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

SB 1482

Introduced by  
Senators Mesnard: Allen S, Borrelli, Boyer, Farnsworth D, Farnsworth E, Gowan, Gray, Kerr, Leach, Livingston, Pace, Ugenti-Rita; Representatives Allen J, Barto, Biasiucci, Blackman, Bolick, Bowers, Campbell, Carroll, Cobb, Cook, Dunn, Fillmore, Finchem, Grantham, Griffin, Kavanagh, Lawrence, Osborne, Payne, Petersen, Rivero, Roberts, Shope, Thorpe, Toma, Townsend, Udall, Weninger

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

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

41-1008. Fees; specific statutory authority
A. Except as provided in subsection C of this section, an agency shall not:

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

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

3. INCREASE A FEE IN AN AMOUNT THAT EXCEEDS THE PERCENTAGE OF CHANGE IN THE AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT FIGURE FOR THE LATEST CALENDAR YEAR AND THE CALENDAR YEAR IN WHICH THE LAST FEE INCREASE OCCURRED. AN AGENCY MAY INCREASE A FEE IN AN AMOUNT THAT EXCEEDS THE PERCENTAGE OF CHANGE IN THE AVERAGE CONSUMER PRICE INDEX ON APPROVAL OF THE JOINT LEGISLATIVE BUDGET COMMITTEE.

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

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

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

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

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

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