



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FINAL AMENDED
FACT SHEET FOR S.B. 1418

~~state museum; fees; rulemaking~~
(NOW: fees; notice; posting; state museum)

As passed the Senate, S.B. 1418 requires fee increases for services performed by the Arizona State Museum (Museum) to be adopted by specified procedures.

The House of Representatives adopted a strike everything amendment that does the following:

Purpose

Requires the Arizona Board of Regents (ABOR) to adopt fees for services performed by the Museum and establishes a notification process.

Background

The Museum was established in 1893 by the Arizona Territorial Legislature. Located at the University of Arizona, the Museum remains the state's official permitting agency for archaeological and paleontological projects across Arizona. ABOR directs and manages the Museum and sets apart sufficient space to accommodate it (A.R.S. § 15-1631).

ABOR oversees and manages the state's universities including Northern Arizona University, Arizona State University and the University of Arizona. This includes governing and administering institutions, appointing and employing presidents, vice-presidents and other academic officials, and establishing tuition and fees (A.R.S. § 15-1625).

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

Provisions

1. Requires ABOR to adopt any fees for archaeological discoveries and preservation services performed by the Museum.

Notice of Intent

2. Stipulates before submitting a proposal to ABOR to increase fees for Museum services, the Museum Director (Director) must provide a notice of intent (notice) on the Museum's website before January 1.
3. Stipulates the notice must include a justification for the fee increase addressing:
 - a) the amount of the proposed fee increase;
 - b) the persons who will be directly affected by, bear the costs of or directly benefit from the proposed fee increase;
 - c) a description and explanation of the methodology utilized to calculate the proposed fee increase and the costs included; and
 - d) an analysis addressing:
 - i) the rationale for the proposed fee increase describing the statutory responsibilities that the Museum fulfills with the proposed increase;
 - ii) an explanation of services the Museum will provide to this state, political subdivisions, other agencies and businesses with the proposed fee increase; and
 - iii) a description of any efforts to avoid fee increases or reduce costs and/or regulatory burden to businesses, persons and consumers directly affected by the proposed increase.
4. Stipulates the notice must be provided to ABOR for submittal to the Secretary of State (SOS) for publication in the register.
5. Requires the Director, at the same time ABOR submits notice of the proposed fee increase to the SOS, to notify, by regular mail, fax or e-mail, each person who made a timely request for notification of proposed fee changes, policy changes or any other change relating to the Museum and allows the Museum to purge the notification list once each year.

Proposal to Increase Fees

6. Requires the Director to:
 - a) post a draft proposal of the fee increase on the Museum's website on or before the second Monday of the calendar year;
 - b) provide a public comment period for at least 30 days, after publication in the register, on the proposed fee increase;
 - c) post on the Museum's website a revised draft proposal of the fee increase, if applicable, at the end of the public comment period;
 - d) include in the revised draft, a summary and response to any comments received during the public comment period including a summary of alternatives considered and a rationale for why these alternatives were not selected;
 - e) provide a public comment period for at least 20 days on the revised draft proposal; and
 - f) post on the Museum's website, not later than five business days after the end of the public comment period, a final draft proposal of the fee increase with an expected date for ABOR consideration.
7. Requires the SOS to publish the proposal to increase fees in the register.

- 8. Stipulates any Museum proposal for a fee increase submitted to ABOR must include the outlined information.

Miscellaneous

- 9. Requires ABOR, within 12 months after the effective date, to submit a report to the Governor, the President of the Senate and the Speaker of the House of Representatives summarizing the progress achieved and submit a copy of the report to the SOS.
- 10. Repeals the reporting requirement on January 1, 2018.
- 11. Stipulates *public comment* may include written comments, comments submitted through e-mail and oral comments.
- 12. Makes technical changes.
- 13. Becomes effective on the general effective date.

Amendments Adopted by the House of Representatives

- Adopted a strike everything amendment stipulating ABOR must approve fee increases for Museum services and establishes notification requirements.

Senate Action

House Action

Final Read 5/4/16 29-0-1

GHE 3/17/16 DPA/SE 8-0-0-1

3rd Read 4/6/16 59-0-1-0

Signed by the Governor 5/11/16
Chapter 166

Prepared by Senate Research
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RH/JO/rf