

REFERENCE TITLE: technical correction; delegation agreements; emergency

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1069**

Introduced by  
Senator Borrelli

AN ACT

AMENDING SECTION 41-1026.01, ARIZONA REVISED STATUTES; RELATING TO RULE MAKING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1026.01, Arizona Revised Statutes, is amended  
3 to read:

4 41-1026.01. Emergency adoption, amendment or termination of  
5 delegation agreements; definition

6 A. If a delegating agency makes a written finding that a delegation  
7 agreement is necessary as an emergency measure, the delegation agreement  
8 may be adopted, amended or terminated as an emergency measure, without  
9 complying with the public notice and participation provisions of this  
10 article. An agency may not adopt, amend or terminate a delegation  
11 agreement as an emergency measure if the emergency situation is created  
12 due to the agency's delay or inaction and the emergency situation could  
13 have been averted by timely compliance with the public notice and  
14 participation provisions of this article, unless the agency can present  
15 substantial evidence that failure to adopt, amend or terminate the  
16 delegation agreement as an emergency measure will result in imminent  
17 substantial peril to the public health, safety or welfare.

18 B. The agency shall file with the secretary of state a summary of  
19 the emergency delegation agreement. The summary shall provide the name of  
20 the person to contact in the agency with questions or comments. The  
21 secretary of state shall publish the summary in the next register.

22 C. The delegation agreement adopted, amended or terminated pursuant  
23 to this section is valid for one hundred eighty days after the filing of  
24 the agreement with the secretary of state and may be renewed for one or  
25 two more one hundred eighty day periods if all of the following occur:

26 1. The agency determines that the emergency situation still exists  
27 for each renewal.

28 2. The agency follows the procedures prescribed by this section for  
29 each renewal.

30 3. The agency has begun the public comment and participation  
31 process required by this section.

32 4. The agency makes a finding for an extension of time before the  
33 expiration of the preceding one hundred ~~and~~ eighty day period.

34 5. The agency files notice of the renewal with the secretary of  
35 state and notice is published in the register.

36 D. For purposes of this section, "emergency" means a situation  
37 ~~which~~ THAT warrants the adoption of a delegation agreement without  
38 compliance with the public notice and participation provisions prescribed  
39 in this article because the adoption, amendment or termination of the  
40 delegation agreement is necessary for immediate preservation of the public  
41 health, safety or welfare, and the public notice and participation  
42 requirements of this article are impracticable.