



Bill Number: H.B. 2091

ADD COW Mesnard Floor Amendment

Reference to: Senate engrossed House bill

Amendment drafted by: Jason Theodorou

FLOOR AMENDMENT EXPLANATION

Arizona Board of Technical Registration (AZBTR)

1. Continues the AZBTR for 6 years.
2. Specifies that the AZBTR may only hear and act on complaints or charges that are specified by the complainant.
3. Removes the authority for the AZBTR to do all other things necessary to carry out the propose of regulating technical registrants.
4. Allows the AZBTR to investigate a complaint and take any necessary disciplinary or enforcement action resulting from a complaint only if the complainant either:
 - a) currently has a contractual relationship with the person who is the subject of the complaint or had a contractual relationship with the person at the time of the alleged misconduct; or
 - b) was harmed by the alleged misconduct or possesses firsthand knowledge of the alleged misconduct.
5. Stipulates that *firsthand knowledge* includes knowledge of the outcome of the misconduct, witnessed by a person with relevant professional experience in the course of that person's contractual duties with the harmed individual.
6. Eliminates the Home Inspectors Rules and Standards Committee.

Registrar of Contractors (ROC)

7. Increases, from 2 years to 8 years, the continuation of the ROC.
8. Removes the prohibition on the ROC from spending public monies or using public resources on training, orientation or therapy that presents any form of blame or judgement on the basis of race, ethnicity or sex.

Amendment explanation prepared by Jason Theodorou
06/14/2024

9. Removes the prohibition on the ROC from issuing a license to:
 - a) a person whose presence in the United States is not authorized under federal law;
 - b) a foreign national who has been paroled into the United States by the U.S. Department of Homeland Security; or
 - c) a foreign national who has indicated an intention to apply for asylum in the United States but whose application has not been adjudicated in the affirmative.
10. Removes the requirement for the ROC to reduce the Residential Contractors' Recovery Fund (Fund) assessment if the Fund exceeds \$15,000,000 at the end of a fiscal year.
11. Requires the ROC to study and compile a report, rather than draft proposed legislation, on commercial contracts to determine whether opportunities exist to statutorily remove the agency's oversight of the commercial contracting profession.
12. Requires the ROC to submit the findings to the President of the Senate and Speaker of the House of Representatives by December 31, 2024.
13. Eliminates the requirement for the Joint Legislative Audit Committee to direct the committees of reference to conduct the sunset review of the ROC for the next termination schedule.

Miscellaneous

14. Makes technical and conforming changes.

ADDITIONAL COW
MESNARD FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2091
(Reference to Senate engrossed House bill)

1 Page 1, strike lines 2 through 42

2 Strike pages 2 through 6

3 Page 7, strike lines 1 through 22 insert:

4 "Section 1. Section 32-106, Arizona Revised Statutes, is amended to
5 read:

6 32-106. Powers and duties

7 A. The board shall:

8 1. Adopt rules for ~~the conduct of~~ CONDUCTING its meetings and
9 ~~performance of~~ PERFORMING duties imposed on it by law.

10 2. Adopt an official seal for ~~attestation of~~ ATTESTING certificates
11 of registration and other official papers and documents.

12 3. Consider and act on or delegate the authority to act on
13 applications for registration or certification.

14 4. Conduct examinations for in-training and professional
15 registration, except for an alarm business, a controlling person or an
16 alarm agent.

17 5. Hear and act on complaints or charges THAT ARE SPECIFIED BY THE
18 COMPLAINANT or direct an administrative law judge to hear and act on
19 complaints and charges THAT ARE SPECIFIED BY THE COMPLAINANT.

20 6. Compel attendance of witnesses, administer oaths and take
21 testimony concerning all matters coming within its jurisdiction. In
22 exercising these powers, the board may issue subpoenas for the attendance
23 of witnesses and the production of books, records, documents and other
24 evidence it deems relevant to an investigation or hearing.

25 7. Keep a record of its proceedings.

