

1 SB251  
2 183046-1  
3 By Senators Coleman-Madison, Orr, Beasley, Dial, Ward, Dunn  
4 and Singleton  
5 RFD: Fiscal Responsibility and Economic Development  
6 First Read: 28-FEB-17

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law any state agency that has  
9 statutory authority to levy or assess fees that are  
10 retained by the agency to fund operations or  
11 programs under its control may increase the fees  
12 by the percentage increase in the Consumer Price  
13 Index for all urban consumers as published by the  
14 U.S. Department of Labor, Bureau of Labor  
15 Statistics, provided that any increase of the fee  
16 adopted is retained by the agency to fund the  
17 operations or programs under the control of the  
18 agency.

19 This bill would allow any increase of the  
20 fees adopted to be distributed according to the law  
21 applicable to that fee.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

1           To allow any increase of fees adopted by an agency  
2 that has statutory authority to levy or assess fees to be  
3 distributed according to the law applicable to that fee.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5           Section 1. Section 41-1-11

6           "§41-1-11.

7           "(a) Any state agency that statutorily levies or  
8 assesses fees ~~retained by the agency to fund its operations or~~  
9 ~~programs~~ may increase the fee by the percentage increase in  
10 the Consumer Price Index for all urban consumers as published  
11 by the U.S. Department of Labor, Bureau of Labor Statistics  
12 from the end of December in the tenth year preceding the year  
13 in which the fee increase is to be effective or from the end  
14 of December in the last year the fee was increased, whichever  
15 period is shorter, to the end of the month preceding the month  
16 in which the fee increase is to be effective, rounded down to  
17 the nearest dollar. Thereafter, every five years the agency  
18 may repeat this process using the Consumer Price Index for the  
19 previous five years forward to the date of the requested  
20 change. The change may not exceed an increase of two percent  
21 per year.

22           "(b) Any change in a fee schedule pursuant to this  
23 section is a rule for purposes of the Alabama Administrative  
24 Procedure Act.

25           "(c) If an increase is adopted, the assessed  
26 increase of the fee shall be retained by the agency to fund  
27 its operations or programs under the control of the agency or

1 shall be distributed according to the law applicable to that  
2 fee.

3 "(d) The provisions of this section shall not apply  
4 in any manner to the Alabama Public Service Commission, the  
5 State Parks Division of the Department of Conservation and  
6 Natural Resources, or the State Banking Department."

7 Section 2. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law.