

House Engrossed Senate Bill

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 166

SENATE BILL 1418

AN ACT

AMENDING SECTIONS 15-1631 AND 41-1013, ARIZONA REVISED STATUTES; RELATING TO
THE ARIZONA BOARD OF REGENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-1631, Arizona Revised Statutes, is amended to
3 read:

4 15-1631. State museum; fees

5 A. There shall be a state museum for the collection and preservation
6 of the archaeological resources, specimens of the mineral wealth and the
7 flora and fauna of this state.

8 B. The Arizona board of regents shall direct and manage the museum and
9 shall set apart sufficient space to accommodate it.

10 C. THE ARIZONA BOARD OF REGENTS SHALL ADOPT ANY FEES FOR SERVICES
11 PERFORMED BY THE STATE MUSEUM PURSUANT TO TITLE 41, CHAPTER 4.1, ARTICLE 4
12 AND SECTION 41-865.

13 D. BEFORE SUBMITTING A PROPOSAL TO THE ARIZONA BOARD OF REGENTS TO
14 INCREASE FEES FOR SERVICES, THE DIRECTOR OF THE STATE MUSEUM SHALL PROVIDE
15 NOTICE OF THE INTENT TO INCREASE FEES FOR SERVICES ON THE WEBSITE OF THE
16 STATE MUSEUM BEFORE JANUARY 1. THE NOTICE OF INTENT MUST:

17 1. INCLUDE A JUSTIFICATION FOR THE FEE INCREASE, WHICH SHALL CONTAIN:

18 (a) THE AMOUNT OF THE PROPOSED FEE INCREASE.

19 (b) A LIST OF THE PERSONS WHO WILL BE DIRECTLY AFFECTED BY, BEAR THE
20 COSTS OF OR DIRECTLY BENEFIT FROM THE PROPOSED FEE INCREASE.

21 (c) AN ANALYSIS OF EACH OF THE FOLLOWING:

22 (i) THE RATIONALE FOR THE PROPOSED FEE INCREASE WITH A DESCRIPTION OF
23 THE STATUTORY RESPONSIBILITIES THAT THE STATE MUSEUM INTENDS TO FULFILL WITH
24 THE PROPOSED FEE INCREASE.

25 (ii) AN EXPLANATION OF THE SERVICES THAT THE STATE MUSEUM WILL PROVIDE
26 WITH THE PROPOSED FEE INCREASE TO THIS STATE, POLITICAL SUBDIVISIONS, OTHER
27 AGENCIES AND BUSINESSES.

28 (iii) A DESCRIPTION OF ANY EFFORTS TO AVOID FEE INCREASES OR TO REDUCE
29 THE COSTS OR REGULATORY BURDEN, OR BOTH, TO THE BUSINESSES, PERSONS AND
30 CONSUMERS THAT WILL BE DIRECTLY AFFECTED BY THE PROPOSED FEE INCREASE.

31 (d) A DESCRIPTION OF THE METHODOLOGY USED TO CALCULATE THE PROPOSED
32 FEE INCREASE AND A DETAILED EXPLANATION OF THE COSTS INCLUDED IN THE FEE
33 METHODOLOGY.

34 2. BE PROVIDED TO THE ARIZONA BOARD OF REGENTS FOR SUBMITTAL TO THE
35 SECRETARY OF STATE FOR PUBLICATION IN THE REGISTER PURSUANT TO SECTION
36 41-1013.

37 E. IN ADDITION TO THE DUTIES PRESCRIBED IN SUBSECTION D OF THIS
38 SECTION, THE DIRECTOR OF THE STATE MUSEUM SHALL:

39 1. AT THE SAME TIME THE ARIZONA BOARD OF REGENTS SUBMITS NOTICE OF THE
40 PROPOSED FEE INCREASE TO THE SECRETARY OF STATE PURSUANT TO SUBSECTION D,
41 PARAGRAPH 2 OF THIS SECTION, NOTIFY BY REGULAR MAIL, FAX OR E-MAIL EACH
42 PERSON WHO HAS MADE A TIMELY REQUEST TO THE STATE MUSEUM FOR NOTIFICATION OF
43 PROPOSED FEE CHANGES, PROPOSED POLICY CHANGES OR ANY OTHER PROPOSED CHANGE
44 RELATING TO THE STATE MUSEUM. THE STATE MUSEUM MAY PURGE THE LIST OF PERSONS
45 WHO HAVE REQUESTED THESE NOTIFICATIONS ONCE EACH YEAR.

1 2. POST THE DRAFT OF THE PROPOSAL TO INCREASE FEES FOR SERVICES ON THE
2 WEBSITE OF THE STATE MUSEUM ON OR BEFORE THE SECOND MONDAY OF THE CALENDAR
3 YEAR.

4 3. PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT REGARDING THE PROPOSAL TO
5 INCREASE FEES FOR SERVICES FOR AT LEAST THIRTY DAYS AFTER PUBLICATION BY THE
6 SECRETARY OF STATE IN THE REGISTER. PUBLIC COMMENT MAY INCLUDE WRITTEN
7 COMMENTS, COMMENTS SUBMITTED THROUGH E-MAIL AND ORAL COMMENTS.

