

# ARIZONA STATE SENATE

## RESEARCH STAFF



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TO: MEMBERS OF THE SENATE  
COMMERCE COMMITTEE

DATE: February 15, 2021

SUBJECT: Strike everything amendment to S.B. 1304, relating to engineers; regulation

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### Purpose

Transfers regulatory oversight of professional engineers from the Arizona Board of Technical Registration (AZBTR) to the Arizona Department of Administration (ADOA) and a corporate organization designated by ADOA to handle disciplinary issues. Removes statutory requirements relating to engineering practice.

### Background

The AZBTR regulates architects, engineers, geologists, home inspectors, landscape architects, land surveyors and alarm agents. A person must register with the AZBTR as a professional engineer and receive a proficiency designation in the applicable engineering branch to practice engineering. An engineer registration applicant must have at least eight years of education or eight years of experience under a registered professional's direct supervision, or both, and pass the appropriate professional examination (A.R.S. §§ [32-121](#); [32-122](#); and [32-122.01](#)).

Drawings, plans, specifications, estimates and construction observation for public works of the state or a political subdivision that involve engineering must be prepared by or under the direct supervision of an engineering registrant ([A.R.S. § 32-142](#)).

ADOA provides centralized administrative services to state agencies, including accounting, financial, purchasing, building and grounds maintenance, personnel, information technology, motor pool, travel reduction and risk management services. ADOA must contract with or assist other agencies of the state, local and federal governments to further ADOA's purposes, objectives and programs ([A.R.S. Title 41, Chapter 4](#)).

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

### Provisions

#### ***Regulatory Oversight***

1. Removes professional engineering from AZBTR's regulatory oversight and requirements.
2. Requires ADOA to license engineers as prescribed by rule and to adopt rules to maintain a corporate organization under its direction and control to serve and protect the public with respect to engineering.
3. Directs the corporate organization to handle all disciplinary issues according to statutory requirements relating to Uniform Administrative Hearing Procedures.

4. Retains all AZBTR rules in full force until amended by ADOA and exempts ADOA from rulemaking requirements for one year.
5. Requires ADOA to hold at least two public meetings with the engineering community prior to rulemaking to receive input on subjects and areas of regulation.
6. Requires a draft of the ADOA rules to be shared with the public before submission to the Governor's Regulatory Review Council.

***Regulatory Requirements***

7. Removes the requirement that drawings, plans, specifications, estimates and construction observation for public works involving engineering be prepared by or under the direct supervision of an engineering registrant.
8. Removes the professional engineer position from AZBTR membership and the option for the AZBTR Chairperson to appoint an engineer AZBTR member to the AZBTR Home Inspector Rules and Standards Committee.
9. Removes the requirement that the AZBTR recognize proficiency in branches of engineering and specify the proficiency on an engineer's registration certificate, renewal card and seal.
10. Removes the requirements that an engineer registration applicant:
  - a) be of good moral character and repute;
  - b) be actively engaged in engineering education or experience, or both, for at least eight years; and
  - c) pass the applicable in-training and professional engineer examinations.
11. Removes the specifications for calculating an engineer registration applicant's active engagement that:
  - a) each year of study in an engineering school is equivalent to a year of active engagement up to five years; and
  - b) one or more years of teaching AZBTR-approved courses is equivalent to one year of active engagement.
12. Removes the requirements that an engineer-in-training registration applicant:
  - a) be of good moral character and repute;
  - b) graduate from an AZBTR school or have at least four years of education or experience, or both, in engineering work that meets standards prescribed by AZBTR rule; and
  - c) pass the engineer-in-training examination.
13. Removes the registration exception for a registered engineer to practice in another regulated category to the extent the engineer is qualified, and the work is necessary and incidental to the registrant's engineering work on a specific project.
14. Removes the process for a registered professional engineer holding a proficiency designation to seek additional proficiency designation by submitting evidence of:
  - a) four years of experience as a registered professional engineer in the branch in which the engineer seeks the proficiency designation; or
  - b) successful completion of the profession examination in the engineering branch in which the applicant seeks the proficiency designation.

*Miscellaneous*

15. Removes the statutory definitions of *engineer*, *engineer-in-training* and *engineering practice*.
16. Directs Legislative Council Staff to prepare for consideration in the 55th Legislature, Second Regular Session, proposed legislation conforming the Arizona Revised Statutes to this legislation.
17. Makes technical and conforming changes.
18. Becomes effective on the general effective date.