

# ARIZONA STATE SENATE

## RESEARCH STAFF



**JASON THEODOROU**  
LEGISLATIVE RESEARCH ANALYST  
GOVERNMENT COMMITTEE  
Telephone: (602) 926-3171

TO: MEMBERS OF THE SENATE  
GOVERNMENT COMMITTEE

DATE: March 19, 2024

SUBJECT: Strike everything amendment to H.B. 2632, relating to state agencies; continuations

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### Purpose

Continues prescribed state agencies for two years. Modifies statutes governing the powers and duties of related state agencies.

### Background

Statutes outlines a process with the intent: 1) to establish an orderly schedule for the termination of existing state agencies, departments, boards, commissions, institutions and programs and to make provisions for legislative review to enable the Legislature to have the benefit of recommendations for the continuation of those state agencies, departments, boards, commissions, institutions and programs which are deemed to be essential for the necessary and efficient operation of government; 2) that the sunset review of an existing state agency, department, program, board or advisory council or committee means the sunset review of the powers and duties exercised by such state agency, department, program, board or advisory council or committee; and 3) that any amendment of the enabling authority for an agency, department, program, board or advisory council or committee subject to sunset review be in accordance with the legislative review process ([A.R.S. § 41- 2951](#)).

The Senate Government Committee of Reference (COR) held a public meeting on January 17, 2024, to conduct the sunset reviews of the Arizona Department of Administration (ADOA) , Occupational Safety and Health Review Board (OSHA Review Board), Boiler Advisory Board, Arizona Board of Technical Registration (AZBTR), Arizona State Personnel Board (ASPB) and the Governor's Office on Tribal Relation (GOTR). The Senate Government COR recommended to convert the occupational licenses under the AZBTR to a less restrictive regulation and to continue the OSHA Review Board, Boiler Advisory Board, AZBTR, ASPB and GOTR for two years, until July 1, 2026. The Joint Senate Natural Resources, Energy & Water and House Government COR held a public meeting to conduct a sunset review of the Arizona Historical Society and the Prescott Historical Society and recommend that the agencies be continued for eight years, until July 1, 2032 ([COR Reports](#)). The outlined state agencies are set to terminate on July 1, 2024, unless continued by the Legislature ([A.R.S. Title 41, Chapter 27, Article 2](#)).

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

### Provisions

#### *Agency Continuations*

1. Continues, retroactive to July 1, 2024, the ADOA, OSHA Review Board, Boiler Advisory Board, AZBTR, ASPB, GOTR, Arizona Historical Society and the Prescott Historical Society until July 1, 2026.

2. Repeals the ADOA, OSHA Review Board, Boiler Advisory Board, AZBTR, ASPB, GOTR, Arizona Historical Society and the Prescott Historical Society on January 1, 2027.
3. Requires the Joint Legislative Audit Committee to direct the CORs to conduct the sunset review for the next termination schedule that includes the ADOA, OSHA Review Board, Boiler Advisory Board, AZBTR, ASPB, GOTR, Arizona Historical Society and the Prescott Historical Society.
4. Contains purpose statements.

*Use of Public Monies and Resources*

5. Prohibits the ADOA, ASPB and the GOTR from spending public monies or using public resources relating to training, orientation or therapy that presents any form of blame or judgment on the basis of race, ethnicity or sex.
6. Requires the ADOA, ASPB and the GOTR to pay to an aggrieved employee an amount equal to the public monies that were spent or the value of public resources that were used.

*AZBTR*

7. Specifies that the AZBTR must hear and act on complaints or charges, or direct an administrative law judge to hear and act on complaints and charges, related to the review of drawings, plans or design specifications by:
  - a) an architect;
  - b) a geologist;
  - c) a landscape architect;
  - d) a professional engineer; or
  - e) a land surveyors.
8. Allows the AZBTR to investigate a complaint and take disciplinary or enforcement action resulting from a complaint only if the complainant has a substantial nexus with the person who is the subject of the complaint.
9. Eliminates the requirement for the AZBTR to do other things necessary to carry out the purpose of regulating technical registrants.
10. Specifies that the AZBTR may adopt rules establishing rules of professional conduct related to the review of drawings, plans or design specifications by:
  - a) an architect;
  - b) a geologist;
  - c) a landscape architect;
  - d) a professional engineer; or
  - e) a land surveyor.
11. Eliminates the Home Inspectors Rules and Standards Committee.

12. Specifies that the AZBTR may take prescribed disciplinary actions, in combination or alternatively, that are related to the review of drawings, plans or design specification by:
  - a) an architect;
  - b) a geologist;
  - c) a landscape architect;
  - d) a professional engineer; or
  - e) a land surveyor.
  
13. Eliminates the authorization for the AZBTR to issue a letter of concern to a home inspector if it believes there is insufficient evidence to support disciplinary action against a registrant but sufficient evidence for notification of a concern.
  
14. Specifies that the AZBTR may take disciplinary action against the holder of a certificate or registration who is charged with the commission of gross negligence, incompetence, bribery or other misconduct related to the review of drawings, plans or design specifications by:
  - a) an architect;
  - b) a geologist;
  - c) a landscape architect;
  - d) a professional engineer; or
  - e) a land surveyor.

*Miscellaneous*

15. Makes technical and conforming changes.
  
16. Becomes effective on the general effective date, with retroactive provisions as noted.