

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2599

(Reference to printed bill)

1 Page 4, between lines 7 and 8, insert:

2 "Sec. 2. Section 32-4302, Arizona Revised Statutes, is amended to
3 read:

4 32-4302. Out-of-state applicants; residents; military spouses;
5 licensure; certification; exceptions; notice

6 A. Notwithstanding any other law, an occupational or professional
7 license or certificate shall be issued, in the discipline applied for and
8 at the same practice level as determined by the regulating entity, pursuant
9 to this title to a person who establishes residence in this state or
10 without an examination to a person who is married to an active duty member
11 of the armed forces of the United States and who is accompanying the member
12 to an official permanent change of station to a military installation
13 located in this state if all of the following apply:

14 1. The person is currently licensed or certified in at least one
15 other state in the discipline applied for and at the same practice level as
16 determined by the regulating entity and the license or certification is in
17 good standing in all states in which the person holds a license or
18 certification.

19 2. The person has been licensed or certified by another state for at
20 least one year.

21 3. When the person was licensed or certified by another state there
22 were minimum education requirements and, if applicable, work experience and
23 clinical supervision requirements in effect and the other state verifies
24 that the person met those requirements in order to be licensed or certified
25 in that state.

1 4. The person previously passed an examination required for the
2 license or certification if required by the other state.

3 5. The person has not had a license or certificate revoked and has
4 not voluntarily surrendered a license or certificate in any other state or
5 country while under investigation for unprofessional conduct.

6 6. The person has not had discipline imposed by any other regulating
7 entity. If another jurisdiction has taken disciplinary action against the
8 person, the regulating entity shall determine if the cause for the action
9 was corrected and the matter resolved. If the matter has not been resolved
10 by that jurisdiction, the regulating entity may not issue or deny a license
11 until the matter is resolved.

12 7. The person does not have a complaint, allegation or investigation
13 pending before another regulating entity in another state or country that
14 relates to unprofessional conduct. If an applicant has any complaints,
15 allegations or investigations pending, the regulating entity in this state
16 shall suspend the application process and may not issue or deny a license
17 to the applicant until the complaint, allegation or investigation is
18 resolved.

19 8. The person pays all applicable fees.

20 9. The person does not have a disqualifying criminal history as
21 determined by the regulating entity pursuant to section 41-1093.04.

22 B. This section does not prevent a regulating entity under this
23 title from entering into a reciprocity agreement with another state or
24 jurisdiction for persons married to active duty members of the armed forces
25 of the United States, except that the agreement may not allow out-of-state
26 licensees or certificate holders to obtain a license or certificate by
27 reciprocity in this state if the applicant has not met standards that are
28 substantially equivalent to or greater than the standards required in this
29 state as determined by the regulating entity on a case-by-case basis.

30 C. Except as provided in subsection A of this section, a regulating
31 entity that administers an examination on laws of this state as part of its

1 license or certificate application requirement may require an applicant to
2 take and pass an examination specific to the laws of this state.

3 D. A person who is licensed pursuant to this title is subject to the
4 laws regulating the person's practice in this state and is subject to the
5 regulating entity's jurisdiction.

6 E. This section does not apply to:

7 1. A license or registration certificate that is issued pursuant to
8 chapter 24 or 26 of this title.

9 2. Requirements for a fingerprint clearance card issued pursuant to
10 title 41, chapter 12, article 3.1.

11 3. Criteria for a license, permit or certificate of eligibility that
12 is established by an interstate compact.

13 4. The ability of a regulating entity under this title to require an
14 applicant to submit fingerprints in order to access state and federal
15 criminal records information for noncriminal justice purposes.

16 F. A license or certificate issued pursuant to this section is valid
17 only in this state and does not make the person eligible to be part of an
18 interstate compact. A regulating entity under this title may determine
19 eligibility for an applicant to be licensed or certified under this section
20 if the applicant is not part of an interstate compact.

21 G. A regulating entity under this title shall prominently print the
22 following notice on all license and certificate applications and regulating
23 entity websites:

24 Pursuant to section 32-4302, Arizona Revised Statutes, a person shall
25 be granted an occupational or professional license or certificate if the
26 person has been licensed or certified in another state for at least twelve
27 months, the license or certificate is in the same discipline and at the
28 same practice level as the license or certificate for which the person is
29 applying in this state and the person meets other conditions prescribed by
30 section 32-4302, Arizona Revised Statutes.

