



Bill Number: S.B. 1037

Kavanagh Substitute Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

#### FLOOR AMENDMENT EXPLANATION

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- Narrows the definition of *licensing authority* to include only any licensing board, rather than any licensing agency, department, board or commission, under the occupations and professions section of statute.

KAVANAGH SUBSTITUTE FLOOR AMENDMENT  
SENATE AMENDMENTS TO S.B. 1037

I move the following SUBSTITUTE amendment to the REGULATORY AFFAIRS AND GOVERNMENT EFFICIENCY Committee Amendment to SENATE BILL 1037 (Reference to printed bill)

Amendment instruction key:  
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.  
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.  
~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.  
~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.  
<<Green carets>> indicate a section added to the bill.  
<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised  
3 Statutes, is amended by adding section 32-3209.01, to read:

4 32-3209.01. Board fees; fund balances; review; reduction

5 A. EACH HEALTH PROFESSION REGULATORY BOARD SHALL REVIEW IN A PUBLIC  
6 MEETING AT LEAST ONCE EACH FISCAL YEAR AND BEFORE ESTABLISHING THE AMOUNT  
7 OF ANY FEE FOR THE SUBSEQUENT FISCAL YEAR THE AMOUNT OF EACH FEE  
8 AUTHORIZED IN THE HEALTH PROFESSION REGULATORY BOARD'S STATUTES. THE  
9 HEALTH PROFESSION REGULATORY BOARD ~~[MUST]~~[SHALL] ASCERTAIN AND DISCLOSE IN  
10 THE PUBLIC MEETING THE HEALTH PROFESSION REGULATORY BOARD'S FUND BALANCE.  
11 THE FUND BALANCE MAY NOT BE MORE THAN TWO YEARS OF THE HEALTH PROFESSION  
12 REGULATORY BOARD'S ANNUAL OPERATING EXPENSES PLUS FIVE PERCENT.

13 B. IF THE FUND BALANCE IS MORE THAN THE AMOUNT ALLOWED UNDER  
14 SUBSECTION A OF THIS SECTION, THE HEALTH PROFESSION REGULATORY BOARD SHALL  
15 REDUCE OR ELIMINATE ~~[THE]~~ LICENSING OR APPLICATION FEES, OR BOTH, ~~[THAT~~  
16 ~~ARE]~~ BEING CHARGED TO THE HEALTH PROFESSIONALS UNDER THE HEALTH PROFESSION  
17 REGULATORY BOARD'S JURISDICTION UNTIL THE FUND BALANCE IS BELOW THE  
18 ALLOWABLE AMOUNT.

19 ~~[C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A HEALTH~~  
20 ~~PROFESSION REGULATORY BOARD MAY MAINTAIN ADDITIONAL MONIES IN THE FUND IN~~  
21 ~~THE AMOUNT OF THE HEALTH PROFESSION REGULATORY BOARD'S LAST OPERATIONAL~~  
22 ~~FUNDING REQUEST IF THE LEGISLATURE DID NOT APPROVE THE HEALTH PROFESSION~~  
23 ~~REGULATORY BOARD'S OPERATIONAL FUNDING REQUEST IN THAT FISCAL YEAR'S STATE~~  
24 ~~BUDGET.]~~

1 <<Sec. 2. Title 32, chapter 48, Arizona Revised Statutes, is  
2 amended by adding article 2, to read:

3 ARTICLE 2. NONHEALTH PROFESSIONS AND  
4 OCCUPATIONS REGULATORY BOARDS

5 32-4821. Licensing authority fees; fund balances; review;  
6 reduction; definition

7 [A. EACH LICENSING AUTHORITY SHALL REVIEW IN A PUBLIC MEETING AT  
8 LEAST ONCE EACH FISCAL YEAR AND BEFORE ESTABLISHING THE AMOUNT OF ANY FEE  
9 FOR THE SUBSEQUENT FISCAL YEAR THE AMOUNT OF EACH FEE AUTHORIZED IN THE  
10 LICENSING AUTHORITY'S STATUTES. THE LICENSING AUTHORITY SHALL ASCERTAIN  
11 AND DISCLOSE IN THE PUBLIC MEETING THE LICENSING AUTHORITY'S FUND BALANCE.  
12 THE FUND BALANCE MAY NOT BE MORE THAN TWO YEARS OF THE LICENSING  
13 AUTHORITY'S ANNUAL OPERATING EXPENSES PLUS FIVE PERCENT.

14 B. IF THE FUND BALANCE IS MORE THAN THE AMOUNT ALLOWED UNDER  
15 SUBSECTION A OF THIS SECTION, THE LICENSING AUTHORITY SHALL REDUCE OR  
16 ELIMINATE THE LICENSING OR APPLICATION FEES, OR BOTH, THAT ARE BEING  
17 CHARGED TO THE LICENSEES, PERMITTEES, CERTIFICATE HOLDERS OR REGISTRANTS  
18 UNDER THE LICENSING AUTHORITY'S JURISDICTION UNTIL THE FUND BALANCE IS  
19 BELOW THE ALLOWABLE AMOUNT.

20 C. FOR THE PURPOSES OF THIS SECTION, "LICENSING AUTHORITY":

21 1. MEANS ANY BOARD OF THIS STATE THAT ISSUES A LICENSE, PERMIT,  
22 CERTIFICATE OR REGISTRATION PURSUANT TO THIS TITLE TO AN INDIVIDUAL WHO  
23 PROVIDES A SERVICE TO ANY PERSON.

24 2. DOES NOT INCLUDE:

25 (a) AN ENTITY THAT ISSUES LICENSES PURSUANT TO CHAPTER 40 OF THIS  
26 TITLE.

27 (b) A HEALTH PROFESSION REGULATORY BOARD AS DEFINED IN SECTION  
28 32-3201.]>>

29 Enroll and engross to conform

30 Amend title to conform

JOHN KAVANAGH

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C: MH