

REFERENCE TITLE: self-supporting regulatory agencies; funds; 2024-2025

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## HB 2910

Introduced by  
Representative Livingston (with permission of Committee on Rules)

### AN ACT

AMENDING SECTIONS 32-109, 32-505, 32-705, 32-806, 32-906, 32-1107,  
32-1212, 32-1406, 32-1505, 32-1611, 32-1686, 32-1705, 32-1805, 32-1907,  
32-2004, 32-2065, 32-2205, 32-2506, 32-2906, 32-3004, 32-3254, 32-3405,  
32-3505, 32-3905, 32-4105, 32-4205 AND 36-446.08, ARIZONA REVISED  
STATUTES; RELATING TO SELF-SUPPORTING REGULATORY AGENCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section. 1. Section 32-109, Arizona Revised Statutes, is amended to  
3 read:

4 32-109. Technical registration fund

5 A. Pursuant to sections 35-146 and 35-147, the executive director  
6 shall deposit ~~ten~~ FIFTEEN percent of all fees or other revenues received  
7 by the board in the state general fund to assist in defraying the cost of  
8 maintaining the state government and shall deposit the remaining ~~ninety~~  
9 EIGHTY-FIVE percent in ~~a separate fund, known as~~ the technical  
10 registration fund, to be used only in defraying expenses of the board and  
11 in prosecuting violations of this chapter.

12 B. Monies deposited in the technical registration fund pursuant to  
13 subsection A of this section are subject to section 35-143.01.

14 Sec. 2. Section 32-505, Arizona Revised Statutes, is amended to  
15 read:

16 32-505. Barbering and cosmetology fund

17 A. The barbering and cosmetology fund is established. Except as  
18 provided in subsection C of this section, before the end of each calendar  
19 month the board shall deposit, pursuant to sections 35-146 and 35-147, ~~ten~~  
20 FIFTEEN percent of all monies from whatever source that come into the  
21 possession of the board in the state general fund and deposit the  
22 remaining ~~ninety~~ EIGHTY-FIVE percent in the barbering and cosmetology  
23 fund.

24 B. Except as provided in section 32-573, subsection G, monies  
25 deposited in the barbering and cosmetology fund are subject to section  
26 35-143.01.

27 C. Monies from civil penalties received pursuant to section 32-571  
28 shall be deposited, pursuant to sections 35-146 and 35-147, in the state  
29 general fund.

30 Sec. 3. Section 32-705, Arizona Revised Statutes, is amended to  
31 read:

32 32-705. Board of accountancy fund; disposition of monies

33 A. The board of accountancy fund is established consisting of fees  
34 authorized by this chapter. Except as provided by subsection C of this  
35 section, the board shall deposit, pursuant to sections 35-146 and 35-147,  
36 ~~ninety per cent~~ EIGHTY-FIVE PERCENT of all monies collected under this  
37 chapter in the board of accountancy fund and the remaining ~~ten per cent~~  
38 FIFTEEN PERCENT in the state general fund.

39 B. Monies deposited in the fund are subject to section 35-143.01.

40 C. Monies collected by the board as administrative penalties  
41 pursuant to this chapter shall be deposited, pursuant to sections 35-146  
42 and 35-147, in the state general fund.

43 D. The legislature shall appropriate monies from the fund for the  
44 expenses of administering this chapter, including:

1 1. Costs of conducting investigations, taking testimony and  
2 procuring the attendance of witnesses before the board or its committees.

3 2. Legal proceedings taken ~~for the enforcement of~~ TO ENFORCE this  
4 chapter.

5 3. Educational programs ~~for the benefit of~~ TO BENEFIT the public,  
6 registrants and their employees.

7 Sec. 4. Section 32-806, Arizona Revised Statutes, is amended to  
8 read:

9 32-806. Podiatry fund

10 A. At the end of each calendar month, the board shall deposit,  
11 pursuant to sections 35-146 and 35-147, ~~the ten~~ FIFTEEN percent of all  
12 monies received by the board in the state general fund and the remaining  
13 ~~ninety~~ EIGHTY-FIVE percent in the podiatry fund.

14 B. All monies deposited in the podiatry fund are subject to section  
15 35-143.01.

16 Sec. 5. Section 32-906, Arizona Revised Statutes, is amended to  
17 read:

18 32-906. Board of chiropractic examiners fund

19 A. All monies, except civil penalties collected pursuant to section  
20 32-924, that are received by the board shall be deposited monthly.  
21 Pursuant to sections 35-146 and 35-147, the board shall deposit ~~ten per~~  
22 ~~cent~~ FIFTEEN PERCENT of the monies in the STATE general fund and deposit  
23 the remaining ~~ninety per cent~~ EIGHTY-FIVE PERCENT in the board of  
24 chiropractic examiners fund. All monies that are derived from civil  
25 penalties collected pursuant to section 32-924 shall be deposited,  
26 pursuant to sections 35-146 and 35-147, in the state general fund.

