

SB 1171 Technical Registration Board Repeal; ROC

AzSCE members are encouraged to read Senate Bill SB 1171. This bill seeks to combine the Board of Technical Registration with The Registrar of Contractors. The full text of the bill can be viewed at:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/48leg/2r/bills/sb1171p.htm>

Members are encouraged to contact the bill's sponsor, Senator Chevront, and the assigned committee members. Contact information can be accessed at:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/48leg/2r/bills/sb1171o.asp>

Below are questions/comments individuals have made regarding passage of SB 1171:

- While some states may have combined departments for technical professions and contractors, all maintain separate boards that regulate the technical professions (engineers, architects, land surveyors, landscape architects, geologists, etc.). ***The proposed legislation eliminates Arizona's technical board.***
- The Board of Technical Registration is supported by the fee income it collects. It does not draw money from the General Fund. Abolishing the BTR will not help Arizona solve its budget problems.
- Having an independent BTR assures that only qualified, licensed professionals are working in this state and will safeguard and enforce the standards of competence that must be met by these professionals.
- The Registrar of Contractors has a different mission and it is entirely unprepared to assume responsibility for regulating design professionals.
- A.R.S. 32-1101. Definitions 3. "Contractor" is synonymous with the term "builder". This is not consistent with the role of those practicing in the technical professions.
- A professional who obtained their initial registration in Arizona may face difficulty when applying for reciprocity to other states in the event that registration requirements established by the ROC is not considered equivalent to requirements established by other licensing jurisdictions. ***The bill indicates Contractors (Builders) would review and approve qualifications of professional registrants.***
- It appears disciplinary action against a technical registrant would be accomplished by deputies, investigators and assistants employed by the Registrar (A.R.S. 32-1104 Powers and Duties 4). It is not clear how this would impact A.A.C. R4-30-120 Complaint Review Process in which the review "committee shall be comprised of one public member and a minimum of four registrants, at least one of whom is registered in the same category or branch as the respondent". ***The potential lack of qualified investigators may result in an inaccurate or biased assessment.***
 - o Contractors (Builders) would investigate and make decisions on disciplinary action(s) against professional registrants without benefit of a "peer" investigation and decision.
 - o It appears that the ROC (appointed) and his/her deputy, investigator and assistants make all the decisions. They may appoint an advisory commission but it is only advisory and final decision is by the ROC.

- Potential for conflict of interest in the event an enforcement case involves elements of design and construction.
- The proposed legislation maintains that the State Geologist may establish and appoint an advisory board consisting of geologists; however, the other professions do not appear to be treated in the same manner due to the elimination of the Board of Technical Registration.
- Cost of operations and the impact to fees charged to registrants are not known. The proposed legislation provides for speculation as to professions being handled in the same manner as contractors, i.e.:
 - o Yearly renewal of firms for contractors requires a bond. A.R.S. 32-1152. Bonds A. Before granting an original contractor's license, the registrar shall require of the applicant a surety bond in a form acceptable to the registrar or a cash deposit as provided in this section. No contractor's license may be renewed unless the applicant's surety bond or cash deposit is in full force and effect. **Professional firms do not have bonds. Will they now have to supply the ROC with a Certificate of Insurance along with their renewal?**
 - o A.R.S. 32-1132. Residential contractors' recovery fund B. Except as provided in section 32-1152, subsection C, every person making application for a contractor's license or for renewal of a contractor's license to engage in residential contracting shall pay an assessment of not more than six hundred dollars during the biennial license period for deposit in the fund. In the event that the registrar does not issue the license, this assessment shall be returned to the applicant. A.R.S. 32-1134.01. Additional payments to fund If at any time the balance remaining in the residential contractors' recovery fund is less than two million dollars, every residential contractor who paid into the fund pursuant to section 32-1132 may be reassessed in an amount determined by the registrar pursuant to section 32-1134 and shall make the required payment into the fund. The registrar shall suspend a residential contractor's license for failure to make the required payment until the amount owed is paid in full. **Will a similar fund be established for professional registrants?**