

Minutes

Arizona State Board of Technical Registration
LEGISLATION AND RULES COMMITTEE
1110 W. Washington Street, Suite 240
Phoenix, Arizona 85007
Tuesday, October 04, 2016 – 9:00 A.M.

1. CALL TO ORDER – 9:01

2. **ROLL CALL – Members in attendance:** Robert Stanley, William Greenslade, Edward Marley, LeRoy Brady

Members in attendance via call-in: Jason Foose

Members absent: Ronald Starling

Staff in attendance: Melissa Cornelius, Patrice Pritzl, Douglas Parlin, and Kurt Winter

3. CALL TO THE PUBLIC

No one appeared before the board.

4. ADOPTION OF MINUTES

Review, Consideration and Possible Action of the following:

A. Approve, modify and/or reject August 18, 2016 L&R Committee minutes.

Mr. Brady moved and Mr. Stanley seconded to approve the minutes; motion passed.

5. REVIEW, DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:

A. Dialog with Stakeholder Associations Regarding Possible Legislative Plans for the 2017 Session.

Stakeholders David Swartz and Rory Hays appeared before the Board and Tina Litteral participated telephonically. Ms. Cornelius reported that the national regulatory groups are lobbying for a change to federal law to exempt Boards and commissions from the Sherman Act. Ms. Cornelius reported that Jeff Flake is on the congressional committee considering the matter and suggested that stakeholders in AZ should meet with him.

Tina Litteral reported the AIA's success communicating with general and primary election candidates regarding deregulation; the stakeholder coalition will begin discussing when to move their agenda forward after the second week of November.

Mr. Swartz reported that the Home Inspectors were readying for the next L&R meeting. Ms. Cornelius informed Mr. Swartz of a possible move for

Home Inspectors from the Board to the Department of Real Estate after consolidation. Mr. Swartz and Mr. Marley opined that such a move would be a conflict of interest for both home inspectors and the Department of Real Estate. Ms. Hays informed the Committee of her discovery that Senator's Barto and Lesko are opting to treat the North Carolina anti-trust issue separately from the deregulation issue and opined that the Senate wishes to be cautious when approaching both issues. Ms. Cornelius commented that many legislators are realtors and might side with stakeholders to prevent a home inspector and Department of Real Estate consolidation. Ms. Hays mentioned her discussion with stakeholders and stated the two big questions regarding placing all agencies under a single umbrella agency, which are: do all Boards need to be under the same roof and what is the 'biggest bang for our buck' for Boards in regards to saving money?

Ms. Cornelius reported that she will draft a response to the ADOA regarding the Cost Benefits Study to be presented to the Board at the October Board meeting. Mr. Stanley commented that no cost analysis was presented in the study. Mr. Marley informed the members that the study fails to mention that the Board's current facility is in a lease to own building. Ms. Litteral asked if the response letter will include information regarding the three "model" state Boards presented in the cost study. Ms. Litteral reported that the information she has obtained regarding the three 'model' state Boards indicated they are not 'model' Boards and she stated that she will share her findings with Ms. Cornelius. Mr. Marely informed the Board that Virginia has a central complaint intake separate from its Board and he opined that it marginalizes the Virginia Board's authority. Ms. Hays expressed her concern that consolidation may lead to a loss of Board authority. Ms. Pritzl asked Ms. Hays if she had seen the past consolidation cost benefits analyses performed in Arizona. Ms. Hayes stated no but it was mentioned that a public information request could possibly obtain them from the governor's office.

Ms. Pritzl reported her findings at the September FARB meeting regarding the FTC and Supreme Court, which include: The Supreme Court's opinion that for Boards to be protected from the FTC there will need to be supervisory oversight; the Supreme Court is indifferent to whether Board members are elected or nominated; there is concern that public members can be swayed by professionals, and the complications of having non-professionals act as oversight. Mr. Brady asked how far along the proposed amendment to the Sherman Act had progressed. Ms. Pritzl replied that numerous entities were coming together but the effort seemed to be in early stages.

1. Rules to be discussed for possible updating, amending and/or repealing:
 - a. Repeal R4-30-252 Landscape Architect-in training designation.

- b. Amend R4-30-202 in –training designation as it relates to Architect and Landscape Architect.
- c. Update the definition of experience, sub professional.

Committee discussed R4-30 202, 208, and 252 regarding education requirements for registration. Ms. Cornelius proposed writing a red line update to the rules for Committee and Board approval.

- d. Update the rules for home inspectors.

Mr. Swartz proposed numerous rule changes and additions for Home Inspectors which will be discussed at the next Home Inspector Rules and Standards Committee.

- e. Amend the fees rule.

Mr. Stanely moved and Mr. Greenslade seconded to forward the proposed fee rule changes to the Board. Motion carried. Mr. Brady left the meeting prior to the vote.

- f. Repeal the roster.

Roster will be removed via the amended fee rules.

B. Board Rules for possible recommendations to update, amend, and/or repeal.

C.

Committee discussed other possible rule changes, including: whether to keep the sub-professional designation, how to evaluate foreign degree holders, and to review verification agencies to determine whether their evaluations are up to Board standard.

6. FUTURE AGENDA ITEMS

Bring to vote the matter regarding seal expiration dates. Review proposed rule changes. Review pending Bills. Review Land Surveyor and Architect applications for changes.

7. FUTURE MEETINGS – January 10, 2017 9AM

8. ADJOURNMENT

Mr. Stanley moved and Mr. Greenslade seconded to adjourn the meeting; motion carried. Meeting adjourned at 10:37.

Edward Marley, Overseeing Chairman

