

REFERENCE TITLE: state agencies; fee increase; limit

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)

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 ON APPROVAL
19 OF THE JOINT LEGISLATIVE BUDGET COMMITTEE.

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

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

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

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

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

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