31 H. BEFORE ANY REGULATING ENTITY TAKES ANY OFFICIAL ACTION TO DENY A
32 PROFESSIONAL OR OCCUPATIONAL LICENSE THAT A PERSON APPLIES FOR PURSUANT TO

1 THIS SECTION, THE REGULATING ENTITY SHALL SUBMIT THE APPLICATION AND THE
2 REASON FOR DENIAL TO THE GOVERNOR FOR REVIEW. THE REGULATING ENTITY SHALL
3 NOTIFY THE GOVERNOR OF ANY REQUIRED TIME FRAMES FOR APPROVAL OR DENIAL OF
4 THE LICENSE APPLICATION BY THE REGULATING ENTITY.

5 I. BEGINNING JULY 1, 2022, ALL REGULATING ENTITIES THAT ARE REQUIRED
6 TO ISSUE OCCUPATIONAL OR PROFESSIONAL LICENSES PURSUANT TO THIS SECTION
7 SHALL TRACK INFORMATION ABOUT APPLICATIONS RECEIVED IN THE FORMAT TO BE
8 DETERMINED BY THE GOVERNOR AND ANNUALLY REPORT THAT INFORMATION TO THE
9 GOVERNOR.

10 J. FOR THE PURPOSES OF SUBSECTIONS H AND I OF THIS SECTION,
11 "REGULATING ENTITY":

12 1. MEANS ALL EXECUTIVE DEPARTMENTS, AGENCIES AND OFFICES AND ALL
13 STATE BOARDS AND COMMISSIONS.

14 2. DOES NOT INCLUDE:

15 (a) A STATE AGENCY THAT IS HEADED BY A SINGLE ELECTED STATE
16 OFFICIAL.

17 (b) THE CORPORATION COMMISSION.

18 (c) ANY BOARD OR COMMISSION ESTABLISHED BY BALLOT MEASURE AT OR
19 AFTER THE NOVEMBER 1998 GENERAL ELECTION.

20 Sec. 3. Title 32, chapter 43, article 1, Arizona Revised Statutes,
21 is amended by adding section 32-4304, to read:

22 32-4304. Occupational and professional licenses; websites;
23 reporting; definition

24 A. A REGULATING ENTITY THAT ISSUES OCCUPATIONAL OR PROFESSIONAL
25 LICENSES SHALL:

26 1. PROMINENTLY POST ON ITS WEBSITE HOME PAGE ALL CURRENT STATE
27 POLICIES THAT EASE LICENSING BURDENS AND THE EXACT STEPS APPLICANTS MUST
28 COMPLETE TO RECEIVE THEIR LICENSE USING SUCH POLICIES. POLICIES THAT EASE
29 LICENSING BURDENS INCLUDE THE FOLLOWING:

30 (a) UNIVERSAL RECOGNITION OF OUT-OF-STATE LICENSES.

31 (b) AVAILABILITY OF TEMPORARY LICENSES.

32 (c) FEE WAIVERS.

- 1 (d) EXAMINATION EXEMPTIONS.
- 2 (e) ALLOWING AN APPLICANT TO SUBSTITUTE MILITARY EDUCATION OR
- 3 EXPERIENCE FOR LICENSING REQUIREMENTS.
- 4 2. HAVE A DESIGNATED AREA ON ITS WEBSITE HOME PAGE THAT INCLUDES
- 5 LICENSING INFORMATION SPECIFICALLY FOR MILITARY SPOUSES, ACTIVE DUTY
- 6 SERVICE MEMBERS AND VETERANS AND ALL POLICIES THAT MAKE IT EASIER FOR THE
- 7 APPLICANT GROUPS TO RECEIVE A LICENSE.
- 8 3. DISPLAY ALL INFORMATION REQUIRED BY PARAGRAPHS 1 AND 2 OF THIS
- 9 SUBSECTION IN A LOCATION THAT IS EASY TO LOCATE AND SHALL USE LANGUAGE THAT
- 10 IS CLEAR AND CONCISE. A WEBSITE HOME PAGE FEATURE MAY LINK TO AN INTERNAL
- 11 WEBPAGE WITH MORE INFORMATION IF A REGULATING ENTITY DEEMS IT NECESSARY.
- 12 4. BEGINNING JULY 1, 2022, TRACK WHETHER EACH APPLICANT IS A VETERAN
- 13 OR MILITARY SPOUSE AND SHALL ANNUALLY REPORT THE INFORMATION GATHERED
- 14 PURSUANT TO THIS PARAGRAPH TO THE GOVERNOR.
- 15 B. FOR THE PURPOSES OF THIS SECTION, "REGULATING ENTITY":
- 16 1. MEANS ALL EXECUTIVE DEPARTMENTS, AGENCIES AND OFFICES AND ALL
- 17 STATE BOARDS AND COMMISSIONS.
- 18 2. DOES NOT INCLUDE:
- 19 (a) A STATE AGENCY THAT IS HEADED BY A SINGLE ELECTED STATE
- 20 OFFICIAL.
- 21 (b) THE CORPORATION COMMISSION.
- 22 (c) ANY BOARD OR COMMISSION ESTABLISHED BY BALLOT MEASURE AT OR
- 23 AFTER THE NOVEMBER 1998 GENERAL ELECTION."

