

REFERENCE TITLE: rulemaking; exemption; limitation; corporation commission

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HB 2128

Introduced by  
Representatives Griffin: Carroll

AN ACT

AMENDING SECTION 41-1057, 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 41-1057, Arizona Revised Statutes, is amended to  
3 read:

4 41-1057. Exemptions

5 A. In addition to the exemptions stated in section 41-1005, this  
6 article does not apply to:

7 1. An agency ~~which~~ THAT is a unit of state government headed by a  
8 single elected official.

9 2. The corporation commission, ~~which~~ WHEN EXCLUSIVELY EXERCISING  
10 ITS PLENARY AUTHORITY. FOR THE PURPOSES OF THIS PARAGRAPH, THE CORPORATION  
11 COMMISSION shall adopt substantially similar rule review procedures,  
12 including the preparation of an economic impact statement and a statement  
13 of the effect of the rule on small business, AND SHALL MAKE THE PROPOSED  
14 RULES AVAILABLE TO THE PUBLIC BEFORE INITIATING THE RULEMAKING PROCESS.

15 3. The industrial commission of Arizona when incorporating by  
16 reference the federal occupational safety and health standards as  
17 published in 29 Code of Federal Regulations parts 1904, 1910, 1926 and  
18 1928.

19 4. The Arizona state lottery if making rules that relate only to  
20 the design, operation or prize structure of a lottery game.

21 B. An agency exempt under subsection A of this section may elect to  
22 follow the requirements of this article instead of section 41-1044 for a  
23 particular ~~rule making~~ RULEMAKING. The agency shall include with a final  
24 ~~rule making~~ RULEMAKING filed with council a statement that the agency has  
25 elected to follow the requirements of this article.