1 8. Keep a register that shows the date of each application for
2 registration or certification, the name of the applicant, the practice or
3 branch of practice in which the applicant has applied for registration, if
4 applicable, and the disposition of the application.

5 ~~9. Do other things necessary to carry out the purposes of this~~
6 ~~chapter.~~

7 B. The board shall specify the proficiency designation in the branch
8 of engineering in which the applicant has designated proficiency on the
9 certificate of registration and renewal card issued to each registered
10 engineer and shall authorize the engineer to use the title of registered
11 professional engineer. The board shall decide what branches of engineering
12 it shall recognize.

13 C. THE BOARD MAY INVESTIGATE A COMPLAINT PURSUANT TO SUBSECTION A,
14 PARAGRAPH 5 OF THIS SECTION AND MAY TAKE ANY NECESSARY DISCIPLINARY OR
15 ENFORCEMENT ACTION RESULTING FROM A COMPLAINT ONLY IF THE COMPLAINANT
16 EITHER:

17 1. CURRENTLY HAS A CONTRACTUAL RELATIONSHIP WITH THE PERSON WHO IS THE
18 SUBJECT OF THE COMPLAINT OR HAD A CONTRACTUAL RELATIONSHIP WITH THE PERSON
19 AT THE TIME OF THE ALLEGED MISCONDUCT.

20 2. WAS HARMED BY THE ALLEGED MISCONDUCT OR POSSESSES FIRSTHAND
21 KNOWLEDGE OF THE ALLEGED MISCONDUCT. FOR THE PURPOSES OF THIS PARAGRAPH,
22 "FIRSTHAND KNOWLEDGE" INCLUDES KNOWLEDGE OF THE OUTCOME OF THE MISCONDUCT,
23 WITNESSED BY A PERSON WITH RELEVANT PROFESSIONAL EXPERIENCE IN THE COURSE
24 OF THAT PERSON'S CONTRACTUAL DUTIES WITH THE HARMED INDIVIDUAL.

25 ~~C.~~ D. The board may hold membership in and be represented at national
26 councils or organizations of proficiencies registered under this chapter
27 and may pay the appropriate membership fees. The board may conduct
28 standard examinations on behalf of national councils and may establish fees
29 for those examinations.

30 ~~D.~~ E. The board may employ and pay on a fee basis persons, including
31 full-time employees of a state institution, bureau or department, to

1 prepare and grade examinations given to applicants for registration or
2 review an applicant's submissions of required documents for home inspector
3 certification and regulation and may fix the fee to be paid for these
4 services. These employees are authorized to prepare, grade and monitor
5 examinations, review an applicant's submissions of required documents for
6 home inspector certification and regulation and perform other services the
7 board authorizes, and to receive payment for these services from the
8 technical registration fund. The board may contract with an organization
9 to administer the registration examination, including selecting the test
10 site, scheduling the examination, billing and collecting the fee directly
11 from the applicant and grading the examination if a national council of
12 which the board is a member or a professional association approved by the
13 board does not provide these services. If a national council of which the
14 board is a member or a professional association approved by the board does
15 provide these services, the board shall enter into an agreement with the
16 national council or professional association to administer the registration
17 examination.

18 ~~F.~~ F. The board may rent necessary office space and pay the cost of
19 this office space from the technical registration fund.

20 ~~G.~~ G. The board may adopt rules establishing rules of professional
21 conduct for registrants.

22 ~~H.~~ H. The board may require evidence it deems necessary to establish
23 the continuing competency of registrants as a condition of renewal of
24 licenses.

25 ~~I.~~ I. Subject to title 41, chapter 4, article 4, the board may employ
26 persons as it deems necessary.

27 ~~J.~~ J. The board shall issue or may authorize the executive director
28 to issue a certificate or renewal certificate to each alarm business and
29 each controlling person and a certification or renewal certification card
30 to each alarm agent if the qualifications prescribed by this chapter are
31 met.