24 Renumber to conform

25 Page 5, line 18, after the first comma insert "OFFER TO"; strike "ON-SITE"

26 Line 19, strike "POSITIVE AND NEGATIVE"

27 Page 6, line 38, strike "THE SAME" insert "EVIDENCE OF A PATTERN OF NONCOMPLIANCE
28 AS DEMONSTRATED BY"

29 Line 39, after "same" strike remainder of line

30 Line 40, strike "LAST TWO YEARS" insert "premises"

31 Line 41, strike "IMPACT" insert "RISK"

1 Page 7, strike lines 30 through 37, insert:

2 "K. For agencies with authority under title 49, if, as a result of
3 an inspection or any other investigation, an agency alleges that a
4 regulated person is not in compliance with licensure or other applicable
5 regulatory requirements, the agency shall provide written notice of that
6 allegation to the regulated person. The notice shall contain the following
7 information:"

8 Page 8, line 2, strike "KNOWN AT THE TIME OF INSPECTION"

9 Line 5, after "agency" insert a period strike the remainder of line

10 Strike lines 6 and 7

11 Line 13, strike "~~a notice~~ AN INSPECTION REPORT" insert "a notice"

12 Page 13, between lines 19 and 20, insert:

13 "Sec. 8. Title 41, chapter 6, article 3, Arizona Revised Statutes,
14 is amended by adding section 41-1039, to read:

15 41-1039. State agency rulemaking: governor approval:
16 submission; definition

17 A. NOTWITHSTANDING ANY OTHER LAW, A STATE AGENCY MAY NOT CONDUCT ANY
18 RULEMAKING, INCLUDING REGULAR, EXPEDITED, INFORMAL, FORMAL, EMERGENCY OR
19 EXEMPT RULEMAKING, WITHOUT PRIOR WRITTEN APPROVAL OF THE GOVERNOR. IN
20 SEEKING APPROVAL, A STATE AGENCY SHALL ADDRESS ANY OF THE FOLLOWING AS
21 JUSTIFICATION FOR THE RULEMAKING:

22 1. FULFILLING AN OBJECTIVE RELATED TO JOB CREATION, ECONOMIC
23 DEVELOPMENT OR ECONOMIC EXPANSION IN THIS STATE.

24 2. REDUCING OR AMELIORATING A REGULATORY BURDEN ON THE PUBLIC, WHILE
25 ACHIEVING THE SAME REGULATORY OBJECTIVE.

26 3. PREVENTING A SIGNIFICANT THREAT TO PUBLIC HEALTH, PEACE OR
27 SAFETY.

28 4. AVOIDING VIOLATING A COURT ORDER OR FEDERAL LAW THAT WOULD RESULT
29 IN SANCTIONS BY A FEDERAL COURT FOR FAILURE TO CONDUCT THE RULEMAKING
30 ACTION.

1 5. COMPLYING WITH A NEW STATE STATUTORY OR REGULATORY REQUIREMENT IF
2 THE COMPLIANCE IS RELATED TO A CONDITION FOR THE RECEIVING FEDERAL MONIES
3 OR PARTICIPATING IN ANY FEDERAL PROGRAM.

4 6. COMPLYING WITH A NEW STATE STATUTORY REQUIREMENT.

5 7. FULFILLING AN OBLIGATION RELATED TO FEES OR ANY OTHER ACTION
6 NECESSARY TO IMPLEMENT THE STATE BUDGET THAT IS CERTIFIED BY THE GOVERNOR'S
7 OFFICE OF STRATEGIC PLANNING AND BUDGETING.

8 8. ADOPTING A RULE OR OTHER ITEM THAT IS EXEMPT FROM THIS CHAPTER.

9 9. MATTERS PERTAINING TO THE CONTROL, MITIGATION OR ERADICATION OF
10 WASTE, FRAUD OR ABUSE WITHIN A STATE AGENCY OR WASTEFUL, FRAUDULENT OR
11 ABUSIVE ACTIVITIES PERPETRATED AGAINST A STATE AGENCY.

12 10. ELIMINATING RULES THAT ARE ANTIQUATED, REDUNDANT OR OTHERWISE NO
13 LONGER NECESSARY FOR THE OPERATION OF STATE GOVERNMENT.

