

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 317**  
**SENATE BILL 1482**

AN ACT

AMENDING SECTION 41-1008, ARIZONA REVISED STATUTES; RELATING TO  
ADMINISTRATIVE PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1008, Arizona Revised Statutes, is amended to  
3 read:

4 41-1008. Fees; specific statutory authority

5 A. Except as provided in subsection C of this section, an agency  
6 shall not:

7 1. Charge or receive a fee or make a rule establishing a fee unless  
8 the fee for the specific activity is expressly authorized by statute or  
9 tribal state gaming compact.

10 2. Make a rule establishing a fee that is solely based on a statute  
11 that generally authorizes an agency to recover its costs or to accept  
12 gifts or donations.

13 3. INCREASE A FEE IN AN AMOUNT THAT EXCEEDS THE PERCENTAGE OF  
14 CHANGE IN THE AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED  
15 STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT FIGURE  
16 FOR THE LATEST CALENDAR YEAR AND THE CALENDAR YEAR IN WHICH THE LAST FEE  
17 INCREASE OCCURRED. AN AGENCY MAY INCREASE A FEE IN AN AMOUNT THAT EXCEEDS  
18 THE PERCENTAGE OF CHANGE IN THE AVERAGE CONSUMER PRICE INDEX IF EITHER OF  
19 THE FOLLOWING APPLIES:

20 (a) THE AGENCY SUBMITS THE FEE INCREASE TO THE JOINT LEGISLATIVE  
21 BUDGET COMMITTEE FOR REVIEW BEFORE THE FEE IS INCREASED.

22 (b) THE AGENCY IS REQUIRED TO SUBMIT AN ANNUAL REPORT THAT INCLUDES  
23 INFORMATION ABOUT THE FEE TO MEMBERS OF THE LEGISLATURE.

24 B. An agency shall identify the statute or tribal state gaming  
25 compact that authorizes the fee on documents relating to collection of the  
26 fee.

27 C. An agency authorized by statute or tribal state gaming compact  
28 to conduct background checks may charge a fingerprint fee without a  
29 statute expressly authorizing the fee.

30 D. Unless the legislature grants an express exemption through  
31 statute or session law from all requirements of this chapter for  
32 establishing or increasing a fee, an agency shall comply with all  
33 applicable rule making provisions to establish or increase the fee. The  
34 agency shall not charge or receive the fee until the rule establishing or  
35 increasing the fee is effective under the applicable law of this state.

36 E. A fee that is established or increased by exempt rule making  
37 from and after September 30, 2012 is effective for two years unless an  
38 extension is granted by the council.

39 F. After the expiration of the applicable period under subsection E  
40 of this section, the agency shall not charge or receive the fee unless the  
41 agency has complied with the rule making requirements of this chapter to  
42 establish or increase the fee.

1           G. A person regulated by the rule may petition the council to  
2 establish a date that is different than the date under subsection E of  
3 this section but no earlier than two years after the exempt rule is made.  
4 The agency shall respond to the petition within two weeks after the  
5 council notifies the agency that the petition has been filed. Within  
6 sixty days the council shall grant or deny the petition after considering  
7 whether the public interest requires a different date.

APPROVED BY THE GOVERNOR JUNE 7, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 7, 2019.