27 B. Monies that are deposited in the board of chiropractic examiners  
28 fund are subject to section 35-143.01.

29 Sec. 6. Section 32-1107, Arizona Revised Statutes, is amended to  
30 read:

31 32-1107. Registrar of contractors fund

32 A. The registrar of contractors fund is established. The registrar  
33 of contractors shall administer the fund. The registrar shall deposit,  
34 pursuant to sections 35-146 and 35-147, ~~ninety~~ EIGHTY-FIVE percent of all  
35 monies collected under this chapter in the registrar of contractors fund  
36 and ~~ten~~ FIFTEEN percent of all monies collected under this chapter in the  
37 state general fund, except monies collected for the residential  
38 contractors' recovery fund and the contractors' cash bond fund and monies  
39 received from civil penalties.

40 B. The registrar shall use monies in the registrar of contractors  
41 fund for carrying out the powers and duties of the registrar and for the  
42 purposes of this chapter. Monies deposited in the registrar of  
43 contractors fund are subject to section 35-143.01.

1           Sec. 7. Section 32-1212, Arizona Revised Statutes, is amended to  
2 read:

3           32-1212. Dental board fund

4           A. Except as provided in subsection C of this section, pursuant to  
5 sections 35-146 and 35-147, the executive director of the board shall each  
6 month deposit ~~ten per cent~~ FIFTEEN PERCENT of all fees, fines and other  
7 revenue received by the board, ~~in the state general fund and deposit the~~  
8 remaining ~~ninety per cent~~ EIGHTY-FIVE PERCENT in the dental board fund.

9           B. Monies deposited in the dental board fund ~~shall be~~ ARE subject  
10 to the provisions of section 35-143.01.

11           C. Monies from administrative penalties received pursuant to  
12 section 32-1263.01 shall be deposited, pursuant to sections 35-146 and  
13 35-147, in the state general fund.

14           Sec. 8. Section 32-1406, Arizona Revised Statutes, is amended to  
15 read:

16           32-1406. Arizona medical board fund

17           A. The Arizona medical board fund is established. Pursuant to  
18 sections 35-146 and 35-147, the board shall deposit ~~ten per cent~~ FIFTEEN  
19 PERCENT of all monies collected under the provisions of this chapter in  
20 the state general fund and deposit the remaining ~~ninety per cent~~  
21 EIGHTY-FIVE PERCENT in the Arizona medical board fund.

22           B. Monies deposited in the fund are subject to section 35-143.01.

23           Sec. 9. Section 32-1505, Arizona Revised Statutes, is amended to  
24 read:

25           32-1505. Naturopathic physicians medical board fund

26           A. The naturopathic physicians medical board fund is established.  
27 The board shall administer the fund. Pursuant to sections 35-146 and  
28 35-147, the board shall deposit ~~ten per cent~~ FIFTEEN PERCENT of all monies  
29 from whatever source that come into the possession of the board in the  
30 state general fund and deposit the remaining ~~ninety per cent~~ EIGHTY-FIVE  
31 PERCENT in the naturopathic physicians medical board fund.

32           B. Monies deposited in the naturopathic physicians medical board  
33 fund are subject to section 35-143.01.

34           Sec. 10. Section 32-1611, Arizona Revised Statutes, is amended to  
35 read:

36           32-1611. Board of nursing fund

37           A. Before the end of each month, pursuant to sections 35-146 and  
38 35-147, the board shall deposit ~~ten per cent~~ FIFTEEN PERCENT of all monies  
39 received by the board from fees pursuant to section 32-1643 in the state  
40 general fund and deposit the remaining ~~ninety per cent~~ EIGHTY-FIVE PERCENT  
41 in the board of nursing fund.

42           B. Monies deposited in the board of nursing fund are subject to  
43 section 35-143.01.

1 C. Monies from civil penalties received pursuant to section 32-1606  
2 shall be deposited, pursuant to sections 35-146 and 35-147, in the state  
3 general fund.

4 Sec. 11. Section 32-1686, Arizona Revised Statutes, is amended to  
5 read:

6 32-1686. Board of dispensing opticians fund

7 A. Before the end of each month, pursuant to sections 35-146 and  
8 35-147, the board shall deposit ~~ten per cent~~ FIFTEEN PERCENT of all monies  
9 received by the board in the state general fund and deposit the remaining  
10 ~~ninety per cent~~ EIGHTY-FIVE PERCENT in the board of dispensing opticians  
11 fund.