8 4. IF APPLICABLE, POST ON THE WEBSITE OF THE STATE MUSEUM A REVISED
9 DRAFT OF THE PROPOSAL TO INCREASE FEES FOR SERVICES AT THE END OF THE PUBLIC
10 COMMENT PERIOD. THE REVISED DRAFT SHALL INCLUDE A SUMMARY AND RESPONSE TO
11 ANY COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD AND A SUMMARY OF THE
12 ALTERNATIVES THAT WERE CONSIDERED AND A RATIONALE FOR WHY THOSE ALTERNATIVES
13 WERE NOT SELECTED.

14 5. PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT FOR AT LEAST TWENTY DAYS
15 REGARDING THE REVISED DRAFT OF THE PROPOSAL TO INCREASE FEES FOR SERVICES.
16 PUBLIC COMMENT MAY INCLUDE WRITTEN COMMENTS, COMMENTS SUBMITTED THROUGH
17 E-MAIL AND ORAL COMMENTS.

18 6. NOT LATER THAN FIVE BUSINESS DAYS AFTER THE END OF THE PUBLIC
19 COMMENT PERIOD, POST ON THE WEBSITE OF THE STATE MUSEUM A FINAL DRAFT OF THE
20 PROPOSAL TO INCREASE FEES FOR SERVICES ALONG WITH THE EXPECTED DATE THAT THE
21 ARIZONA BOARD OF REGENTS WILL CONSIDER THE PROPOSED INCREASE.

22 F. ANY PROPOSAL SUBMITTED BY THE STATE MUSEUM TO THE ARIZONA BOARD OF
23 REGENTS TO INCREASE FEES SHALL INCLUDE THE INFORMATION PRESCRIBED IN
24 SUBSECTIONS D AND E OF THIS SECTION.

25 Sec. 2. Section 41-1013, Arizona Revised Statutes, is amended to read:

26 41-1013. Register

27 A. The secretary of state shall publish the register at least once
28 each month, including the information ~~which~~ THAT is provided under subsection
29 B of this section and ~~which~~ THAT is filed with the secretary of state during
30 the preceding thirty days. The secretary of state shall publish an index to
31 the register at least twice each year.

32 B. The register shall contain:

33 1. A schedule of the time, date and place of all hearings on proposed
34 repeals, makings or amendments of rules.

35 2. Each governor's executive order.

36 3. Each governor's proclamation of general applicability, ~~—~~ and each
37 statement filed by the governor in granting a commutation, pardon or reprieve
38 or stay or suspension of execution where a sentence of death is imposed.

39 4. A summary of each attorney general's opinion.

40 5. Each governor's appointment of state officials and board and
41 commission members.

42 6. A table of contents.

43 7. The notice and agency summary of each docket opening.

44 8. The full text and accompanying preamble of each proposed rule.

45 9. The full text and accompanying preamble of each final rule.

- 1 10. The full text and accompanying preamble of each emergency rule.
2 11. Supplemental notices of a proposed rule.
3 12. Proposed and final notices of expedited ~~rule-making~~ RULEMAKING and
4 notices that an objection was received regarding a proposed expedited ~~rule~~
5 ~~making~~ RULEMAKING.
6 13. A summary of council action on each rule.
7 14. The full text of any exempt final rule filed with the secretary of
8 state pursuant to section 41-1005, subsection C.
9 15. The notice and a summary of substantive policy statements and
10 notice and a summary of any guidance document publication or revision
11 submitted by an agency. The notice for a substantive policy statement shall
12 contain the website address where the full text of the document is available,
13 if practicable.
14 16. Notices of oral proceedings, public workshops or other meetings on
15 an open ~~rule-making~~ RULEMAKING docket.
16 17. A PROPOSAL TO INCREASE FEES FOR SERVICES PERFORMED BY THE STATE
17 MUSEUM PURSUANT TO SECTION 15-1631.
18 C. The register shall be available by subscription and for ~~single-copy~~
19 SINGLE-COPY purchase. The charge for each register or periodic subscription
20 shall be a reasonable charge, not to exceed all costs of production and
21 distribution of the register.
22 D. For purposes of this section, full text publication in the register
23 includes all new, amended or added language and ~~such~~ existing language ~~as~~
24 THAT the proposing agency deems necessary for a proper understanding of the
25 proposed rule. Rules that are undergoing extensive revision may be reprinted
26 in whole. Existing rule language THAT IS not required for understanding
27 shall be omitted and marked "no change".
28 Sec. 3. Arizona board of regents; report; delayed repeal
29 A. Not later than twelve months after the effective date of this act,
30 the Arizona board of regents shall submit a report to the governor, the
31 president of the senate and the speaker of the house of representatives that
32 summarizes the progress achieved by the Arizona board of regents in the
33 implementation of this act. The Arizona board of regents shall submit a copy
34 of this report to the secretary of state.
35 B. This section is repealed from and after December 31, 2017.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

Passed the House April 6, 2016,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 29, 2016,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor~~

~~Approved this _____ day of
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona~~

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~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE
This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 4, 2016

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

4th day of May, 2016

at 4:26 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 11th day of

May

at 8:45 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 12 day of May, 2016

at 8:52 o'clock A M.

[Signature]
Secretary of State

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