14 B. AFTER THE PUBLIC COMMENT PERIOD AND THE CLOSE OF THE RULEMAKING
15 RECORD, A STATE AGENCY MAY NOT SUBMIT THE PROPOSED RULES TO THE COUNCIL
16 WITHOUT A WRITTEN FINAL APPROVAL FROM THE GOVERNOR. BEFORE CONSIDERING
17 RULES SUBMITTED BY A STATE AGENCY, THE COUNCIL MUST OBTAIN FROM THE STATE
18 AGENCY THE INITIAL APPROVAL PURSUANT TO SUBSECTION A OF THE SECTION AND THE
19 FINAL APPROVAL REQUIRED BY THIS SUBSECTION.

20 C. NOTWITHSTANDING ANY OTHER LAW, A STATE AGENCY THAT SUBMITS A
21 RULEMAKING REQUEST SHALL RECOMMEND FOR CONSIDERATION BY THE GOVERNOR AT
22 LEAST THREE EXISTING RULES TO ELIMINATE FOR EVERY ADDITIONAL RULE REQUESTED
23 BY THE STATE AGENCY.

24 D. A STATE AGENCY MAY NOT PUBLICIZE ANY DIRECTIVES, POLICY
25 STATEMENTS, DOCUMENTS OR FORMS ON ITS WEBSITE UNLESS THE DIRECTIVE, POLICY
26 STATEMENT, DOCUMENT OR FORM IS EXPLICITLY AUTHORIZED BY STATUTE OR RULE. A
27 STATE AGENCY SHALL REMOVE MATERIAL NOT SPECIFICALLY AUTHORIZED BY STATUTE
28 OR RULE FROM ITS WEBSITE ON THE EFFECTIVE DATE OF THIS SECTION.

29 E. FOR THE PURPOSES OF THIS SECTION, "STATE AGENCY":

30 1. INCLUDES ALL EXECUTIVE DEPARTMENTS, AGENCIES AND OFFICES AND ALL
31 STATE BOARDS AND COMMISSIONS.

1 2. The agency continues the action that is arbitrary, capricious or
2 not in accordance with law more than ten days after the agency receives the
3 notice.

4 3. The action is not excluded from the definition of appealable
5 agency action as defined in section 41-1092.

6 B. This section only applies if an administrative remedy or an
7 administrative or a judicial appeal of final agency action is not otherwise
8 provided by law.

9 C. If the party prevails, the agency shall pay reasonable costs and
10 fees to the party from any monies appropriated to the agency and available
11 for that purpose or from other operating monies of the agency. If the
12 agency fails or refuses to pay the award within fifteen days after the
13 demand, and if no further review or appeal of the award is pending, the
14 prevailing party may file a claim with the department of
15 administration. The department of administration shall pay the claim
16 within thirty days in the same manner as an uninsured property loss under
17 ~~title 41,~~ chapter 3.1, article 1 OF THIS TITLE, except that the agency is
18 responsible for the total amount awarded and shall pay it from its
19 operating monies. If the agency had appropriated monies available for
20 paying the award at the time it failed or refused to pay, the legislature
21 shall reduce the agency's operating appropriation for the following fiscal
22 year by the amount of the award and shall appropriate that amount to the
23 department of administration as reimbursement for the loss.

24 D. If the administrative law judge determines that the appealable
25 agency action is frivolous, the administrative law judge may require the
26 party to pay reasonable costs and fees to the agency in responding to the
27 appeal filed before the office of administrative hearings.

28 E. NOTWITHSTANDING ANY OTHER LAW, A LICENSEE MAY FORGO AN
29 ADMINISTRATIVE APPEAL AND SEEK JUDICIAL REVIEW OF AN AGENCY'S GRANT,
30 DENIAL, MODIFICATION OR REVOCATION OF A PERMIT ISSUED PURSUANT TO TITLE 49.

- 1 ~~E.~~ F. For the purposes of this section:
- 2 1. "Action against the party" means any of the following that
- 3 results in the expenditure of costs and fees:
- 4 (a) A decision.
- 5 (b) An inspection.
- 6 (c) An investigation.
- 7 (d) The entry of private property.
- 8 (e) A NOTICE OF VIOLATION
- 9 2. "Agency" means the department of environmental quality
- 10 established pursuant to title 49, chapter 1, article 1.
- 11 3. "Costs and fees" means reasonable attorney and professional fees.
- 12 4. "NOTICE OF VIOLATION" MEANS A WRITTEN NOTICE ISSUED AFTER AN
- 13 INSPECTION OR INVESTIGATION PURSUANT TO SECTION 41-1009 THAT DOCUMENTS AND
- 14 COMMUNICATES AN ALLEGED DEFICIENCY MEETING ONE OR MORE OF THE CRITERIA
- 15 LISTED IN SECTION 41-1009, SUBSECTION E.
- 16 ~~4.~~ 5. "Party" means an individual, partnership, corporation,
- 17 association and public or private organization at whom the action was
- 18 directed and who has expended costs and fees as a result of the action
- 19 against the party."
- 20 Amend title to conform

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