12 B. Monies deposited in the board of dispensing opticians fund are  
13 subject to section 35-143.01.

14 Sec. 12. Section 32-1705, Arizona Revised Statutes, is amended to  
15 read:

16 32-1705. Board of optometry fund

17 A. ~~A~~ THE board of optometry fund is established.

18 B. Pursuant to sections 35-146 and 35-147, the board shall deposit  
19 ~~ten per cent~~ FIFTEEN PERCENT of all monies from whatever source which come  
20 into the possession of the board in the state general fund and deposit the  
21 remaining ~~ninety per cent~~ EIGHTY-FIVE PERCENT in the board of optometry  
22 fund.

23 C. Monies deposited in the board of optometry fund are subject to  
24 section 35-143.01.

25 Sec. 13. Section 32-1805, Arizona Revised Statutes, is amended to  
26 read:

27 32-1805. Board fund; disbursements

28 A. Before the end of the calendar month, pursuant to sections  
29 35-146 and 35-147, the board shall deposit ~~ten per cent~~ FIFTEEN PERCENT of  
30 all monies received by the board from fees and other monies provided for  
31 in section 32-1826 in the state general fund and deposit the remaining  
32 ~~ninety per cent~~ EIGHTY-FIVE PERCENT in the board fund. All monies derived  
33 from civil penalties collected pursuant to section 32-1855 shall be  
34 deposited, pursuant to sections 35-146 and 35-147, in the state general  
35 fund.

36 B. Monies deposited in the board fund shall be subject to section  
37 35-143.01.

38 Sec. 14. Section 32-1907, Arizona Revised Statutes, is amended to  
39 read:

40 32-1907. Arizona state board of pharmacy fund

41 A. Except as provided in section 32-1939, the executive director  
42 shall receive and receipt for all fees and other monies provided for in  
43 this chapter and shall deposit, pursuant to sections 35-146 and 35-147,  
44 ~~ten~~ FIFTEEN percent of such monies in the state general fund and ~~ninety~~  
45 EIGHTY-FIVE percent in the Arizona state board of pharmacy fund. All

1 monies derived from civil penalties collected pursuant to this chapter  
2 shall be deposited, pursuant to sections 35-146 and 35-147, in the state  
3 general fund.

4 B. Except as provided in subsection C of this section, monies  
5 deposited in the Arizona state board of pharmacy fund ~~shall be~~ ARE subject  
6 to section 35-143.01.

7 C. From monies deposited in the Arizona state board of pharmacy  
8 fund pursuant to subsection A of this section, the executive director may  
9 transfer up to ~~five hundred thousand dollars~~ \$500,000 annually to the  
10 controlled substances prescription monitoring program fund established by  
11 section 36-2605 for expenses related to the controlled substances  
12 prescription monitoring program as required by title 36, chapter 28.

13 D. From monies deposited in the Arizona state board of pharmacy  
14 fund pursuant to subsection A of this section, the executive director may  
15 transfer up to ~~one million dollars~~ \$1,000,000 annually to the Arizona  
16 poison and drug information center for the purposes specified in section  
17 36-1161 to supplement, and not supplant, any state general fund  
18 appropriation for those purposes.

19 Sec. 15. Section 32-2004, Arizona Revised Statutes, is amended to  
20 read:

21 32-2004. Board of physical therapy fund

22 A. The board of physical therapy fund is established. The board  
23 shall administer the fund.

24 B. Except as provided in section 32-2048, pursuant to sections  
25 35-146 and 35-147, the board shall deposit ~~ten per cent~~ FIFTEEN PERCENT of  
26 all monies collected under this chapter in the state general fund and  
27 deposit the remaining ~~ninety per cent~~ EIGHTY-FIVE PERCENT in the board of  
28 physical therapy fund.

29 C. Monies deposited in the physical therapy fund are subject to  
30 section 35-143.01.

31 Sec. 16. Section 32-2065, Arizona Revised Statutes, is amended to  
32 read:

33 32-2065. Board of psychologist examiners fund; separate  
34 behavior analyst account

35 A. The board of psychologist examiners fund is established.

36 B. Except as provided in section 32-2081 and section 32-2091.09,  
37 subsection I, pursuant to sections 35-146 and 35-147, the board shall  
38 deposit ~~ten~~ FIFTEEN percent of all monies collected pursuant to this  
39 chapter in the state general fund and deposit the remaining ~~ninety~~  
40 EIGHTY-FIVE percent in the board of psychologist examiners fund.