1 Sec. 2. Repeal

2 Section 32-111, Arizona Revised Statutes, is repealed.

3 Sec. 3. Section 32-122.02, Arizona Revised Statutes, is amended to
4 read:

5 32-122.02. Certification of home inspectors; insurance

6 A. An applicant for certification as a home inspector shall:

7 1. Be at least eighteen years of age.

8 2. Have passed within two years preceding application a written
9 examination that is approved by the board and that meets the competency
10 standards ~~recommended by the home inspector rules and standards committee~~
11 ~~and~~ adopted by the board.

12 3. Have passed a course of study that meets the standards
13 ~~recommended by the home inspector rules and standards committee and~~
14 approved by the board.

15 4. Pay a fee as determined by the board and for initial
16 certification shall provide to the board evidence of having a valid
17 fingerprint clearance card issued pursuant to title 41, chapter 12, article
18 3.1.

19 5. Not have had a certificate denied or revoked pursuant to this
20 chapter within one year immediately preceding the application.

21 6. Have received an absolute discharge from sentence at least five
22 years before the application if the person has been convicted of one or
23 more felonies.

24 7. Provide evidence of the applicant's ability to obtain financial
25 assurance as provided by subsection B of this section.

26 B. Within sixty days after certification and before any fee-based
27 home inspection is performed, a home inspector certified pursuant to this
28 chapter shall file one of the following financial assurances pursuant to
29 rules ~~recommended by the home inspector rules and standards committee and~~
30 adopted by the board:

1 1. Errors and omissions insurance for negligent acts committed in
2 the course of a home inspection in an amount of \$200,000 in the aggregate
3 and \$100,000 per occurrence.

4 2. A bond that is retroactive to the certification date in the
5 amount of \$25,000 or proof that minimum net assets have a value of at least
6 \$25,000.

7 C. If a home inspector loses or otherwise fails to maintain a
8 required financial assurance, the certification shall be automatically
9 suspended and shall be reinstated if a financial assurance is obtained
10 within ninety days. If a financial assurance is not obtained within ninety
11 days, the certification shall be automatically revoked.

12 D. A home inspector is subject to this chapter and rules adopted
13 pursuant to this chapter.

14 E. Except as provided in subsection A, paragraph 4 of this section,
15 the board may not require the submission of a fingerprint clearance card
16 for certification renewal or any other purpose."

17 Page 7, strike line 24, insert "[Sections 41-3024.04 and 41-3024.11, Arizona](#)
18 [Revised Statutes, are repealed.](#)"

19 Line 26, strike "section 41-3026.13" insert "sections 41-3030.26 and 41-
20 3032.04"

21 Between lines 26 and 27, insert:

22 "[41-3030.26. Board of technical registration; termination July 1,](#)
23 2030

24 A. THE BOARD OF TECHNICAL REGISTRATION TERMINATES ON JULY 1, 2030.

25 B. TITLE 32, CHAPTER 1 AND THIS SECTION ARE REPEALED ON JANUARY 1, 2031."

26 Line 27, strike "[41-3026.13](#)" insert "[41-3032.04](#)"

27 Line 28, strike "[2026](#)" insert "[2032](#)"

28 Line 29, strike "2026" insert "2032"

29 Line 31, strike "2027" insert "2033"

30 Strike lines 32 through 43 insert:

1 "Sec. 6. Registrar of contractors; study; commercial contractor
2 oversight

3 The registrar of contractors shall study and compile a report on
4 commercial contractors to determine whether opportunities exist to
5 statutorily remove the agency's oversight of the commercial contracting
6 profession. The registrar of contractors shall submit its findings to the
7 president of the senate and the speaker of the house of representatives on
8 or before December 31, 2024.

9 Sec. 7. Purpose

10 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
11 the legislature continues the board of technical registration to protect
12 the public safety and welfare by regulating architects, engineers,
13 geologists, home inspectors, landscape architects and land surveyors."

14 Amend title to conform

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J.D. MESNARD