

## **State Agency Fee Commission Statute**

41-1008.01: State agency fee commission; membership; duties; report  
(Rpld. 10/1/16)

A. THE STATE AGENCY FEE COMMISSION IS ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

1. SIX MEMBERS WHO ARE APPOINTED BY THE GOVERNOR, FOUR WHO ARE PRIVATE SECTOR PROFESSIONALS FROM DIVERSE SECTORS WHO REPRESENT ENTITIES THAT ARE LICENSED OR PERMITTED BY THE STATE AND TWO WHO ARE STATE AGENCY EXECUTIVES.
2. THREE MEMBERS OF THE SENATE WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE, NOT MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.
3. THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, NOT MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.
4. THE DIRECTOR OF THE GOVERNOR'S OFFICE OF STRATEGIC PLANNING AND BUDGETING.

B. THE GOVERNOR SHALL APPOINT ONE MEMBER OF THE COMMISSION AS CHAIRPERSON OF THE COMMISSION. COMMISSION MEMBERS SERVE AT THE PLEASURE OF THAT PERSON'S APPOINTING OFFICER AND ARE NOT ELIGIBLE TO RECEIVE COMPENSATION OR REIMBURSEMENT OF EXPENSES.

C. THE COMMISSION SHALL:

1. REVIEW ALL STATE AGENCIES, EXCEPT THOSE EXEMPTED IN THE COMMISSION BYLAWS, AT LEAST ONCE IN EACH FIVE-YEAR PERIOD, BEGINNING OCTOBER 1, 2011 OR WHENEVER THE COMMISSION DEEMS NECESSARY.
2. ESTABLISH A FEE REVIEW PROCESS OF STATE AGENCIES.
3. ISSUE AN ANNUAL, COMPREHENSIVE REPORT THAT INCLUDES ALL OF THE FOLLOWING:
  - a) AN ANALYSIS OF THE FEES ASSESSED BY EACH OF THE REVIEWED AGENCIES. THE ANALYSIS SHALL INCLUDE A COMPARISON OF THIS STATE'S AGENCIES WITH OTHER, SIMILAR AGENCIES IN OTHER SOUTHWESTERN STATES AS WELL AS A COMPARISON WITH NATIONWIDE TRENDS.
  - (b) AN ANALYSIS OF THE METHODS USED BY AGENCIES TO SET FEES.
  - (c) AN ANALYSIS OF THE EFFECTS THAT FEES CURRENTLY HAVE ON REGULATED INDUSTRIES, BUSINESSES OR CONSUMER GROUPS FOR EACH AGENCY.

(d) AN ANALYSIS OF THE LONG-TERM SUSTAINABILITY OF THE REGULATED PROGRAM BASED ON ALL FUND SOURCES.

(e) A LIST OF AGENCIES TO BE REVIEWED IN THE FOLLOWING YEAR.

(f) AN ANALYSIS OF THE EFFECTS RECENT BUDGET REDUCTIONS AND FUND TRANSFERS HAVE HAD ON AGENCIES.

D. AT ITS FIRST MEETING, THE COMMISSION SHALL ADOPT BYLAWS TO GOVERN ISSUES RELATED TO THE CONDUCT OF THE COMMISSION BUSINESS AND POTENTIAL CONFLICTS OF INTEREST.

E. AGENCIES SELECTED FOR REVIEW BY THE COMMISSION SHALL COOPERATE WITH THE COMMISSION AND SHALL PROVIDE INFORMATION AS REQUESTED BY THE COMMISSION.

F. THE COMMISSION MAY USE THE SERVICES OF THE STAFF OF THE GOVERNOR'S OFFICE OF STRATEGIC PLANNING AND BUDGETING AS REQUIRED.

G. ON OR BEFORE DECEMBER 31, 2011, THE COMMISSION SHALL SUBMIT ITS FIRST ANNUAL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. THE COMMISSION SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF STATE.