

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  
12 read:

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

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

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

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

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

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

45 F. THIS SECTION DOES NOT APPLY TO EMERGENCY RULES  
46 ADOPTED PURSUANT TO SECTION 41-1026.

1           G. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, A  
2           RULE PRESCRIBED BY SUBSECTION A OF THIS SECTION IS VOID AND  
3           UNENFORCEABLE UNLESS THE RULE IS RATIFIED AS PRESCRIBED BY  
4           THIS SECTION.

5           H. THIS SECTION DOES NOT APPLY TO THE CORPORATION  
6           COMMISSION.

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