mr. Petersen questioned the industry’s acceptable titles. Mr. Judge related that architect, architect-in-training and draftsman are acceptable terms. Mr. Petersen stated concern for the potential unintended consequences of the bill.

Melissa Cornelius, Executive Director, Arizona Board of Technical Registration, spoke in opposition to HB2298 and stated that protection for the term architect currently exists in statute. She advised that nonregistered architects often refer to themselves as designers and explained that Arizona law requires that only one person’s architectural stamp and seal is used on a set of plans. Ms. Cornelius related that many large architectural firms employ multiple designers with years of experience to do the necessary preparatory work. The designers review the plans with the registered architect who then stamps and seals the project.

For clarification, Ms. McCune Davis asked if the legislation is necessary. Ms. Cornelius answered in the negative.

Vice-Chairman Shope announced the names of those who signed up in support of HB2298 but did not speak:

Willard Wetterland, representing self

**Question was called on the motion that HB2295 do pass. The motion failed by a roll call vote of 3-4-0-2 (Attachment 4).**

**HB2446 – scrap metal sellers; age requirement – DO PASS AMENDED S/E**  
**S/E: age requirement; scrap metal sellers**

Jason Theodorou, Majority Research Intern, advised that the Forese three-page strike-everything amendment to HB2446 dated 02/05/14 (Attachment 5) increases the minimum age requirement for a scrap metal seller from 16 years to 18 years (Attachment 6).

Representative David Gowan, sponsor, advised that HB2246 is a constituent driven issue that changes the minimum age of a scrap metal seller to 18 years old to address the concern that sales to a minor are voidable.

Vice-Chairman Shope announced the names of those who signed up as neutral on the strike-everything amendment to HB2446 but did not speak:

Nick Simonetta, Lobbyist, Arizona Scrap Recyclers Association

Vice-Chairman Shope announced the names of those who signed up in support of the strike-everything amendment to HB2446 but did not speak:

Steve Trussell, Lobbyist, Arizona Rock Products Association

Kelly Norton, Lobbyist, Arizona Mining Association

**Vice-Chairman Shope moved that HB2446 do pass.**

**Vice-Chairman Shope moved that the Forese three-page strike-everything amendment to HB2446 dated 02/05/14 (Attachment 5) be adopted. The motion carried.**

**Vice-Chairman Shope moved that HB2446 as amended do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 7).**

Without objection, the meeting adjourned at 10:24 a.m.

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Abby Selvey, Committee Secretary  
March 24, 2014

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