41 C. All monies deposited in the board of psychologist examiners fund  
42 are subject to section 35-143.01.

43 D. All monies deposited in the board of psychologist examiners fund  
44 pursuant to section 32-2067 and any monies received pursuant to section  
45 32-2063, subsection C for psychologist licensing and regulation must be

1 used only for ~~the~~ licensing and ~~regulation of~~ REGULATING psychologists  
2 pursuant to this article and articles 2 and 3 of this chapter and may not  
3 be used for ~~the~~ licensing and ~~regulation of~~ REGULATING behavior analysts  
4 pursuant to article 4 of this chapter.

5 E. All monies deposited in the board of psychologist examiners fund  
6 pursuant to article 4 of this chapter and any monies received pursuant to  
7 section 32-2063, subsection C for behavior analyst licensing and  
8 regulation must be used only for ~~the~~ licensing and ~~regulation of~~  
9 REGULATING behavior analysts pursuant to article 4 of this chapter and may  
10 not be used for ~~the~~ licensing and ~~regulation of~~ REGULATING psychologists  
11 pursuant to this article and articles 2 and 3 of this chapter.

12 F. The board shall establish a separate account in the fund for  
13 monies transferred to the fund pursuant to article 4 of this chapter, and  
14 any monies received pursuant to section 32-2063, subsection C for behavior  
15 analyst licensing and regulation.

16 Sec. 17. Section 32-2205, Arizona Revised Statutes, is amended to  
17 read:

18 32-2205. Veterinary medical examining board fund

19 A. The veterinary medical examining board fund is established.  
20 Pursuant to sections 35-146 and 35-147, the board shall deposit ~~ten per~~  
21 ~~cent~~ FIFTEEN PERCENT of all fees and other revenue accruing to the board  
22 in the state general fund and deposit the remaining ~~ninety per cent~~  
23 EIGHTY-FIVE PERCENT in the veterinary medical examining board fund.

24 B. All monies deposited in the veterinary medical examining board  
25 fund are subject to section 35-143.01.

26 Sec. 18. Section 32-2506, Arizona Revised Statutes, is amended to  
27 read:

28 32-2506. Arizona medical board fund

29 A. Pursuant to sections 35-146 and 35-147, the board shall deposit  
30 ~~ten per cent~~ FIFTEEN PERCENT of all monies collected pursuant to this  
31 chapter in the state general fund and deposit the remaining ~~ninety per~~  
32 ~~cent~~ EIGHTY-FIVE PERCENT in the Arizona medical board fund.

33 B. Monies deposited in the fund pursuant to this section are  
34 subject to section 35-143.01.

35 Sec. 19. Section 32-2906, Arizona Revised Statutes, is amended to  
36 read:

37 32-2906. Board of homeopathic and integrated medicine  
38 examiners' fund

39 A. A board of homeopathic and integrated medicine examiners' fund  
40 is established. Pursuant to sections 35-146 and 35-147, the board shall  
41 deposit ~~ten per cent~~ FIFTEEN PERCENT of all monies collected under this  
42 chapter in the state general fund and deposit the remaining ~~ninety per~~  
43 ~~cent~~ EIGHTY-FIVE PERCENT in the board of homeopathic ~~medical~~ AND  
44 INTEGRATED MEDICINE examiners' fund.

45 B. Monies deposited in the fund are subject to section 35-143.01.





1 fund may be used by the board for payments of all necessary board  
2 expenses.

3 B. Monies deposited in the board of respiratory care examiners fund  
4 are subject to section 35-143.01.

5 Sec. 24. Section 32-3905, Arizona Revised Statutes, is amended to  
6 read:

7 32-3905. Acupuncture board of examiners fund

8 A. The acupuncture board of examiners fund is established  
9 consisting of fees collected pursuant to section 32-3927. The board shall  
10 administer the fund. Pursuant to sections 35-146 and 35-147, the board  
11 shall deposit ~~ten per cent~~ FIFTEEN PERCENT of all monies collected under  
12 this chapter in the state general fund and deposit the remaining ~~ninety~~  
13 ~~per cent~~ EIGHTY-FIVE PERCENT in the acupuncture board of examiners fund.

14 B. Monies deposited in the acupuncture board of examiners fund are  
15 subject to section 35-143.01.

16 Sec. 25. Section 32-4105, Arizona Revised Statutes, is amended to  
17 read:

18 32-4105. Athletic training fund

19 A. The athletic training fund is established. The board shall  
20 administer the fund. Pursuant to sections 35-146 and 35-147, the board  
21 shall deposit ~~ten per cent~~ FIFTEEN PERCENT of all monies from whatever  
22 source that come into the possession of the board in the state general  
23 fund and deposit the remaining ~~ninety per cent~~ EIGHTY-FIVE PERCENT in the  
24 athletic training fund.

