

Senate Engrossed

rulemaking; legislative ratification; regulatory costs

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SENATE CONCURRENT RESOLUTION 1012**

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO  
RULEMAKING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,  
4 the following measure, relating to rulemaking, is enacted to become valid  
5 as a law if approved by the voters and on proclamation of the Governor:

6 AN ACT

7 AMENDING TITLE 41, CHAPTER 6, ARTICLE 4.1, ARIZONA REVISED  
8 STATUTES, BY ADDING SECTION 41-1049; RELATING TO RULEMAKING.

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

10 Section 1. Title 41, chapter 6, article 4.1, Arizona  
11 Revised Statutes, is amended by adding section 41-1049, to read:

12 41-1049. Proposed rulemaking; regulatory costs;  
13 legislative ratification; applicability

14 A. NOTWITHSTANDING ANY OTHER LAW, AN AGENCY SHALL SUBMIT  
15 A PROPOSED RULE THAT IS ESTIMATED TO INCREASE REGULATORY COSTS  
16 IN THIS STATE BY MORE THAN \$100,000 WITHIN FIVE YEARS AFTER  
17 IMPLEMENTATION TO THE OFFICE OF ECONOMIC OPPORTUNITY FOR  
18 REVIEW. IF THE OFFICE OF ECONOMIC OPPORTUNITY CONFIRMS THAT  
19 THE PROPOSED RULE IS ESTIMATED TO INCREASE REGULATORY COSTS IN  
20 THIS STATE BY MORE THAN \$500,000 WITHIN FIVE YEARS AFTER  
21 IMPLEMENTATION, THE PROPOSED RULE MAY NOT BECOME EFFECTIVE UNTIL  
22 THE LEGISLATURE ENACTS LEGISLATION RATIFYING THE PROPOSED RULE.

23 B. THE OFFICE OF ECONOMIC OPPORTUNITY SHALL SUBMIT THE  
24 PROPOSED RULE TO THE ADMINISTRATIVE RULES OVERSIGHT COMMITTEE  
25 NOT LATER THAN THIRTY DAYS BEFORE THE NEXT REGULAR LEGISLATIVE  
26 SESSION. THE COMMITTEE MUST SUBMIT THE PROPOSED RULE TO THE  
27 LEGISLATURE AS SOON AS PRACTICABLE.

28 C. ANY MEMBER OF THE LEGISLATURE MAY INTRODUCE  
29 LEGISLATION TO RATIFY THE PROPOSED RULE. THE PROPOSED RULE IS  
30 EXEMPT FROM SECTION 41-1024, SUBSECTION B.

31 D. THE AGENCY MAY NOT FILE A FINAL RULE WITH THE  
32 SECRETARY OF STATE BEFORE OBTAINING LEGISLATIVE APPROVAL OF THE  
33 RULE THROUGH LEGISLATION RATIFYING THE PROPOSED RULE. IF THE  
34 LEGISLATURE DOES NOT ENACT LEGISLATION TO RATIFY THE PROPOSED  
35 RULE DURING THE CURRENT LEGISLATIVE SESSION, THE AGENCY SHALL  
36 TERMINATE THE PROPOSED RULEMAKING BY PUBLISHING A NOTICE OF  
37 TERMINATION IN THE REGISTER.

38 E. IF A PERSON IS REGULATED BY AN AGENCY THAT IS  
39 PROPOSING A RULE, THAT PERSON MAY REQUEST THE OFFICE OF ECONOMIC  
40 OPPORTUNITY TO REVIEW THE RULE. A LEGISLATOR MAY ALSO REQUEST  
41 THE OFFICE OF ECONOMIC OPPORTUNITY TO REVIEW A PROPOSED RULE.

42 F. THIS SECTION DOES NOT APPLY TO EMERGENCY RULES ADOPTED  
43 PURSUANT TO SECTION 41-1026.

44 G. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, A  
45 RULE PRESCRIBED BY SUBSECTION A OF THIS SECTION IS VOID AND

1 UNENFORCEABLE UNLESS THE RULE IS RATIFIED AS PRESCRIBED BY THIS  
2 SECTION.

3 H. THIS SECTION DOES NOT APPLY TO THE CORPORATION  
4 COMMISSION.

5 2. The Secretary of State shall submit this proposition to the voters  
6 at the next general election as provided by article IV, part 1, section 1,  
7 Constitution of Arizona.

PASSED BY THE HOUSE JUNE 12, 2024.

PASSED BY THE SENATE FEBRUARY 22, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 13, 2024.