25 B. Monies deposited in the athletic training fund are subject to  
26 section 35-143.01.

27 Sec. 26. Section 32-4205, Arizona Revised Statutes, is amended to  
28 read:

29 32-4205. Board of massage therapy fund

30 A. The board of massage therapy fund is established. The board  
31 shall administer the fund. The board shall deposit, pursuant to sections  
32 35-146 and 35-147, ~~ten per cent~~ FIFTEEN PERCENT of all monies collected  
33 pursuant to this chapter in the state general fund and deposit the  
34 remaining ~~ninety per cent~~ EIGHTY-FIVE PERCENT of the monies in the board  
35 of massage therapy fund.

36 B. Monies deposited in the board of massage therapy fund are  
37 subject to section 35-143.01.

38 Sec. 27. Section 36-446.08, Arizona Revised Statutes, is amended to  
39 read:

40 36-446.08. Nursing care institution administrators' licensing  
41 and assisted living facility managers'  
42 certification fund; investment of fund monies

43 A. The nursing care institution administrators' licensing and  
44 assisted living facility managers' certification fund is established.

1 B. Pursuant to sections 35-146 and 35-147, the board shall deposit  
2 ~~ten per cent~~ FIFTEEN PERCENT of all monies collected pursuant to this  
3 article in the state general fund and deposit the remaining ~~ninety per~~  
4 ~~cent~~ EIGHTY-FIVE PERCENT in the nursing care institution administrators'  
5 licensing and assisted living facility managers' certification fund. All  
6 monies derived from civil penalties collected pursuant to section  
7 36-446.07, subsection C shall be deposited, pursuant to sections 35-146  
8 and 35-147, in the state general fund.

9 C. Monies deposited in the nursing care institution administrators'  
10 licensing and assisted living facility managers' certification fund are  
11 subject to the provisions of section 35-143.01.

12 D. On notice from the board, the state treasurer shall invest and  
13 divest monies in the fund as provided by section 35-313, and monies earned  
14 from investment shall be credited to the fund.

15 Sec. 28. Fee increase; prohibition; exception; fiscal years  
16 2024-2025 and 2025-2026

17 A. Notwithstanding any other law and except as provided in  
18 subsection B of this section, the following boards and departments may not  
19 adopt any license fee increases in fiscal year 2024-2025 or 2025-2026:

- 20 1. The state board of technical registration.
- 21 2. The barbering and cosmetology board.
- 22 3. The Arizona state board of accountancy
- 23 4. The state board of podiatry examiners.
- 24 5. The state board of chiropractic examiners.
- 25 6. The registrar of contractors.
- 26 7. The state board of dental examiners.
- 27 8. The Arizona medical board.
- 28 9. The naturopathic physicians medical board.
- 29 10. The Arizona state board of nursing.
- 30 11. The state board of dispensing opticians.
- 31 12. The state board of optometry.
- 32 13. The Arizona board of osteopathic examiners in medicine and  
33 surgery.
- 34 14. The Arizona state board of pharmacy.
- 35 15. The board of physical therapy.
- 36 16. The state board of psychologist examiners.
- 37 17. The Arizona state veterinary medical examining board.
- 38 18. The Arizona regulatory board of physician assistants.
- 39 19. The board of homeopathic and integrated medicine examiners.
- 40 20. The state board for private postsecondary education.
- 41 21. The board of behavioral health examiners.
- 42 22. The board of occupational therapy examiners.
- 43 23. The board of respiratory care examiners.
- 44 24. The acupuncture board of examiners.

1           25. The board of athletic training.

2           26. The board of massage therapy.

3           27. The board of examiners of nursing care institution  
4 administrators and assisted living facility managers.

5           B. A board or department prescribed in subsection A of this  
6 section may submit a written request to the governor's regulatory review  
7 council to adopt a license fee increase on an emergency basis in fiscal  
8 year 2024-2025 or 2025-2026. If the governor's regulatory review council  
9 makes a written determination that the board or department has  
10 demonstrated to the council that the board or department will not have  
11 sufficient monies available to continue daily operations if the proposed  
12 emergency license fee increase is not adopted, the council may approve the  
13 emergency license fee increase request and the board or department may  
14 adopt the license fee increase.

15           C. This section does not grant an express exemption from the  
16 provisions of title 41, chapter 6, Arizona Revised Statutes, for  
17 establishing or increasing a fee. A board or department that adopts a  
18 license fee increase pursuant to this section shall comply with all  
19 applicable rulemaking provisions to increase the license fee.